

Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

(b)(6)

Cell: (b)(6)



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PHIL McGRANE

IDAHO SECRETARY OF STATE

December 30, 2025

Mr. Eric Neff
Acting Chief
Civil Rights Division, Voting Section
U.S. Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

RE: Voter List Request

Dear Mr. Neff,

Thank you for the continued engagement between our offices regarding the Department's request for Idaho's voter registration data and the proposed Memorandum of Agreement (MOA). We appreciate the additional time your office has provided and the recent discussions that have helped clarify both the Department's objectives and Idaho's legal responsibilities.

Idaho recognizes the Department of Justice's authority under the Civil Rights Act to request access to election-related records. Combined with this office's authority under Idaho Code § 34-433, it is clear that Idaho will be in a position to provide voter registration data to the Department. We have been, and remain, willing to do so in good faith and in a manner consistent with the law and with the public trust placed in our offices.

At the same time, we believe that continuing an open and constructive dialogue about how this data is shared is in the best interest of all parties involved, including the voters whose information we are obligated to safeguard.

Idaho's Voter Roll Maintenance and Citizenship Verification Efforts

Idaho has long prioritized maintaining accurate, current, and lawful voter rolls. Our office conducts routine and regular maintenance to update or remove records for individuals who have died, moved, or become ineligible due to a felony conviction. In addition, after each general election, Idaho law requires the removal of voters who have remained inactive for four consecutive years, ensuring that long-term inactive registrations do not persist in the system.

Idaho has also taken a leading role nationally in verifying voter citizenship. Prior to the 2024 Presidential Election, Governor Brad Little issued the "*Only Citizens Can Vote Act*" by executive order; a copy is enclosed. Following that directive, this office worked closely with the Idaho Transportation Department, the Idaho State Police, and the U.S. Department of Homeland Security, including USCIS, to verify citizenship information for approximately 1.1 million registered voters.

This effort relied first on federally verified driver's license data and, where necessary, the federal SAVE system. As a result of this process, approximately 36 records were identified for additional review. After further due diligence, 34 matters were referred to the Idaho State Police for criminal investigation related to non-citizen registration or voting activity. Importantly, none of these individuals voted in either the 2024 Primary or General Election.

These efforts occurred before this Administration's heightened focus on voter roll accuracy and maintenance. We have since shared our process and lessons learned with other states and have strongly supported USCIS's efforts to improve the accessibility and accuracy of the SAVE system, which we believe serves as a crucial tool for citizenship verification.

In August of this year, approximately 15 criminal matters were referred to the U.S. Attorney's Office in Idaho for potential prosecution. To date, we have not received an update on the status of those cases. We have continued to examine the citizenship of newly registered voters and, in 2025, 12 more records were flagged for criminal investigation. We would welcome continued coordination to see these cases successfully pursued. As you know, our system relies on the public's confidence that we address these cases when they are discovered.

Prior Correspondence and Data Submission

As noted in our September correspondence, Idaho uploaded a voter file to the Department's JEFS system that did not include sensitive, personally identifiable information, such as driver's license numbers, dates of birth, or Social Security numbers. We did so transparently and in good faith, and we expressed our openness to further discussion regarding the Department's data needs.

To further demonstrate our intent to work cooperatively with the Department and to facilitate future uploads, we have registered multiple employees from the office in the JEFS system. This was done specifically to ensure continuity, responsiveness, and technical readiness as discussions progress. We appreciate that recent conversations have helped realign our respective teams and clarify the status of the earlier submission.

Memorandum of Agreement

We view the proposed MOA as a useful tool to clearly document expectations, responsibilities, and safeguards surrounding the transfer of voter data. While we understand the Department's position that ongoing litigation in other jurisdictions may limit certain revisions, we believe there are several clarifications that would benefit both Idaho and the Department and help ensure this process is handled responsibly.

First, as your office has acknowledged, Idaho is exempt from the National Voter Registration Act pursuant to 52 U.S.C. § 20503(b). Removing references to the NVRA from the MOA appropriately reflects existing law and avoids confusion regarding the statutory basis for this request.

Second, the MOA should acknowledge Idaho Code § 34-433 as the relevant state authority governing this office's cooperation with federal partners for voter list maintenance. That statute authorizes cooperation while also imposing clear obligations related to data security and permissible use.

Third, Idaho law limits the sharing of sensitive personal data with non-governmental third parties. Clarifying within the MOA that any data provided will be used solely by government entities and will not be disseminated beyond that scope helps ensure compliance with state law and protects all parties from unintended disclosure.

Finally, given the sensitivity of voter data and the importance of maintaining public confidence, we believe it is reasonable to clearly articulate expectations regarding data security and responsibility once records are transferred. Doing so protects Idaho voters, provides certainty for both of our offices, and reinforces shared accountability for safeguarding this information.

We remain prepared to provide the requested data and to continue working collaboratively to finalize an MOA that reflects federal authority, respects state law, and upholds the shared responsibility we all have to protect voter information.

Thank you for the continued dialogue. We look forward to working with you to bring this matter to a timely and constructive resolution.

Sincerely,



Phil McGrane
Idaho Secretary of State

Enclosure: Executive Order – *Only Citizens Can Vote Act*



Executive Department
State of Idaho

State Capitol
Boise

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

**EXECUTIVE ORDER No. 2024 - 07
ONLY CITIZENS WILL VOTE ACT**

WHEREAS, Idaho fiercely defends the right of citizens to vote in our elections; and

WHEREAS, people who entered the United States illegally and have failed to lawfully become U.S. citizens have no right to vote in Idaho elections and should not be allowed to influence our elections; and

WHEREAS, unlike Left Coast states and the Biden Administration, Idaho will not tolerate the erosion of election integrity through efforts to allow a pathway for non-citizens to vote in American elections; and

WHEREAS, Idaho already has the most secure elections in the nation, and it is critical we continue to protect the integrity of our elections and the sanctity of voting; and

WHEREAS, Article VI, Section 2 of the Idaho Constitution and Idaho Code section 34-402 requires every person to be eighteen (18) years old, a citizen of the United States, and a resident of Idaho before they can vote in our elections; and

WHEREAS, Article IV, Section 5 of the Idaho Constitution grants the Governor the supreme executive power and charges the office with ensuring Idaho laws are faithfully executed; and

WHEREAS, the Secretary of State and Idaho's county clerks actively work to validate voter registration information by coordinating with partner agencies to ensure Idaho's voter rolls remain current and free of people who are not citizens of the United States; and

WHEREAS, the Biden Administration is actively promoting registration of non-citizens to vote through the issuance of Executive Order 14019, a directive encouraging and directing federal agencies to promote voter registration at welfare offices and agencies providing services to non-citizens; and

WHEREAS, Idaho refuses to register non-citizens to vote and is exempt from the National Voter Registration Act Of 1993, barring the state from providing registration materials at welfare offices pursuant to 52 U.S. Code § 20503(b); and

WHEREAS, protecting the integrity of our elections by ensuring no non-citizens vote has become even more necessary now than ever before because the Biden Administration's open border policies have significantly increased illegal immigration, including smugglers of drugs and weapons, human traffickers, and terrorists, and the Biden Administration's failure at securing our southern border has made every state a border state.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

- 1. The Secretary of State shall immediately take all necessary steps to ensure that processes are in place to validate voter registration and prevent non-citizens from registering to vote.*
- 2. The Secretary of State shall routinely review Idaho's voter rolls, in coordination with Idaho State Police and the Idaho Transportation Department, to identify any potential non-citizens.*

3. *The Secretary of State shall coordinate with the U.S. Department of Homeland Security and take any steps necessary to verify citizenship status to ensure no non-citizens are participating in Idaho elections.*
4. *In the annual report to the Governor and Legislature regarding voter registration maintenance, pursuant to Idaho Code 34-418(2), the Secretary of State and county clerks shall report on their efforts to prevent and remove non-citizens from Idaho's voter rolls.*
5. *State agencies shall not provide voter registration materials to non-citizens or coordinate with any federal programs or agencies to provide voter registration material to non-citizens in the State of Idaho.*
6. *State agencies entering into or renewing contracts with federal agencies or partners must confirm there is no requirement to provide voter registration materials to non-citizens or otherwise requiring voter registration activities for non-citizens.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho on this 9th day of July in the year of our Lord two thousand and twenty-four.

PHIL MCGRANE
SECRETARY OF STATE

BRAD LITTLE
GOVERNOR

From: Neff, Eric (CRT) [(b)(6)]
[(b)(6)]
Sent: 1/8/2026 11:21:22 PM
To: Braniff, Andrew (CRT) [(b)(6)]
Subject: SORN cites

From our brief:

“The voter information that the Department is collecting is maintained according to the Privacy Act protections explained in the Civil Rights Division’s Privacy Policy, which it has published online.^[1] The full list of routine uses for this collection of information, which include investigations and enforcement actions, can be found in the Department of Justice’s systems of records notices (“SORN”), most of which are identified with their citations in U.S. Dep’t of Just., Privacy Act of 1974; System of Records, 82 Fed. Reg. 24,147 (May 25, 2017), listed in a table at pages 24,148-24,151.^[2] The statutes cited for routine use include the NVRA, HAVA, and the Civil Rights Act of 1960. *See supra* Privacy Policy. The United States made its requests pursuant to those statutes. Additional SORNs issued by the Civil Rights Division to supplement the Department-wide privacy practices are titled, JUSTICE/CRT – 001, “Central Civil Rights Division Index File and Associated Records,” 68 Fed. Reg. 47610-01, 611 (August 11, 2003); and 70 Fed. Reg. 43904-01 (July 29, 2005).”

(b)(5)

Eric Neff

^[1] See U.S. Dep’t of Just., Civ. Rts. Div., Privacy Policy (“Privacy Policy”), *available at* <https://civilrights.justice.gov/privacy-policy> (last visited Jan. 6, 2026).

^[2] Additional SORNs issued by the Civil Rights Division to supplement the Department-wide privacy practices are titled, JUSTICE/CRT – 001, “Central Civil Rights Division Index File and Associated Records,” 68 Fed. Reg. 47610-01, 611 (August 11, 2003); and 70 Fed. Reg. 43904-01 (July 29, 2005). Movant New York fails to recognize any of the Department-wide SORNs that permit the Department’s collection of its SVRL, as was done previously in the Georgia and Texas examples discussed *supra* note 10.

Acting Chief
Civil Rights Division, Voting Section
Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

(b)(6)

Cell: (b)(6)



From: Neff, Eric (CRT) <(b)(6)>
(b)(6)
Sent: 1/9/2026 8:37:21 PM
To: Mellett, Timothy F (CRT) <(b)(6)>
Subject: RE: Draft for Brad

Helpful thanks

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Friday, January 9, 2026 3:37 PM
To: Neff, Eric (CRT) <(b)(6)>
Subject: RE: Draft for Brad

Looks good. I added a couple cites.

From: Neff, Eric (CRT) <(b)(6)>
Sent: Friday, January 9, 2026 3:26 PM
To: Mellett, Timothy F (CRT) <(b)(6)>
Subject: Draft for Brad

Thoughts?

(b)(5)

Eric Neff
Acting Chief
Civil Rights Division, Voting Section
Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

(b)(6)

Cell: (b)(6)



From: Neff, Eric (CRT) (b)(6)
(b)(6)
Sent: 1/9/2026 8:26:19 PM
To: Mellett, Timothy F (CRT) (b)(6)
Subject: Draft for Brad

Thoughts?

(b)(5)

Eric Neff
Acting Chief
Civil Rights Division, Voting Section
Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

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Cell: (b)(6)



The State of Texas

Executive Division
Capitol Building, 1E.8
P.O. Box 12697
Austin, Texas 78711-2697



Phone: 512-463-5770
Fax: 512-475-2761
Dial 7-1-1 For Relay Services
www.sos.texas.gov

Jane Nelson
Secretary of State

December 23, 2025

Eric Neff
Trial Attorney
Civil Rights Division
U.S. Department of Justice

Dear Mr. Neff:

As a follow-up to my December 5, 2025 letter, the Office of the Texas Secretary of State (the "Office") is providing certain voter registration data to the U.S. Department of Justice (the "Department") today pursuant to the parties' Memorandum of Understanding ("MOU"). We will transmit this information via the Department's secure file-sharing system, consistent with the terms of the MOU.

As indicated in my initial letter, the Office is producing the requested data to the Department as an intergovernmental transfer, as the records include information that would otherwise be exempt from disclosure under the Texas Public Information Act (Texas Government Code, Chapter 552). **The Secretary of State's transmission of data to the Department of Justice does not constitute a public release of any such information under federal or state law.**

To reiterate several points in my December 5 correspondence, the MOU—by its express terms—is not "intended to conflict with current law or regulation or the directives of Department" or the State of Texas. In addition, the agreement recognizes that nothing in the MOU "is intended or should be construed to limit or affect the duties, responsibilities, and rights of [the Office]" under the National Voter Registration Act, the Help America Vote Act, and other federal laws. So too for the Office's obligations under Texas law, including the Texas Public Information Act and the Texas Election Code, which remain unchanged with the MOU. Accordingly, we are providing the requested data with the understanding that the Department will comply with all applicable laws—as well as the confidentiality and security provisions of the MOU—related to maintaining and transmitting the information.

If you have any questions or need additional information from the Office regarding our transmission of data in response to the Department's request, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Bitter".

Adam Bitter
General Counsel
Office of the Texas Secretary of State



Via Electronic Mail

December 19, 2025

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW 4CON
Washington, D.C. 20530

Re: DOJ Request

Dear Assistant Attorney General Dhillon,

As Ohio's chief election officer, I am grateful for the opportunity to partner with the federal government in protecting the integrity of our elections. Under the current administration, the Department of Justice has shown a refreshing and welcome commitment to enforcing federal laws designed to prevent illegal voting. For that reason, and pursuant to your requests under federal law, I have instructed my staff to begin the process of providing to the DOJ Ohio's statewide voter file, which we will transfer through the DOJ's secure file-sharing system.

My office fought efforts by the previous administration to block this meaningful partnership, attempting to deny our lawful access to the federal records and systems necessary for the verification of citizenship status and other vital information. On behalf of the state of Ohio, I filed litigation against the Biden administration to establish a voter verification protocol through the Department of Homeland Security's Systematic Alien Verification and Entitlements (SAVE) System. That lawsuit recently resulted in a settlement guaranteeing that Ohio will have access to federal SAVE data for the next 20 years.

My office also partnered this year with personnel at the United States Citizenship and Immigration Services (USCIS) to pioneer SAVE's state-specific search and voter verification capabilities. In a letter dated October 8, 2025, President Trump acknowledged Ohio's leadership in this effort, stating, "You were one of the first leaders to step up and protect the integrity of our elections by using the SAVE system—and I

commend you for your decisive action.” At this moment, we are actively working with USCIS to verify thousands of voter records. As that work continues, I can confidently say that Ohio has the most accurate and accountable statewide voter file in our state’s history, and we look forward to obtaining even more federal resources through the Department of Justice to help us build on that progress.

To that end, the Department of Justice has stated its intent, through written correspondence on August 6, 2025, and August 14, 2025, to assess our state’s compliance with federal law and assist Ohio with the verification of our statewide voter file. I intend to fulfill this request within the requirements of state and federal law.

As you know, the Department’s August 6 letter specifically requests an electronic copy of Ohio’s statewide voter registration list “for purposes of enforcing” the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501 *et seq.*, and the Help America Vote Act (“HAVA”), 52 U.S.C. § 20901 *et seq.* The letter argues that “[t]he NVRA requires each state ... to make available for 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.’” DOJ Letter (Aug. 6), at 1 (quoting 52 U.S.C. § 20507(i)(1)). The letter further contends that the “plain text of § 20507(i) requires disclosure.” *Id.*

The Department’s August 14 letter restates this position and posits additional authority for the requested actions. Specifically, the August 14 letter states that the Department is requesting Ohio’s voter registration list (“VRL”) “to assess your state’s compliance with the statewide VRL maintenance provisions” of the NVRA. DOJ Letter (Aug. 14), at 1. It indicates that the request is made pursuant to the Attorney General’s authority under Section 11 of the NVRA. *See id.* The Department further contends that it has the authority to seek the state’s voter list pursuant to Section 401 of HAVA. *See id.* at 1-2 (citing 52 U.S.C. § 21111). Finally, the letter separately contends that DOJ is empowered to request the voter registration list under Title III of the Civil Rights Act of 1960 (“CRA”). Section 303 of the CRA provides that “[a]ny record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General ... be made available for inspection, reproduction, and copying” 52 U.S.C. § 20703; *see* DOJ Letter (Aug. 14), at 2.

I appreciate that you personally took the time to meet on December 15, 2025, to discuss these requests. As noted above, I have instructed my staff to begin the process of fulfilling your request for Ohio's statewide voter file.

As a duty of my office, one of our foremost obligations is to safeguard the personal identifying information of Ohio's nearly eight million registered voters. Ohio has a hard-earned national reputation as the Gold Standard for election administration, and we remain committed to maintaining the security of voter data while simultaneously ensuring the integrity of Ohio's voter roll. In accordance with the Department's August 14, 2025 letter and our subsequent communications, the Ohio Secretary of State's Office understands that the Department of Justice will use the records only for legitimate governmental purposes and will not disclose any of the provided records to any entity except as authorized to do so under 52 U.S.C. § 20704. Further, it is our understanding that all federal data-privacy laws, including, but not limited to, the Privacy Act of 1974, 5 U.S.C. § 552(a), and Section 304 of the CRA, 52 U.S.C. § 20704, will be strictly followed.

Consistent with this understanding, we will work to transfer the requested data as quickly as practicable. We also appreciate your assurance that any notice regarding records identified throughout this process will contain sufficient information to explain why the record is flagged and why it is permissible to remove under federal law.

You have my assurance that election integrity will always be the top priority of my administration, and that begins with our duty under the law to maintain accurate voter rolls. We stand ready and grateful to partner with you in this effort. Thank you for your leadership.

Yours in service,



Frank LaRose

Ohio Secretary of State

SECRETARY OF STATE

NANCY LANDRY
SECRETARY OF STATE



P.O. BOX 94125
BATON ROUGE, LA 70804-9125

December 17, 2025

Eric Neff
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
eric.neff@usdoj.gov

RE: United States Department of Justice Civil Rights Division request for Louisiana voter data for list maintenance purposes

Dear Mr. Neff:

I am writing to follow up on the United States Department of Justice Civil Rights Division (hereinafter "U.S. DOJ") request for Louisiana's voter registration data. The Louisiana Department of State (hereinafter "Department"), pursuant to La. R.S. 18:18, may share its voter registration data with a federal governmental agency for the purposes of its voter list maintenance. By transmission of this letter evidencing its written agreement, the Department hereby agrees to share its data with the U.S. DOJ for this express purpose.

Please provide the U.S. DOJ's information technology contact for the Department's IT Administrator to coordinate with for the secure exchange of this confidential information pursuant to La. R.S. 18:154 and La. R.S. 18:18.

If you have any questions or concerns, please do not hesitate to contact me at (b)(6) or (b)(6)

Sincerely,

Tray Wood
General Counsel

From: Neff, Eric (CRT) <(b)(6)>
(b)(6)
Sent: 1/13/2026 5:52:49 PM
To: Gupta, Kamran (CRT) <(b)(6)>
Subject: RE: Virginia rolls

AWESOME! Thank you!

From: Gupta, Kamran (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 12:52 PM
To: Neff, Eric (CRT) <(b)(6)>
Subject: RE: Virginia rolls

Sorry, looks like we have (b)(5)
(b)(5)

Kam

From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 12:46 PM
To: Gupta, Kamran (CRT) <(b)(6)>
Subject: RE: Virginia rolls

Is there a misplaced comma on (b)(5)

From: Gupta, Kamran (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 12:28 PM
To: Neff, Eric (CRT) <(b)(6)>
Subject: RE: Virginia rolls

(b)(5)

Kam

From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 12:19 PM
To: Gupta, Kamran (CRT) <(b)(6)>
Subject: RE: Virginia rolls

Do those states have a HAVA #?

From: Gupta, Kamran (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 12:01 PM
To: Hayes, Chris (CRT) <(b)(6)>; Neff, Eric (CRT) <(b)(6)>; Wake, Brittany (CRT) <(b)(6)>
Subject: RE: Virginia rolls

(b)(5)

Kam

From: Hayes, Chris (CRT) (b)(6)
Sent: Tuesday, January 13, 2026 11:40 AM
To: Neff, Eric (CRT) <(b)(6)>; Gupta, Kamran (CRT) <(b)(6)>; Wake, Brittany (CRT) <(b)(6)>
Subject: RE: Virginia rolls

Eric,
Please see my comments highlighted below.

-Chris

From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 10:55 AM
To: Gupta, Kamran (CRT) (b)(6); Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)
Subject: RE: Virginia rolls

Fantastic. That leaves:

1. keep as close an eye on VA upload as we can so we have EOD updates every day for the rest of the week. I'll check VA periodically and send update EOD.

2.

3.

(b)(5)

Much appreciated. These updates are being watched by the FO closely.

From: Gupta, Kamran (CRT) (b)(6)
Sent: Tuesday, January 13, 2026 10:46 AM
To: Neff, Eric (CRT) <(b)(6)>; Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) <(b)(6)>
Subject: RE: Virginia rolls

(b)(5)

Best,
Kam

From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 10:25 AM
To: Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Probably easier Kam for me to just (b)(5)
(b)(5)

From: Hayes, Chris (CRT) (b)(6)
Sent: Tuesday, January 13, 2026 10:12 AM
To: Neff, Eric (CRT) <(b)(6)>; Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Eric,
Virginia has not uploaded any data to our JEFs location.

As for (b)(5) the file is too large for me to open. Kamran has better tools...I'll let him respond.

Thanks,
Chris

From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 9:06 AM
To: Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Can we confirm any progress on Virginia's end with the upload?

Also, got a question from the DHS/SAVE folks this morning. (b)(5)
(b)(5)

From: Hayes, Chris (CRT) (b)(6)
Sent: Monday, January 12, 2026 1:50 PM
To: Neff, Eric (CRT) <(b)(6)>; Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Eric,
I haven't received anything. I'll send her a JEFs link shortly.

-Chris

From: Neff, Eric (CRT) <(b)(6)>
Sent: Monday, January 12, 2026 1:47 PM
To: Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)

Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Please do. I assume there has not been any acknowledgment or response that I am not aware of from Lindsay?

From: Hayes, Chris (CRT) (b)(6)
Sent: Monday, January 12, 2026 9:54 AM
To: Neff, Eric (CRT) <(b)(6)>; Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

All,
I can send Lindsay a secure JEFS link that will allow her to upload the data without completing the JEFS user form. This would be a one-time link that only permits uploads.
Please let me know if you would like me to proceed.

Thanks,
Chris

From: Neff, Eric (CRT) <(b)(6)>
Sent: Monday, January 12, 2026 9:36 AM
To: Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6); Hayes, Chris (CRT) (b)(6)
Subject: RE: Virginia rolls

Yes let's start that way thanks for clarifying.

From: Wake, Brittany (CRT) (b)(6)
Sent: Monday, January 12, 2026 9:35 AM
To: Neff, Eric (CRT) <(b)(6)>
Cc: Gupta, Kamran (CRT) (b)(6); Hayes, Chris (CRT) (b)(6)
Subject: RE: Virginia rolls

Hi Eric,

Is Lindsay planning on transferring through JEFS? If so, I can send the user agreement form.

Brittany

From: Neff, Eric (CRT) <(b)(6)>
Sent: Friday, January 9, 2026 4:57 PM
To: (b)(6) governor.virginia.gov
Cc: Gupta, Kamran (CRT) (b)(6); Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) <(b)(6)>
Subject: Virginia rolls

All,

Introducing you to Lindsay Fisher, who is going to help with the transfer of Virginia's rolls. Two things to note:

1. This transfer is top priority over all other projects.
2. Virginia will be providing two lists, as they do not have a list that has both registration information and the DL# in it. We have already agreed that in this case, our office will expend the additional resources necessary to merge the lists as needed.

I would like to make all possible efforts to confirm that these lists get transferred by COB Monday. Either way let's make sure to have a status check at that time.

Thanks,
Eric

Eric Neff
Acting Chief
Civil Rights Division, Voting Section
Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

(b)(6)

Cell: (b)(6)



From: Neff, Eric (CRT) [redacted] (b)(6)
[redacted] (b)(6)
Sent: 1/13/2026 6:40:01 PM
To: Gupta, Kamran (CRT) [redacted] (b)(6)
Subject: RE: Virginia rolls

[redacted] (b)(5)

From: Gupta, Kamran (CRT) <[redacted] (b)(6)>
Sent: Tuesday, January 13, 2026 12:52 PM
To: Neff, Eric (CRT) <[redacted] (b)(6)>
Subject: RE: Virginia rolls

Sorry, looks like we have [redacted] (b)(5)
[redacted] (b)(5)

Kam

From: Neff, Eric (CRT) <[redacted] (b)(6)>
Sent: Tuesday, January 13, 2026 12:46 PM
To: Gupta, Kamran (CRT) [redacted] (b)(6)
Subject: RE: Virginia rolls

Is there a misplaced comma [redacted] (b)(5)

From: Gupta, Kamran (CRT) <[redacted] (b)(6)>
Sent: Tuesday, January 13, 2026 12:28 PM
To: Neff, Eric (CRT) <[redacted] (b)(6)>
Subject: RE: Virginia rolls

[redacted] (b)(5)

Kam

From: Neff, Eric (CRT) <[redacted] (b)(6)>
Sent: Tuesday, January 13, 2026 12:19 PM
To: Gupta, Kamran (CRT) [redacted] (b)(6)
Subject: RE: Virginia rolls

Do those states have a HAVA #?

From: Gupta, Kamran (CRT) <[redacted] (b)(6)>
Sent: Tuesday, January 13, 2026 12:01 PM
To: Hayes, Chris (CRT) [redacted] (b)(6); Neff, Eric (CRT) <[redacted] (b)(6)>; Wake, Brittany (CRT) <[redacted] (b)(6)>
Subject: RE: Virginia rolls

(b)(5)

Kam

From: Hayes, Chris (CRT) (b)(6)
Sent: Tuesday, January 13, 2026 11:40 AM
To: Neff, Eric (CRT) (b)(6); Gupta, Kamran (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)
Subject: RE: Virginia rolls

Eric,
Please see my comments highlighted below.

-Chris

From: Neff, Eric (CRT) (b)(6)
Sent: Tuesday, January 13, 2026 10:55 AM
To: Gupta, Kamran (CRT) (b)(6); Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)
Subject: RE: Virginia rolls

Fantastic. That leaves:

1. keep as close an eye on VA upload as we can so we have EOD updates every day for the rest of the week. I'll check VA periodically and send update EOD.

2. (b)(5)
3. (b)(5)

Much appreciated. These updates are being watched by the FO closely.

From: Gupta, Kamran (CRT) (b)(6)
Sent: Tuesday, January 13, 2026 10:46 AM
To: Neff, Eric (CRT) (b)(6); Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)
Subject: RE: Virginia rolls

(b)(5)

Best,
Kam

From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 10:25 AM
To: Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Probably easier Kam for me to (b)(5)
(b)(5)

From: Hayes, Chris (CRT) (b)(6)
Sent: Tuesday, January 13, 2026 10:12 AM
To: Neff, Eric (CRT) <(b)(6)>; Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Eric,
Virginia has not uploaded any data to our JEFs location.

As for (b)(5) the file is too large for me to open. Kamran has better tools...I'll let him respond.

Thanks,
Chris

From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 9:06 AM
To: Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Can we confirm any progress on Virginia's end with the upload?

Also, got a question from the DHS/SAVE folks this morning. (b)(5)
(b)(5)

From: Hayes, Chris (CRT) (b)(6)
Sent: Monday, January 12, 2026 1:50 PM
To: Neff, Eric (CRT) <(b)(6)>; Wake, Brittany (CRT) (b)(6)
Cc: Gupta, Kamran (CRT) (b)(6)
Subject: RE: Virginia rolls

Eric,
I haven't received anything. I'll send her a JEFs link shortly.

-Chris

From: Neff, Eric (CRT) <(b)(6)>
Sent: Monday, January 12, 2026 1:47 PM

To: Hayes, Chris (CRT) <(b)(6)>; Wake, Brittany (CRT) <(b)(6)>
Cc: Gupta, Kamran (CRT) <(b)(6)>
Subject: RE: Virginia rolls

Please do. I assume there has not been any acknowledgment or response that I am not aware of from Lindsay?

From: Hayes, Chris (CRT) <(b)(6)>
Sent: Monday, January 12, 2026 9:54 AM
To: Neff, Eric (CRT) <(b)(6)>; Wake, Brittany (CRT) <(b)(6)>
Cc: Gupta, Kamran (CRT) <(b)(6)>
Subject: RE: Virginia rolls

All,
I can send Lindsay a secure JEFS link that will allow her to upload the data without completing the JEFS user form. This would be a one-time link that only permits uploads.
Please let me know if you would like me to proceed.

Thanks,
Chris

From: Neff, Eric (CRT) <(b)(6)>
Sent: Monday, January 12, 2026 9:36 AM
To: Wake, Brittany (CRT) <(b)(6)>
Cc: Gupta, Kamran (CRT) <(b)(6)>; Hayes, Chris (CRT) <(b)(6)>
Subject: RE: Virginia rolls

Yes let's start that way thanks for clarifying.

From: Wake, Brittany (CRT) <(b)(6)>
Sent: Monday, January 12, 2026 9:35 AM
To: Neff, Eric (CRT) <(b)(6)>
Cc: Gupta, Kamran (CRT) <(b)(6)>; Hayes, Chris (CRT) <(b)(6)>
Subject: RE: Virginia rolls

Hi Eric,

Is Lindsay planning on transferring through JEFS? If so, I can send the user agreement form.

Brittany

From: Neff, Eric (CRT) <(b)(6)>
Sent: Friday, January 9, 2026 4:57 PM
To: <(b)(6)> <@governor.virginia.gov>
Cc: Gupta, Kamran (CRT) <(b)(6)>; Hayes, Chris (CRT) <(b)(6)>; Wake, Brittany (CRT) <(b)(6)>
Subject: Virginia rolls

All,

Introducing you to Lindsay Fisher, who is going to help with the transfer of Virginia's rolls. Two things to note:

1. This transfer is top priority over all other projects.
2. Virginia will be providing two lists, as they do not have a list that has both registration information and the DL# in it. We have already agreed that in this case, our office will expend the additional resources necessary to merge the lists as needed.

I would like to make all possible efforts to confirm that these lists get transferred by COB Monday. Either way let's make sure to have a status check at that time.

Thanks,
Eric

Eric Neff
Acting Chief
Civil Rights Division, Voting Section
Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

(b)(6)

Cell: (b)(6)



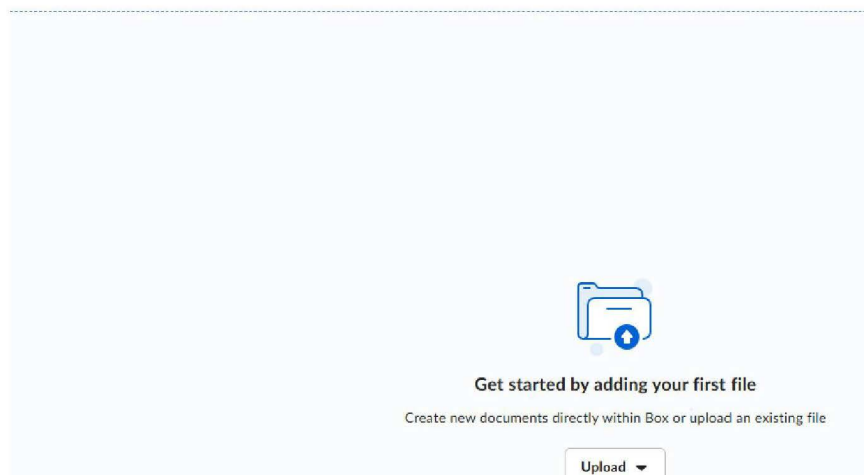
From: Neff, Eric (CRT) <(b)(6)>
(b)(6)
Sent: 1/13/2026 9:36:57 PM
To: Hayes, Chris (CRT) <(b)(6)>
CC: Gupta, Kamran (CRT) <(b)(6)>; Wake, Brittany (CRT) <(b)(6)>
Subject: RE: Virginia rolls

Much appreciated

From: Hayes, Chris (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 4:26 PM
To: Neff, Eric (CRT) <(b)(6)>
Cc: Gupta, Kamran (CRT) <(b)(6)>; Wake, Brittany (CRT) <Brittany.V.(b)(6)>
Subject: RE: Virginia rolls

Eric,
Update, as of 4:20 EST no data has been uploaded to VA JEFs folder.

VOT > 2025 List Maintenance - Parent Folder > 2025 List Maintenance - VA



-Chris

From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 12:15 PM
To: Hayes, Chris (CRT) <(b)(6)>; Gupta, Kamran (CRT) <(b)(6)>; Wake, Brittany (CRT) <(b)(6)>
Subject: RE: Virginia rolls

I'm not clear on the response to No. 3. (b)(5)

From: Hayes, Chris (CRT) <(b)(6)>
Sent: Tuesday, January 13, 2026 11:40 AM
To: Neff, Eric (CRT) <(b)(6)>; Gupta, Kamran (CRT) <(b)(6)>; Wake, Brittany (CRT) <(b)(6)>
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To: (b)(6) @governor.virginia.gov
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Subject: Virginia rolls

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Thanks,
Eric

Eric Neff

Acting Chief

Civil Rights Division, Voting Section

Department of Justice

150 M St. NE, Ste. 8-139

Washington, DC 20002

(b)(6)

Cell: (b)(6)





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 Deidre Henderson
Lieutenant Governor
P.O. Box 142220
Salt Lake City, UT 84114-2220
deidrehenderson@utah.gov

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

Lieutenant Governor Henderson:

We have received Utah'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 Utah'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 Utah’s complete and current VRL. The purpose of the request is to ascertain Utah’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Utah 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 (b)(6)

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Ryan Cowley
Director of Elections
350 N. State Street, Suite 200
Salt Lake City, UT 84114-2220
(b)(6)

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.

From: Neff, Eric (CRT) (b)(6)
(b)(6)
Sent: 12/19/2025 8:30:24 PM
To: (b)(6)@njoag.gov (b)(6) (b)(6)@njoag.gov (b)(6)
Subject: Follow Up email

Dan and Liza,

Thank you for speaking with me today and listening to the DOJ's position in detail. While our call certainly had more detail than this email will, I think we all agree this will help you in your discussions internally if I memorialize some of the positions I expressed on our call in bullet point form here. This is loosely structured off of your Dec. 8 letter to our office:

- The last 4 of SSN and/or DL is necessary for accuracy purposes.
- Our global position regarding privacy concerns is that 1. We will always comply with federal law, including the Privacy Act. 2. We take enormous precautions in all things we do to protect privacy as part of routine procedure 3. To the extent a State agency believes a State law is in conflict with our election maintenance obligations under federal law, federal law preempts.
- The MOU was constructed as an offer to all states if that individual state feels it is in their state's interest to sign it. We take no position on it other than we agree with the multiple states that have taken the position it is not necessary to sign in order to facilitate the data transfer. For multiple reasons, it cannot be redlined in any fashion.
 - o SORNS are internal policies that are based on federal law and regulations and best practices. While we will continue to comply with federal law regardless, we cannot make any promises or predictions as to what the SORNS will be at any point in time. They are publicly available as they currently stand on our website.
- We believe the basis and purpose as part of a CRA request is a nonreviewable matter that requires nothing more than a basic assertion, which can be applied to both the basis and the purpose. In this case, it is our voter list maintenance obligations under federal law.
- As for data sharing with other agencies, this folds back into our position before that we are going to at all times comply with all federal laws.

Let me know when I can expect a response from your office.

Best,
Eric

Eric Neff
Acting Chief
Civil Rights Division, Voting Section
Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

(b)(6)

Cell: (b)(6)



DOCUMENT WITHHELD IN FULL UNDER FOIA EXEMPTION B(5).

Sent: 12/19/2025 8:15:10 PM

To: (b)(6)@njoag.gov

(b)(6)

(b)(6)

@njoag.gov

(b)(6)

Subject: Follow Up email

Dan and Liza,

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Best,
Eric

Eric Neff

Acting Chief

Civil Rights Division, Voting Section

Department of Justice

150 M St. NE, Ste. 8-139

Washington, DC 20002

(b)(6)

Cell: (b)(6)



To: Osete, Jesus (CRT) [(b)(6)];
CC: Riordan, Maureen (CRT) [(b)(6)]; Dhillon, Harmeet K. (CRT) [(b)(6)];
Zandi, Matt (CRT) [(b)(6)]; Perez, Charlotte (CRT) [(b)(6)]; Cumbee, Deborah
(CRT) [(b)(6)];
Subject: RE: Incoming Correspondence re: Voting Rights Section
Attachments: Letter to AAG Dhillon re DOJ Voting Section - FINAL.pdf

Jesus, here are my bullet points in response to the allegations in the letter – response to each of the Paragraphs in the letter:

(b)(5)

(b)(5)

Michael E. Gates

Deputy Assistant Attorney General
Civil Rights Division, U.S. Department of Justice
Cell: (b)(6)

From: Osete, Jesus (CRT) <(b)(6)>
Sent: Monday, July 21, 2025 3:44 PM
To: Gates, Michael (CRT) (b)(6)
Cc: Riordan, Maureen (CRT) (b)(6); Dhillon, Harmeet K. (CRT) <Harmeet.(b)(6)>; Zandi, Matt (CRT) <(b)(6)>; Perez, Charlotte (CRT) <(b)(6)>; Cumbee, Deborah (CRT) <Deborah.Cumbee@usdoj.gov>
Subject: FW: Incoming Correspondence re: Voting Rights Section

Michael,

Can you please prepare some bullet points in response to this? We want to have it handy so HKD can respond at Wednesday's hearing if asked.

By 12pm tomorrow please.

Thanks.

Jesus A. Osete

Principal Deputy Assistant Attorney General
U.S. Department of Justice, Civil Rights Division

From: Osete, Jesus (CRT)
Sent: Monday, July 21, 2025 3:41 PM
To: Dhillon, Harmeet K. (CRT) <(b)(6)>
Cc: Cumbee, Deborah (CRT) <(b)(6)>; Zandi, Matt (CRT) <(b)(6)>
Subject: FW: Incoming Correspondence re: Voting Rights Section

See attached.

Jesus A. Osete

Principal Deputy Assistant Attorney General
U.S. Department of Justice, Civil Rights Division

From: Lawrie, Heather (OLA) <[redacted] (b)(6) >
Sent: Monday, July 21, 2025 3:30 PM
To: Osete, Jesus (CRT) <[redacted] (b)(6) >; Zandi, Matt (CRT) <[redacted] (b)(6) >
Cc: Gross, Jonathan (CRT) <[redacted] (b)(6) >; Camacho, Dario (OLA) [redacted] (b)(6)
Subject: Incoming Correspondence re: Voting Rights Section

Hello CRT,

Wanted to flag that we received this additional incoming letter from the Rules Chair, Sen. Padilla—noting that this letter has other signatories that are on the Constitution Subcommittee (Welch, Hirono, Booker, and Schiff) so questions about the voting section may come up. For your awareness, the letter says we repeatedly refused requests for the memo, the memo they were requesting was not public, and we suspect was leaked, so in accordance with DOJ policy, we said that we required a formal letter requesting those materials.

Thank you!
Heather

Heather Lawrie
U.S. Department of Justice
Office of Legislative Affairs

[redacted] (b)(6)
[redacted] (b)(6)

United States Senate

WASHINGTON, DC 20510

July 17, 2025

The Honorable Harmeet K. Dhillon
Assistant Attorney General, Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Assistant Attorney General Dhillon:

We write out of grave concern for the reported changes to the mission and work of the Civil Rights Division's Voting Section, which appear to redirect the Section's focus towards the extremely rare instances of voter fraud and noncitizen voting. Since its creation by the *Civil Rights Act of 1957*, the Division has been charged with enforcing the civil and criminal provisions of federal laws that protect the civil rights of Americans, including the right to vote.

To start, we are unable to fully understand the Section's work as the Department has repeatedly refused requests for the memorandum you sent to employees of the Civil Rights Division—which was reported by the *Associated Press* in May 2025—highlighting the new mission statement for the Voting Section.¹ This refusal to cooperate with such a simple and specific congressional information request is alarming, and we once again renew our request for basic transparency to review this document and confirm these reports are accurate.²

We are particularly concerned about the Voting Section's unprecedented and intrusive request for significant amounts of election data from the state of Colorado.³ This overly broad and burdensome request appears to have limited justification and raises alarming questions regarding what the Department intends to do with this information, and which states are next to be targeted. This initial request demands a full, public explanation and exacerbates ongoing concerns about the sharing and misuse of voter data by the U.S. Department of Government Efficiency.

¹ Nicholas Riccardi, *Justice Department will switch its focus on voting and prioritize Trump's elections order*, memo says, ASSOCIATED PRESS (May 3, 2025), <https://apnews.com/article/trump-justice-department-voting-rights-elections-fraud-0717d58a10daa11b3957d277a7ca8e0e>.

² E-mail from Rules Cmte. to Off. of Leg. Affs. (Apr. 24, 2025); E-mail from Rules Cmte. to Off. of Leg. Affs. (Apr. 28, 2025); E-mail from Rules Cmte. to Off. of Leg. Affs. (May 15, 2025); E-mail from Rules Cmte. to Off. of Leg. Affs. (May 20, 2025) (E-mails on file with Rules Cmte.).

³ Miles Parks & Jude Joffe-Block, *Trump's DOJ makes its most sweeping demand for election data yet*, NPR (June 11, 2025), <https://www.npr.org/2025/06/11/nx-s1-5426097/trump-justice-department-voter-data-colorado>.

Public reporting and court filings also indicate that the Voting Section is down to a small number of attorneys and that Maureen Riordan—who previously worked for an anti-voting rights group and has associated with individuals who perpetuated falsehoods around the 2020 election, has been appointed as Acting Chief.⁴ This raises questions about whether the Section has abandoned its longstanding mission to conduct meaningful voter protection work and will instead act to perpetuate the myth of widespread voter fraud.⁵

Ms. Riordan’s documented disregard for established legal precedent in the voting rights context is troubling and should disqualify her from leading the Section. For instance, Ms. Riordan recently appeared on election-denier Cleta Mitchell’s podcast and expressed disapproval of the Department’s previous challenges to racial discrimination in the electoral process. Ms. Riordan also joined Ms. Mitchell in spreading false claims of widespread voting by noncitizens and criticizing as negligent states’ voter roll maintenance, among other inflammatory comments.⁶

With the significant changes occurring at the Department, we are paying close attention to the Division’s work and are alarmed at how the Section is now using its limited resources. In addition to the recent action in Colorado, the Voting Section is pursuing alleged infractions about proper semantics of “and/or” language on Arizona’s voter registration form,⁷ and the Section is requesting that the U.S. Election Assistance Commission withhold any future election security funding for the Wisconsin Elections Commission based on alleged violations of federal elections laws.⁸ The Voting Section is also attempting to pursue a partisan agenda by suing the North Carolina State Board of Elections over the same baseless voter registration claim that was at issue in the Republican challenger’s failed attempt to nullify election results to regain a seat on North Carolina’s Supreme Court.⁹

⁴ Yuniur Rivas, DOJ’s New Top Voting Lawyer Worked for Leading Anti-Voting Law Firm, Democracy Docket (May 31, 2025), <https://www.democracydocket.com/news-alerts/doj-top-voting-lawyer-worked-for-anti-voting-firm/>.

⁵ “Justice Department Files Statement of Interest in Illinois Case Concerning States’ Obligations Under the National Voter Registration Act.” U.S. Dep’t of Justice, Off. of Pub. Affs. (July 8, 2025), <https://www.justice.gov/opa/pr/justice-department-files-statement-interest-illinois-case-concerning-states-obligations>.

⁶ WHO’S COUNTING WITH CLETA MITCHEL, *Maureen Riordan: A First-Hand Account of the Left’s Takeover of the DOJ Voting Section* (May 18, 2022), <https://www.youtube.com/watch?v=LQkZN30GwDY> (Mitchell: “The Left is collectively crazy...you hear them talk about the Shelby County decision; you would think its reinstating slavery.” Riordan: “Yes.”).

⁷ Mary Jo Pitzl, *Feds want changes to Arizona’s voter registration process. Will Adrian Fontes comply?* USA TODAY (June 6, 2025), <https://ftw.usatoday.com/story/news/politics/elections/2025/06/06/feds-want-changes-to-arizona-voter-registration/84059480007/>.

⁸ “Justice Department Announces Action Against Wisconsin Elections Commission for Lacking Complaint Procedure Required by Federal Law.” U.S. Dep’t of Justice, Off. of Pub. Affs. (June 4, 2025), <https://www.justice.gov/opa/media/1402606/dl?inline>.

⁹ “Justice Department Files Help America Vote Act Lawsuit Against North Carolina for Inaccurate Voter Lists.” U.S. Dep’t of Justice, Off. of Pub. Affs. (May 27, 2025), <https://www.justice.gov/opa/pr/justice-department-files-help-america-vote-act-lawsuit-against-north-carolina-inaccurate>.

Recent reporting also indicates the Department is using its limited resources to determine how existing laws could be used against state and local election officials to charge them criminally as they administer elections.¹⁰ This clear attempt to intimidate these hardworking individuals, whose work holds up our democracy will not go unchallenged. The Department must abandon this effort and instead focus on working on actual problems facing election officials, which includes protecting these officials from the ongoing threats and harassment.

As its priorities shift, the Department is also withdrawing from cases that it has been engaged in for years that are meant to protect the right to vote, including dropping its lawsuit challenging Georgia's Senate Bill 202,¹¹ dropping all its claims in several consolidated cases in Texas around redistricting,¹² and withdrawing its requests to participate in oral arguments before the Supreme Court for consolidated cases involving redistricting in Louisiana.¹³ Through these actions, it is clear that the Department has abandoned any work protecting the voting rights of communities of color, despite its core mission to enforce the protections of the *Voting Rights Act*.

Taken together, the Department is clearly pursuing an anti-voter, partisan agenda aligned with 2020 election deniers and conspiracy theorists. We urge you to change course and take a nonpartisan approach to protecting voters' rights that is grounded in facts and the law, not unfounded speculation and conspiracy theories.

¹⁰ Devlin Barrett and Nick Corasaniti, *Justice Dept. Explores Using Criminal Charges Against Election Officials*, NEW YORK TIMES (July 2, 2025), <https://www.nytimes.com/2025/07/02/us/politics/justice-department-election-data.html>.

¹¹ "Attorney General Pamela Bondi Dismisses Biden-Era Lawsuit Against Commonsense Georgia Election Law, Advancing President Trump's Mandate to End Weaponization." U.S. Dep't of Justice, Off. of Pub. Affs. (Mar. 31, 2025), <https://www.justice.gov/opa/pr/attorney-general-pamela-bondi-dismisses-biden-era-lawsuit-against-commonsense-georgia>.

¹² Order Dismissing the United States' Claims. *League of United Latin American Citizens, et al., v. Greg Abbott, et al.*, Case No. 3:21-CV-00259-DCG-JES-JVB (W.D. Tex. Mar. 6, 2025), Docket No. 872, available at <https://www.documentcloud.org/documents/25591653-league-of-united-latin-american-citizens-2025-03-06-order-dismissing-the-united-states-claims/>.

¹³ Letter from Acting Solicitor General Sarah M. Harris to Clerk of the Supreme Court of the United States (Jan. 24, 2025), available at https://www.supremecourt.gov/DocketPDF/24/24-109/340108/20250124140523161_letter%2024-109%2024-110.pdf.

We respectfully request specific responses to these concerns and your prompt response in sharing the new mission statement for the Voting Section with Congress without further delay.

Sincerely,



Alex Padilla
Ranking Member, Committee
on Rules and Administration



Richard J. Durbin
United States Senator



Peter Welch
United States Senator



Richard Blumenthal
United States Senator



Jeffrey A. Merkley
United States Senator



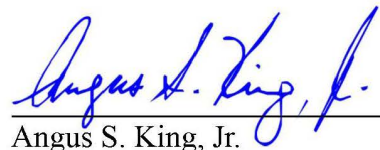
Raphael Warnock
United States Senator



Amy Klobuchar
United States Senator



Adam B. Schiff
United States Senator



Angus S. King, Jr.
United States Senator



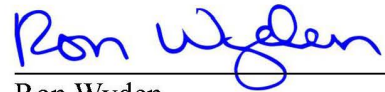
Brian Schatz
United States Senator



Christopher A. Coons
United States Senator



Chris Van Hollen
United States Senator



Ron Wyden
United States Senator



Mazie K. Hirono
United States Senator



Cory A. Booker
United States Senator



Bernard Sanders
United States Senator

Sent: 8/13/2025 5:26:12 PM
Subject: FW: Proposed Letters
Attachments: Template for State Providing Lists 2025.docx

Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division, U.S. Department of Justice
Cell: (b)(6)

From: Gates, Michael (CRT)
Sent: Wednesday, August 13, 2025 1:25 PM
To: Osete, Jesus (CRT) <(b)(6)>
Cc: Cumbee, Deborah (CRT) (b)(6); Riordan, Maureen (CRT) (b)(6)
Subject: RE: Proposed Letters

Thank you, Jesus. Inviting Maureen to comment further – (b)(5)
(b)(6)
(b)(5) We will redraft these letters and send you a second round.

(b)(5)

Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division, U.S. Department of Justice
Cell: (b)(6)

From: Osete, Jesus (CRT) <(b)(6)>
Sent: Wednesday, August 13, 2025 12:14 PM
To: Gates, Michael (CRT) (b)(6)
Cc: Cumbee, Deborah (CRT) (b)(6); Riordan, Maureen (CRT) <(b)(6)>
Subject: RE: Proposed Letters

Deborah will send you my edits/comments on MN but at a high level I think we're overcomplicating these replies.

(b)(5)

(b)(5)

What am I missing?

Jesus A. Osete

Principal Deputy Assistant Attorney General
U.S. Department of Justice, Civil Rights Division

From: Gates, Michael (CRT) <(b)(6)>
Sent: Wednesday, August 13, 2025 11:02 AM
To: Osete, Jesus (CRT) <(b)(6)>
Subject: Proposed Letters

Jesus, see attached. Once you and I finalize and approve the drafts, we can send those versions back down to our section for mass production for all states.

Michael E. Gates

Deputy Assistant Attorney General
Civil Rights Division, U.S. Department of Justice
Cell: (b)(6)

DOCUMENT WITHHELD IN FULL UNDER FOIA EXEMPTION B(5).

Sent: 8/14/2025 1:28:03 PM
To: Riordan, Maureen (CRT) [(b)(6)]; Mellett, Timothy F (CRT) [(b)(6)]
Subject: RE: [(b)(5)] Concerns on Letter Language

(b)(5)

Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division, U.S. Department of Justice
Cell: [(b)(6)]

From: Riordan, Maureen (CRT) [(b)(6)]
Sent: Thursday, August 14, 2025 9:01 AM
To: Mellett, Timothy F (CRT) [(b)(6)]
Cc: Gates, Michael (CRT) [(b)(6)]
Subject: RE: [(b)(5)] Concerns on Letter Language

(b)(5)

From: Mellett, Timothy F (CRT) [(b)(6)]
Sent: Thursday, August 14, 2025 8:47 AM
To: Gates, Michael (CRT) [(b)(6)]; Riordan, Maureen (CRT) [(b)(6)]
Cc: Tucker, James T. (CRT) [(b)(6)]
Subject: [(b)(5)] Concerns on Letter Language

Hi Michael and Maureen,

(b)(5)

[(b)(5)] Let us know if we can revise the letters to make these points. If we can make these revisions, then I would also like to delete the identical footnotes. Let me know if you would like to discuss. Thanks,

Tim

From: Tucker, James T. (CRT) [(b)(6)]
Sent: Thursday, August 14, 2025 8:32 AM
To: Mellett, Timothy F (CRT) [(b)(6)]
Subject: [(b)(5)] concerns

Tim,

I recommend we remove the following sentence from the letter templates:

(b)(5)

Jim

Sent: 9/19/2025 4:26:17 PM
To: Riordan, Maureen (CRT) [(b)(6)]; Mellett, Timothy F (CRT) [(b)(6)]
Subject: RE: New York
Attachments: State of New York Final.pdf

Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

[(b)(6)]
[(b)(6)]



From: Riordan, Maureen (CRT) [(b)(6)]
Sent: Friday, September 19, 2025 12:26 PM
To: Gates, Michael (CRT) [(b)(6)]; Mellett, Timothy F (CRT) <[(b)(6)]>
Subject: Re: New York

Tim could you send me all of our communications with NY so I can review? Thanks!

Maureen S. Riordan
Senior Counsel
Acting Chief, Voting Section
Civil Rights Division
[(b)(6)]

From: Gates, Michael (CRT) <[(b)(6)]>
Sent: Friday, September 19, 2025 12:24:19 PM
To: Mellett, Timothy F (CRT) <[(b)(6)]>
Cc: Riordan, Maureen (CRT) [(b)(6)]
Subject: RE: New York

(b)(5)

(b)(5)

Michael E. Gates

Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

(b)(6)

(b)(6)



From: Gates, Michael (CRT)

Sent: Friday, September 19, 2025 12:20 PM

To: Mellett, Timothy F (CRT)

(b)(6)

Cc: Riordan, Maureen (CRT)

(b)(6)

Subject: RE: New York

(b)(5)

Michael E. Gates

Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

(b)(6)

(b)(6)



From: Mellett, Timothy F (CRT)

(b)(6)

Sent: Friday, September 19, 2025 12:09 PM

To: Gates, Michael (CRT)

(b)(6)

Cc: Riordan, Maureen (CRT) (b)(6)

Subject: New York

Hi Michael,

(b)(5)

We will have Arielle continue to draft the Complaint, unless we hear back from you that we should (b)(5)

(b)(5)

Thanks,

Tim

From: Gates, Michael (CRT) (b)(6)

Sent: Friday, September 19, 2025 10:53 AM

To: Mellett, Timothy F (CRT) (b)(6)

Cc: Riordan, Maureen (CRT) (b)(6)

Subject: RE: Upcoming lawsuits

We did. See attached.

Michael E. Gates

Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

(b)(6)
(b)(6)



From: Mellett, Timothy F (CRT) (b)(6)

Sent: Friday, September 19, 2025 10:50 AM

To: Gates, Michael (CRT) (b)(6)

Cc: Riordan, Maureen (CRT) (b)(6)

Subject: RE: Upcoming lawsuits

Michael,

(b)(5)

(b)(5)

I can work on a draft and send

that to you today.

I think we need to take (b)(5) off the lawsuit list for now. Thanks,

Tim

From: Gates, Michael (CRT) (b)(6)

Sent: Friday, September 19, 2025 10:39 AM

To: Riordan, Maureen (CRT) <(b)(6)>; Mellett, Timothy F (CRT) <(b)(6)>

Cc: Neff, Eric (CRT) <(b)(6)>; Bennett, Brittany (CRT) <(b)(6)>; Vandenberg, David (CRT) (b)(6) Reid, Arielle (CRT) <(b)(6)>

Subject: Upcoming lawsuits

Team, thank you for your work on these next suits. As you draft, prepare, and finalize for presentation to the front office, please also (b)(5)

(b)(5)

(b)(5)

the sooner we can prep the complaints and have them approved by the FO, the better prepared we will be for the filings.

(b)(5)

(b)(5)

**Adding as this Complaint should be ready as well.

Michael E. Gates

Deputy Assistant Attorney General

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Ave., NW

Washington, DC 20530

(b)(6)

(b)(6)





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 Kristen Zebrowski Stavisky
The Honorable Raymond Riley, III
Co-Executive Directors, State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729

(b)(6)

Re: Complete New York's Voter Registration List with All Fields

Executive Director Zebrowski Stavisky and Executive Director Riley:

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 New York'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).

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.

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).

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 New York’s complete and current VRL. The purpose of the request is to ascertain New York’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, New York 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

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.

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 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

cc: Henry Berger
Peter Kosinski
Co-Chairs, State Board of Elections
40 North Pearl Street, Suite 5
Albany, NY 12207-2729
info@elections.ny.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.

Sent: 8/14/2025 3:34:24 PM
To: Mellett, Timothy F (CRT) <(b)(6)>
CC: Bruzzone, Callie (CRT) <(b)(6)>; Lott, Jasmin (CRT) <(b)(6)>
Subject: RE: Draft Letter for Arizona

Thank you very much, Tim. This is helpful to know, and I appreciate your taking time to provide responses. I am copying my colleagues so they have the information.

Best,
Harin

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Thursday, August 14, 2025 11:19 AM
To: Song, Harin C. (CRT) <(b)(6)>
Subject: RE: Draft Letter for Arizona

See responses below. We are going to have to get Arizona out in the next 90 minutes though because of Armeet's schedule

From: Song, Harin C. (CRT) <(b)(6)>
Sent: Thursday, August 14, 2025 10:07 AM
To: Mellett, Timothy F (CRT) <(b)(6)>
Subject: RE: Draft Letter for Arizona

Thank you, Tim. My understanding is that the added portions are the template language paragraphs decided upon by the FO yesterday, but I have some initial questions, which I've listed below. I would like to understand the legal bases for assertions and positions reflected in this letter and other letters recently circulated, and if these issues proceed to litigation, courts may ask many of these questions. I apologize that the below may be incomplete, but I wanted to get this to you quickly. Thank you.

(b)(5)

(b)(5)

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Thursday, August 14, 2025 8:32 AM
To: Song, Harin C. (CRT) <(b)(6)> Rameres, Jewel (CRT) <(b)(6)>
Subject: Draft Letter for Arizona

Hi Harin and Jewel,

I have attached a draft of the letter to Arizona. Let me know if you have any edits. This will need to go out this morning. Thanks,

Tim

Sent: 8/27/2025 2:36:19 PM
To: Okwesa, Carolyn (CRT) (b)(6) Mellett, Timothy F (CRT) (b)(6)
CC: Bryce, Amanda (CRT) (b)(6)
Subject: RE: Voting Section -- Privacy Act Questions

Absolutely, Carolyn. The FR citations are 68 FR 47610, 611 (8-11-2003), 70 FR 43904 (7-29-2005), 82 FR 24147 (5-25-2017). For questions 2 & 3, I recommend reciting the exact language

From: Okwesa, Carolyn (CRT) (b)(6)
Sent: Wednesday, August 27, 2025 9:30 AM
To: Kagle, Kilian (CRT) <(b)(6)>
Cc: Bryce, Amanda (CRT) <(b)(6)>
Subject: FW: Voting Section -- Privacy Act Questions

Good morning Kilian,
Voting is looking for guidance on a response they plan to send out today. (See email below.)
Could you speak with Tim regarding the questions he has listed below?
Thank you,
Carolyn

Carolyn Okwesa
Project Manager (Contractor) | Office of Information Technology and Cybersecurity
US Department of Justice | Civil Rights Division | Administrative Management Section
(b)(6)
(b)(6)

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Tuesday, August 26, 2025 5:35 PM
To: Bryce, Amanda (CRT) <(b)(6)>
Cc: Okwesa, Carolyn (CRT) (b)(6)
Subject: RE: Voting Section -- Privacy Act Questions

Hi Amanda,

Thanks for looking at this. I think we were hoping to get a letter out later this week.
Yes, tomorrow afternoon would be fine to meet. Brittany Wake and Nadine Jones also should be invited.

Tim

From: Bryce, Amanda (CRT) (b)(6)
Sent: Tuesday, August 26, 2025 4:59 PM
To: Mellett, Timothy F (CRT) <(b)(6)>
Cc: Okwesa, Carolyn (CRT) (b)(6)
Subject: RE: Voting Section -- Privacy Act Questions

Tim,

I hope to have some follow-up response to you by next week. In the meantime, could we chat tomorrow about the discontinuance of FOIA express ? If there is time, also discuss STAPS.

Let me know if I could schedule it for tomorrow and who to invite.

Amanda Bryce
Chief Information Officer
U.S. Department of Justice | Civil Rights Division

(b)(6)

(b)(6)



From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Monday, August 25, 2025 6:19 PM
To: Bryce, Amanda (CRT) (b)(6)
Subject: Voting Section -- Privacy Act Questions

Hi Amanda,

Thanks for discussing the Privacy Act/data sharing questions the other week. We have requested voter registration lists from states to conduct searches that assess the List Maintenance of voter registration lists under the National Voter Registration Act and the Help America Vote Act (statutes that the Voting Section enforces). Some states have asked us a few Privacy Act questions because the data contains PII. At the moment, we are looking to write a letter to states that have asked the following questions:

1. Please provide a citation within the Federal Register to the system of records under which DOJ intends to collect and maintain the records it has requested.
(We are thinking that it would be CRT-1, but we wanted to be sure, and we did not know if there would be others).
2. Please describe how DOJ plans to store, maintain, and use the requested voter registration information.
(We can answer the "use" question but we don't know what we should say about store and maintain. Lit Support has this on the P Drive.)
3. Please explain who will have access to the information contained in the Voter Registration List.
(Lit Support has permissions limited to managers and those attorneys and analysts working on the matters. I did not know how big of scope there could be while complying with the Privacy Act. Voting only? CRT only? DOJ only?)

Ideally, we would like to send the letters out on Wednesday. Happy to chat if you have questions. Thanks,

Tim Mellett
Deputy Chief, Voting Section

(b)(6)

Sent: 8/27/2025 3:19:10 PM
To: Bryce, Amanda (CRT) [redacted (b)(6)]
Subject: RE: Voting Section -- Privacy Act Questions

Happy to chat Amanda as I've done repeatedly with Tim and his team. OPCL will not commit to official written comment and I feel that's a sound posture.

From: Bryce, Amanda (CRT) <[redacted (b)(6)]>
Sent: Wednesday, August 27, 2025 11:15 AM
To: Kagle, Kilian (CRT) <[redacted (b)(6)]>
Subject: RE: Voting Section -- Privacy Act Questions

I see. Were they advised in writing, if so can you share it w/ me?

Thanks.

From: Kagle, Kilian (CRT) <[redacted (b)(6)]>
Sent: Wednesday, August 27, 2025 10:51 AM
To: Bryce, Amanda (CRT) <[redacted (b)(6)]>
Subject: RE: Voting Section -- Privacy Act Questions

Hopefully, they are all set with my answer to Carolyn. Reciting the SORN is the extent to which I

[redacted (b)(5)]

From: Bryce, Amanda (CRT) [redacted (b)(6)]
Sent: Wednesday, August 27, 2025 10:46 AM
To: Kagle, Kilian (CRT) <[redacted (b)(6)]>
Subject: RE: Voting Section -- Privacy Act Questions

Kilian,

Looks like they are wanting to have something drafted today.

From: Kagle, Kilian (CRT) <[redacted (b)(6)]>
Sent: Wednesday, August 27, 2025 10:24 AM
To: Bryce, Amanda (CRT) [redacted (b)(6)]
Subject: RE: Voting Section -- Privacy Act Questions

Good morning, Amanda. Thank you, I'll try to nudge VOT in the right direction.

From: Bryce, Amanda (CRT) [redacted (b)(6)]
Sent: Tuesday, August 26, 2025 4:58 PM
To: Kagle, Kilian (CRT) <[redacted (b)(6)]>
Cc: Cononie, Sean (CRT) <[redacted (b)(6)]>
Subject: FW: Voting Section -- Privacy Act Questions

Could we meet on Friday and talk this over?

Amanda Bryce
Chief Information Officer
U.S. Department of Justice | Civil Rights Division

(b)(6)

(b)(6)



From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Monday, August 25, 2025 6:19 PM
To: Bryce, Amanda (CRT) <(b)(6)>
Subject: Voting Section -- Privacy Act Questions

Hi Amanda,

Thanks for discussing the Privacy Act/data sharing questions the other week. We have requested voter registration lists from states to conduct searches that assess the List Maintenance of voter registration lists under the National Voter Registration Act and the Help America Vote Act (statutes that the Voting Section enforces). Some states have asked us a few Privacy Act questions because the data contains PII. At the moment, we are looking to write a letter to states that have asked the following questions:

1. Please provide a citation within the Federal Register to the system of records under which DOJ intends to collect and maintain the records it has requested.
(We are thinking that it would be CRT-1, but we wanted to be sure, and we did not know if there would be others).
2. Please describe how DOJ plans to store, maintain, and use the requested voter registration information.
(We can answer the "use" question but we don't know what we should say about store and maintain. Lit Support has this on the P Drive.)
3. Please explain who will have access to the information contained in the Voter Registration List.
(Lit Support has permissions limited to managers and those attorneys and analysts working on the matters. I did not know how big of scope there could be while complying with the Privacy Act. Voting only? CRT only? DOJ only?)

Ideally, we would like to send the letters out on Wednesday. Happy to chat if you have questions. Thanks,

Tim Mellett
Deputy Chief, Voting Section

(b)(6)

Sent: 8/27/2025 5:28:54 PM
To: Mellett, Timothy F (CRT) <(b)(6)>; Okwesa, Carolyn (CRT) <(b)(6)>
CC: Bryce, Amanda (CRT) <(b)(6)>
Subject: RE: Voting Section -- Privacy Act Questions
Attachments: sampleinteragencydatasharingagreement.doc; OMB_M-11-02 Data Sharing.pdf; OMB_M-01-05 Data Sharing.pdf

I have only guidance on inter-agency data sharing but nothing with States, Tim.

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Wednesday, August 27, 2025 1:16 PM
To: Kagle, Kilian (CRT) <(b)(6)>; Okwesa, Carolyn (CRT) <(b)(6)>
Cc: Bryce, Amanda (CRT) <(b)(6)>
Subject: RE: Voting Section -- Privacy Act Questions

All,

We just had a meeting with the Front Office, and they have come around to the idea of having a data sharing agreement with states who will send us the Drivers License numbers and last 4 of SSN. Do you have a template? The idea would be to include the data sharing agreement template with the letter answering the questions about the SORN, etc. Thanks,

Tim

From: Kagle, Kilian (CRT) <(b)(6)>
Sent: Wednesday, August 27, 2025 10:38 AM
To: Okwesa, Carolyn (CRT) <(b)(6)>; Mellett, Timothy F (CRT) <(b)(6)>
Cc: Bryce, Amanda (CRT) <(b)(6)>
Subject: RE: Voting Section -- Privacy Act Questions

Absolutely, Carolyn. The FR citations are 68 FR 47610, 611 (8-11-2003), 70 FR 43904 (7-29-2005), 82 FR 24147 (5-25-2017). For questions 2 & 3, I recommend reciting the exact language in SORN CRT-001. (attached hereto).

From: Okwesa, Carolyn (CRT) <(b)(6)>
Sent: Wednesday, August 27, 2025 9:30 AM
To: Kagle, Kilian (CRT) <(b)(6)>
Cc: Bryce, Amanda (CRT) <(b)(6)>
Subject: FW: Voting Section -- Privacy Act Questions

Good morning Kilian,
Voting is looking for guidance on a response they plan to send out today. (See email below.)
Could you speak with Tim regarding the questions he has listed below?
Thank you,
Carolyn

Carolyn Okwesa
Project Manager (Contractor) | Office of Information Technology and Cybersecurity
US Department of Justice | Civil Rights Division | Administrative Management Section

(b)(6)
(b)(6)

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Tuesday, August 26, 2025 5:35 PM
To: Bryce, Amanda (CRT) <(b)(6)>
Cc: Okwesa, Carolyn (CRT) <(b)(6)>
Subject: RE: Voting Section -- Privacy Act Questions

Hi Amanda,

Thanks for looking at this. I think we were hoping to get a letter out later this week. Yes, tomorrow afternoon would be fine to meet. Brittany Wake and Nadine Jones also should be invited.

Tim

From: Bryce, Amanda (CRT) <(b)(6)>
Sent: Tuesday, August 26, 2025 4:59 PM
To: Mellett, Timothy F (CRT) <(b)(6)>
Cc: Okwesa, Carolyn (CRT) <(b)(6)>
Subject: RE: Voting Section -- Privacy Act Questions

Tim,

I hope to have some follow-up response to you by next week. In the meantime, could we chat tomorrow about the discontinuance of FOIA express? If there is time, also discuss STAPS.

Let me know if I could schedule it for tomorrow and who to invite.

Amanda Bryce
Chief Information Officer
U.S. Department of Justice | Civil Rights Division

(b)(6)
(b)(6)



From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Monday, August 25, 2025 6:19 PM
To: Bryce, Amanda (CRT) <(b)(6)>
Subject: Voting Section -- Privacy Act Questions

Hi Amanda,

Thanks for discussing the Privacy Act/data sharing questions the other week. We have requested voter registration lists from states to conduct searches that assess the List Maintenance of voter registration lists under the National Voter Registration Act and the Help America Vote Act (statutes that the Voting Section enforces). Some states have asked us a

few Privacy Act questions because the data contains PII. At the moment, we are looking to write a letter to states that have asked the following questions:

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Ideally, we would like to send the letters out on Wednesday. Happy to chat if you have questions. Thanks,

Tim Mellett
Deputy Chief, Voting Section

(b)(6)

Sample Interagency Data-Sharing Agreement

Centers for Medicare and Medicaid Services

State of:

Requester

Agency Name:

Data User:

Title:

Address:

Phone:

Data Provider

Agency Name:

Custodian:

Title:

Address:

Phone:

I. PURPOSE

In this section, both parties must state in non-technical language the purpose(s) for which they are entering into the agreement, i.e., how the data will be used, what studies will be performed, or what the desired outcomes are perceived to be as a result of obtaining the data. The source of the data will come from any and all public health or claims databases. The data will only be used for research and/or analytical purposes and will not be used to determine eligibility or to make any other determinations affecting an individual. Furthermore, as the data will be shared within a State, it will be subjected to all applicable requirements regarding privacy and confidentiality that are described herein.

II. PERIOD OF AGREEMENT

The period of agreement shall extend from _____ to _____ .

III. JUSTIFICATION FOR ACCESS

A. Federal requirements: Section 1902(a)(7) of the Social Security Act (as amended) provides for safeguards which restrict the use or disclosure of information concerning Medicaid applicants and recipients to purposes directly connected with the administration of the State plan. Regulations at 42 CFR 431.302 specify the purposes directly related to State plan administration. These include (a) establishing eligibility; (b) determining the amount of medical assistance; providing services for recipients; and (d) conducting or assisting an investigation, prosecution, or civil or criminal proceeding related to the administration of the plan.

If the State Medicaid agency is a party to this agreement, specifically as the provider of information being sought by the requestor, it must be demonstrated in this section how the disclosure of information meets the above requirements.

An example of permissible data matching/sharing arrangements is the matching of data with a registry of vaccines or diseases for the purposes of improving outreach or expanding Medicaid coverage of populations being served under Medicaid.

States should identify any additional requirements that are needed for the release of additional data in this section.

B. State requirements: Cite specific State statutes, regulations, or guidelines (See Appendices).

IV. DESCRIPTION OF DATA

In this section, the parties provide specific detailed information concerning the data to be shared or exchanged.

V. METHOD OF DATA ACCESS OR TRANSFER

A description of the method of data access or transfer will be provided in this section. The requestor and its agents will establish specific safeguards to assure the confidentiality and security of individually identifiable records or record information. If encrypted identifiable information is transferred electronically through means such as the Internet, then said transmissions will be consistent with the rules and standards promulgated by Federal statutory requirements regarding the electronic transmission of identifiable information.

VI. LOCATION OF MATCHED DATA AND CUSTODIAL RESPONSIBILITY

The parties mutually agree that one State agency 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. Where and how the data will be stored and maintained will also be specified in this section.

This agreement represents and warrants further that, except as specified in an attachment or except as authorized in writing, that such data shall not be disclosed, released, revealed, showed, sold, rented, leased, loaned, or otherwise have access granted to the data covered by this agreement to any person. Access to the data covered by this agreement shall be limited to the minimum number of individuals necessary to achieve the purpose stated in this section and to those individuals on a need-to-know basis only.

Note that, if all individually identifiable Medicaid data remains within the purview of the State Medicaid agency, matching with any other data is permissible. Any results of the data matching which contains individually identifiable data cannot be released outside the agency unless the release meets the conditions of Section III.

Any summary results, however, can be shared. Summary results are those items which cannot be used to identify any individual. It should be noted that the stripping of an individual's name or individual identification number does not preclude the identification of that individual, and therefore is not sufficient to protect the confidentiality of individual data.

VII. CONFIDENTIALITY

The User agrees to establish appropriate administrative, technical, and physical safeguards to protect the confidentiality of the data and to prevent unauthorized use or access to it. The safeguards shall provide a level and scope of security that is not less than the level and scope of security established by the Office of Management and Budget (OMB) in OMB Circular No. A-130, Appendix III – Security of Federal Automated Information System, which sets forth guidelines for security plans for automated information systems in Federal agencies.

Federal Privacy Act requirements will usually not apply if this agreement is entered into by agencies of the State and no Federal agencies are involved. The same applies to the Computer Matching and Privacy Protection Act of 1988. However, State laws, regulations, and guidelines governing privacy and confidentiality will apply.

It is strongly suggested that the guidelines presented in the Model State Vital Statistics Act be applied. The guidelines are available from the U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Center for Health Statistics, Hyattsville, Maryland (DHHS) Publication No. (PHS) 95-1115.

Where States have enacted laws based on this model, the actual provisions of the statute take precedence.

VIII. DISPOSITION OF DATA

(Sample Language)

The requestor and its agents will destroy all confidential information associated with actual records as soon as the purposes of the project have been accomplished and notify the providing agency to this effect in writing. When the project is complete, the requestor will

1. Destroy all hard copies containing confidential data (e.g., shredding or burning);
2. Archive and store electronic data containing confidential information off line in a secure place, and delete all on line confidential data; and
3. All other data will be erased or maintained in a secured area.

IX. DATA-SHARING PROJECT COSTS

In this section, it should be stated in detail how the costs associated with the sharing or matching of data are to be met. If these can be absorbed by the “salaries and expenses,” and the partner providing the requested data is agreeable to absorbing such costs that should be noted here. If there are extra costs to be assumed, the parties need to specify here how they will be met. If the requesting party is to bear the burden of specific extra costs, or the party providing the data is unable or unwilling to bear such, these special requirements are to be formalized in this section.

X. RESOURCES

The types and number of personnel involved in the data sharing project, the level of effort required, as well as any other non-personnel resources and material, which are required, are to be listed here.

XI. SIGNATURES

In witness whereof, the Agencies' authorized representatives as designated by the Medicaid Director and Health Commissioner attest to and execute this agreement effective with this signing for the period set forth in Article II.

(Name)

(Title)

(Date)



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 3, 2010

M-11-02

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM:

Jeffrey D. Zients
Deputy Director for Management

Cass R. Sunstein
Administrator, Office of Information and Regulatory Affairs

SUBJECT:

Sharing Data While Protecting Privacy

The judicious use of accurate and reliable data plays a critical role in initiatives designed to increase the transparency and efficiency of Federal programs and to enhance our capacity to gauge program effectiveness. Sharing data among agencies also allows us to achieve better outcomes for the American public through more accurate evaluation of policy options, improved stewardship of taxpayer dollars, reduced paperwork burdens, and more coordinated delivery of public services.

As advances in technology enhance tools for data sharing, Federal agencies can and should seek new approaches for identifying and sharing high-value data responsibly and appropriately. This Memorandum strongly encourages Federal agencies to engage in coordinated efforts to share high-value data for purposes of supporting important Administration initiatives, informing public policy decisions, and improving program implementation while simultaneously embracing responsible stewardship.

When agencies share data, they must do so in a way that fully protects individual privacy. The public must be able to trust our ability to handle and protect personally identifiable information.¹ In sharing data, agencies must comply with the Privacy Act of 1974² and all other applicable privacy laws, regulations, and policies. In addition to the legal framework that governs the use and disclosure of data, agencies are advised to consult established codes of Fair Information Practices.³ As OMB has previously noted, “[t]he individual’s right to privacy must

¹ For the definition of “personally identifiable information,” see the appendix to OMB Memorandum M-10-23, *Guidance for Agency Use of Third-Party Websites and Applications* (June 25, 2010), available at http://www.whitehouse.gov/sites/default/files/omb/assets/memoranda_2010/m10-23.pdf.

² 5 U.S.C. § 552a.

³ Since 1973, several government reports – both general and agency-specific – have established Fair Information Practices that set forth many accepted principles of information privacy. See, e.g., U.S. Dep’t of Health, Educ., and Welfare, Secretary’s Advisory Committee on Automated Personal Data Systems, *Records, Computers, and the*

be protected in Federal Government information activities involving personal information.”⁴

Data sharing is critical to successful initiatives in many domains. The purpose of this Memorandum is to direct agencies to find solutions that allow data sharing to move forward in a manner that complies with applicable privacy laws, regulations, and policies. These collaborative efforts should include seeking ways to facilitate responsible data sharing for the purpose of conducting rigorous studies that promote informed public policy decisions.

Benefits of Sharing. Greater sharing of data can help the Federal Government serve the public with programs that reflect the highest degree of efficiency, coordination, and accountability. Some of the potential benefits of data sharing include:

- Timely and improved access to reliable and high-quality data to inform decision-making by the Administration as well as Congress.
- Increased transparency, better service, and reduced risk of waste, fraud, and abuse with respect to public programs.
- More informed research on public policy as a result of an increased number of theoretical and empirical studies that rigorously analyze, and augment the understanding of, Federal programs within government for the public at large.
- Improved government efficiency and reduced paperwork burdens as a result of more informed decision-making and a reduction in burdensome, excessive, and duplicative data-collection activities.

Important Initiatives. The success of many initiatives hinges on the sharing of high-value data. Examples of how data sharing could play a significant role in important initiatives include:

- Do Not Pay List: Our ability to eliminate improper payments, such as those to fraudulent vendors or to deceased individuals, could benefit from information about payee status.
- Evaluation Initiative: Our ability to measure the success of programs – from education and job training to health care management – would improve with access to administrative data for evaluation and evidence-building.
- Statistics Initiative: Our ability to contain costs and reduce burdens on respondents, while increasing the quality and quantity of statistical information, depends on the untapped potential of data sets held by program, administrative, and regulatory offices and agencies.

Rights of Citizens (1973), available at <http://aspe.hhs.gov/DATACNCL/1973privacy/tocprefacemembers.htm>

⁴ OMB Circular A-130, *Management of Federal Information Resources*, available at http://www.whitehouse.gov/omb/circulars_a130_a130trans4/

- Partnership Fund for Program Integrity Innovation: Our ability to identify, implement, and test methods to improve integrity, efficiency, and service in the delivery of State and Federal benefit programs will increase with more information about eligibility and enrollment status across programs and levels of government.

Federal agencies are encouraged to engage in coordinated efforts to share high-value data for purposes of supporting important Administration initiatives, informing public policy decisions, and improving program implementation. These efforts should include:

- (1) identifying high-value data that would promote effective and efficient decision-making;
- (2) identifying high-value data and data sharing methodologies that would promote more efficient delivery of Federal, State, and local benefits with lower error rates;
- (3) developing effective approaches for properly sharing data with other Federal entities, consistent with applicable laws, regulations, and policies;
- (4) ensuring the use of common data standards (e.g., NIEM, XBRL, XML) to promote greater interoperability across systems and improving sharing of data as part of IT modernization initiatives; and
- (5) following Enterprise Architecture guidance and principles consistent with appropriate OMB guidance and best practices for new and on-going systems development and implementation.

Sharing data in external public policy, scientific, and other areas of research is of value to the public and can promote savings. In cases where high-value data contain information that is protected under Federal privacy laws, agencies are encouraged, to the extent permitted by law, to develop and implement arrangements that would permit access to these data for research purposes subject to the appropriate safeguards.

Compliance with Privacy Laws, Regulations, and Policies. Whenever Federal agencies carry out data sharing activities, including pursuant to this Memorandum, all participants must comply with applicable privacy laws, regulations, and policies.

It is also important to recognize that, whereas the Privacy Act of 1974 imposes generally applicable prohibitions and requirements regarding information about individuals that is contained in systems of records, other statutes provide privacy protections with respect to particular categories of information. The nature of these privacy protections differs under the various statutes. For example, laws may distinguish between (1) interagency sharing of personally identifiable information in ways that generate only aggregate statistical results and (2) uses of data that involve public disclosure of personally identifiable information. In addition, agencies that are either sharing or receiving data must determine whether, under applicable laws, regulations, and policies, the prohibitions and requirements that apply to particular data will continue to apply after data are shared with an agency or other recipient. Federal agencies

should consult applicable OMB guidance pertaining to privacy laws, regulations, and policies when considering data sharing activities.⁵

Moreover, nothing in this Memorandum shall be construed to promote or favor data sharing that could threaten national security, breach confidentiality, or damage other genuinely compelling interests. OMB stands ready to assist agencies as they evaluate proposals for data sharing activities and as they take the necessary steps for ensuring that their data sharing activities comply with applicable laws, regulations, and policies.

Pursuant to this Memorandum, OMB may ask specific agencies to perform an evaluation and submit a written report detailing options for authorized data sharing; if so, OMB will be available to address relevant questions. The report should be signed by an agency's Senior Agency Official for Privacy, and it should identify any steps that must be taken before data sharing may occur.

Queries. Agencies with questions about this Memorandum or about ways to improve government performance through the sharing of data may contact OMB at datause@omb.eop.gov. OMB will draw on expertise across the agency, including its privacy experts, in formulating its response.

⁵ See, e.g., *Privacy Act Implementation*, 40 Fed. Reg. 28,948-78 (July 9, 1975); *Final Guidance Interpreting the Provisions of Public Law 100-503, the Computer Matching and Privacy Protection Act of 1988*, 54 Fed. Reg. 25,818-29 (June 16, 1989). All OMB privacy guidance is available at http://www.whitehouse.gov/omb/inforeg_infopoltech#pg.

December 20, 2000

M-01-05

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Jacob J. Lew
Director

SUBJECT: Guidance on Inter-Agency Sharing of Personal Data - Protecting Personal Privacy

OMB is issuing guidance to remind agencies of several privacy-related legal requirements that apply to computer matching and to clarify how agencies should conduct computer matching activities. This guidance applies to data matching activities or programs for purposes of establishing or verifying eligibility for Federal benefit programs or recouping payments or delinquent debts under such programs covered by the Computer Matching and Privacy Protection Act ("Matching Act"),⁽¹⁾ an amendment to the Privacy Act of 1974, 5 U.S.C. Section 552a, whether data are shared between Federal agencies or matched with State agency data.⁽²⁾ Although this guidance applies directly only to programs covered by the Matching Act, agencies should consider applying these principles in other data sharing contexts.

Inter-agency sharing of information about individuals can be an important tool in improving the efficiency of government programs. By sharing data, agencies can often reduce errors, improve program efficiency, identify and prevent fraud, find intended beneficiaries, evaluate program performance, and reduce information collection burden on the public.

As government increasingly moves to electronic collection and dissemination of data, under the Government Paperwork Elimination Act and other programs, opportunities to share data across agencies will likely increase. Agencies should work together to determine what data sharing opportunities are desirable, feasible, and appropriate. In general, data sharing should only be pursued if the benefits outweigh the costs.

With increased focus on data sharing, agencies must pay close attention to handling responsibly their own data and the data they share with or receive from other agencies. When information about individuals is involved, agencies must pay especially close attention to privacy interests and must incorporate measures to safeguard those interests. Prior to any data sharing, agencies must review and meet the Privacy Act requirements for computer matching, including developing a computer matching agreement and publishing notice of the proposed match in the *Federal Register*; OMB Guidance on Computer Matching (54 *Fed. Reg.* 25818, June 19, 1989); and OMB Circular A-130, Appendix I, "Federal Agency Responsibilities for Maintaining Records About Individuals." Agencies must also review and meet applicable requirements under other laws, including the Paperwork Reduction Act of 1995.

The attached memorandum puts forth principles on protecting personal privacy when conducting inter-agency data sharing. Agencies themselves, as well as inter-agency work groups, such as the

Chief Financial Officers (CFO) Council, the Chief Information Officers (CIO) Council, the President's Council on Integrity and Efficiency, the Procurement Executives Council (PEC), and the Human Resources Management Council (HRMC) should ensure that they adhere to the principles.

For any questions about this guidance, contact Lauren Steinfeld or Brooke Dickson of the Office of Information and Regulatory Affairs, Office of Management and Budget. Lauren Steinfeld can be reached at phone (202) 395-3647, fax (202) 395-3047, e-mail Lauren_Steinfeld@omb.eop.gov. Brooke Dickson can be reached at phone (202) 395-3191, fax (202) 395-5167, e-mail Brooke_Dickson@omb.eop.gov.

Attachment

ATTACHMENT

Privacy Principles in Conducting Inter-Agency Data Sharing

Existing Requirements

1. **Notice.**

Agencies that plan to use data sharing to verify program eligibility or to recover delinquent debt should develop procedures for providing notice to the individual at the time of application, and periodically thereafter (as directed by the Data Integrity Board), that the information they provide may be subject to verification through matching programs, as required by the Matching Act. In addition to direct notice to individuals, the Matching Act requires that agencies publish a notice in the Federal Register, at least 30 days before conducting the data match, describing the purpose of the match, the records and individuals covered, and other relevant information.

2. **Consent, As Appropriate.**

Agencies should obtain the written (or electronic) consent of individuals before sharing personal data protected by the Privacy Act, unless one of the exceptions under Section 552a(b) of the Privacy Act applies.

3. **Redisclosure Limitations.**

Data sharing programs should prohibit the redisclosure of the data, except as allowed under the Matching Act. Specifically, the Matching Act prohibits recipient agencies, whether Federal or State, from redisclosing records, except where required by law or where the redisclosure is essential to the conduct of the matching program.

4. **Accuracy.**

Because information shared among agencies may be used to deny, reduce, or otherwise adversely affect benefits to individuals, it is critical that agencies have reasonable procedures to ensure the accuracy of the data shared. At a minimum, this should include providing individuals the right to access and to request amendment of their records, as required by the Privacy Act.

To ensure accuracy, agencies must also adhere to the due process requirements found in the Matching Act. Pursuant to 5 U.S.C. 552a(p), before an agency takes adverse action against an individual based on the results of information produced by a matching program, it must independently verify the information unless there is a determination by the relevant Data Integrity Board, for a limited class of information, that there is a high degree of confidence that the information is accurate. Agencies must also, at least 30 days before taking adverse action (unless statute or regulation states otherwise), provide notice to the individual of the agency's findings and provide an opportunity to contest those

findings. These requirements do not apply in situations where public health or public safety may be adversely affected or significantly threatened.

5. **Security Controls.**

Agencies should employ adequate and effective security controls to protect the confidentiality, availability, and integrity of all systems and data, including all data shared with other organizations. Agencies should ensure, prior to the sharing of any data, that the recipient organization affords the appropriate equivalent level of security controls as maintained by the originating agency. Since data security remains the responsibility of the originating agency, procedures should be agreed to in advance that provide for the monitoring over time of the effectiveness of the security controls of the recipient organization.

Both originating and recipient agencies should consider and apply all appropriate management, operational, and technical security controls commensurate with the level of risk and magnitude of harm that would occur if the security of the data and the systems that process it were breached. Agencies should particularly consider physical security needs, such as whether personal information is so sensitive that it should be kept in an approved security container, or whether access to where the information is located should be limited. Agencies should also consider personnel security needs, such as additional controls over individuals who have access to data. They should also consider network security, including encryption for data in transit and protection for data at rest. In addition, agencies receiving data via data sharing must have procedures for the retention and timely destruction of identifiable records. Especially for more sensitive data, audit trails and other anti-browsing features may be appropriate in the recipient agency. For further guidance on ensuring adequate security, *see* OMB Circular A-130, Appendix III, "Security of Federal Automated Information Resources" and all associated National Institute of Standards and Technology (NIST) computer security guidance.

Additional Guidance

6. **Minimization.**

When dealing with paper records, it may be difficult to provide only certain data elements to other agencies, because of the need for manual redaction of other information. In the computer world, it is far easier to implement sharing of only a narrow range of information that is necessary to verify an applicant's eligibility for a program. Agencies should analyze what data are needed for program purposes and make every effort to ensure that they transfer only that information.

7. **Accountability.**

Data sharing programs should include mechanisms to ensure that agencies are accountable for adhering to these principles. Some of these measures are already found in the Privacy Act, which provides for civil and criminal penalties for non-compliance.

Agencies should also consider training programs that stress accountability and explain penalties for breaches of confidentiality. Especially for more sensitive data and more extensive data sharing arrangements, agencies should consider whether additional oversight mechanisms, such as self-audits, are justified.

For example, agencies should establish procedures to ensure compliance with redisclosure limitations. One mechanism for assuring compliance would be to have the recipient agency certify on a periodic basis that it has examined practices regarding redisclosure and, if necessary, taken corrective action where improper redisclosures have occurred.

8. Privacy Impact Assessments.

In the President's FY2001 budget, the President announced an initiative to make "privacy impact assessments," or "PIAs," a regular part of the development of new Government computer systems. A PIA is a plan to build privacy protection into new information systems, such as, for example, by asking systems personnel and program personnel to work through questions on data needs and data protection *before* the system is developed. The CIO Council has voted the IRS PIA a best practice; it is available as a reference at <http://www.cio.gov>.

For any questions about this guidance, contact Lauren Steinfeld or Brooke Dickson of the Office of Information and Regulatory Affairs, Office of Management and Budget. Lauren Steinfeld can be reached at phone (202) 395-3647, fax (202) 395-3047, e-mail Lauren_Steinfeld@omb.eop.gov. Brooke Dickson can be reached at phone (202) 395-3191, fax (202) 395-5167, e-mail Brooke_Dickson@omb.eop.gov.

1. For purposes of this guidance, "data sharing" means data matching activities or programs covered under the Computer Matching and Privacy Protection Act.

2. This guidance does not apply to several types of matching activities or programs excluded by the Matching Act, such as matches performed to produce aggregate statistical data without any personal identifiers and matches performed to support any research or statistical project. Such data may not be used to make decisions concerning the rights, benefits, or privileges of specific individuals.

DAN RAYFIELD
Attorney General
THOMAS H. CASTELLI #226448
Senior Assistant Attorney General
KATE E. MORROW #215611
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kate.e.morrow@doj.oregon.gov

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF OREGON; and TOBIAS READ,
in his official capacity as the Oregon Secretary
of State,

Defendants.

Case No. 6:25-cv-01666-MTK

STATE DEFENDANTS' MOTION TO
DISMISS

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LR 7-1 CERTIFICATION

In compliance with LR 7-1(a), undersigned counsel for Oregon have conferred in good faith with all counsel regarding the issues presented by this Motion to Dismiss. Plaintiff opposes the motion.

MOTION

Defendants State of Oregon and Tobias Read in his official capacity as Secretary of State for the State of Oregon (together, Defendants or Oregon) move the Court for an order dismissing Plaintiff United States of America's Complaint in its entirety for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). The grounds for this Motion to Dismiss are set forth in the accompanying Memorandum.

MEMORANDUM IN SUPPORT

I. INTRODUCTION

Plaintiff United States of America, through the Department of Justice, seeks an order directing the Defendants Secretary of State and the State of Oregon to turn over a copy of Oregon's computerized voter registration list of its nearly 3.8 million registered voters. *See* Compl. ¶ 35. It demands Oregon do so "with all fields" of information associated with each individual voter's registration record. *Id.* ¶ 51. Plaintiff also demanded that Defendants answer several narrative questions about data provided to the Election Assistance Commission and generally about Oregon's practices related to unauthorized registrants. *Id.* ¶¶ 38, 45.¹ Oregon law provides that any person may request a list of voters; however, that list cannot contain a voter's birth month, birthday, social security number, or driver's license number. ORS 247.945(1); ORS 247.948(2). Defendants offered to provide the publicly available list under its normal procedures,

¹ While the Complaint alleges that Defendants did not adequately respond to these narrative questions, Plaintiff's Prayer for Relief asks only that the Court order Defendants to provide the unredacted voter list and does not ask the Court to compel Defendants to provide answers. Nevertheless, for the reasons set forth in this brief, the statutes cited by Plaintiff contain no such authority.

if Plaintiff met certain requirements of federal law. Plaintiff responded by filing this lawsuit. *See* Declaration of Thomas H. Castelli at Ex. 3.

Plaintiff is not legally entitled to the sensitive voter information it demands. Plaintiff fails to adequately allege compliance with federal laws protecting citizens' personal information: the Privacy Act and the E-Government Act. Without compliance with these acts, Plaintiff is prohibited from collecting the information in the voter list. Each of Plaintiff's three claims fail.

In its first count, DOJ claims it is entitled to the protected voter information under the National Voter Registration Act's ("NVRA") public inspection provision. However, nothing in NVRA's disclosure provision requires the production of highly sensitive information, and numerous courts have found that the NVRA permits redactions of sensitive voter information. In its second count, Plaintiff claims its generic enforcement authority under the Help America Vote Act ("HAVA") empowers it to demand and receive the sensitive data requested. No legal authority supports that proposition. In its third count, DOJ attempts to invoke Title III of the Civil Rights Act of 1960 ("CRA"), a civil rights era tool that allows the Attorney General to make demands to inspect elections records to enforce voting rights laws related to discrimination in voter registration based on race. Plaintiff fundamentally misunderstands the CRA's purpose and operation. Plaintiff cannot provide a statement of the basis and the purpose for its records demand for a purpose consistent Title III's narrow scope. Additionally, like the NVRA and HAVA, nothing in the CRA requires the production of sensitive information or prevents its redaction.

For the reasons set forth below, the Court should therefore grant Oregon's Motion to Dismiss the Complaint

II. BACKGROUND

The Plaintiff United States of America asks the Court to order the Defendants to provide confidential, sensitive information regarding Oregon voters.² On July 16, 2025, Plaintiff sent Oregon Secretary of State Tobias Read a letter requesting “[t]he current electronic copy of Oregon’s computerized statewide voter registration list.” Castelli Decl., Ex. 1 (July 16, 2025 Letter)³; Compl. ¶ 34–35, ECF 1. The July letter also asked Defendants to provide narrative answers to broad, often vague, questions “in electronic form.” Compl. ¶¶ 36–45; Castelli Decl., Ex. 1 at 2–3. Six numbered questions asked the Secretary to “explain” or “describe” certain information that Oregon provided to Election Assistance Commission’s (EAC) Election Administration and Voting Survey (EAVS). *See* Compl. ¶¶ 36–44; Castelli Decl., Ex. 1 at 2–3. A seventh, unnumbered question asked the Secretary to “provide a description of the steps that Oregon has taken” to remove ineligible voters from its voting rolls and identify registered voters deemed ineligible because they were non-citizens, adjudicated incompetent, or had felony convictions. *See* Compl. ¶ 45; Castelli Decl., Ex. 1 at 3. Plaintiff claimed that it is entitled to this information under the NVRA, 52 U.S.C. § 20501 *et seq.* Castelli Decl., Ex. 1 at 1.

By letter dated August 14, 2025, Plaintiff stated that it requires the voter list “to assess your state’s compliance with the statewide VRL maintenance provisions of the [NVRA].” Castelli Decl., Ex. 2 at 1 (August 14, 2025 Letter)⁴; Compl. ¶¶ 47–51. The letter expanded Plaintiff’s request, specifying that the voter list must contain “*all fields*, which includes either the

² Oregon’s Constitution and laws refer to voters as “electors.” *See e.g.*, Oregon Const. art. II. For clarity, Defendants will use the term voters in this motion.

³ Plaintiff references and quotes from the July 16, 2025 letter in its Complaint and its contents form the basis of Plaintiff’s factual allegations. *See* Compl. ¶¶ 34–35. Because the letter is incorporated by reference into the Complaint, it is properly considered on a motion to dismiss. *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003); *Lonberg v. Freddie Mac*, 776 F. Supp. 2d 1202, 1206 (D. Or. 2011).

⁴ Plaintiff also references and quotes from the August 14, 2025 letter in its Complaint and its contents form the basis of Plaintiff’s factual allegations. *See* Compl. ¶¶ 34–35. Because the letter is incorporated by reference into the Complaint, it is properly considered on a motion to dismiss. *Ritchie*, 342 F.3d at 908; *Lonberg*, 776 F. Supp. 2d at 1206.

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.” Compl. ¶ 51 (quoting the August 14, 2025 letter, Castelli Decl., Ex. 2 at 1) (emphasis in original). For the first time in this second letter, Plaintiff invoked HAVA, 52 U.S.C. § 20501 *et seq.*, and the CRA, 52 U.S.C. § 20701, *et seq.*, as a basis for its demand.

Oregon law provides that any person may request a list of voters. ORS 247.945(1). The publicly available information of a voter is limited to the name, address, phone number, year of birth, party affiliation, if any, whether the person voted in previous elections, the voter’s precinct, and the administrative number for the voter that is used by the Secretary of State’s office. ORS 247.948(1)(a). The publicly available list may not include a voter’s birth month, birthday, social security number, or driver’s license number. ORS 247.948(2). The list must also exclude information about participants in the Address Confidentiality Program⁵ or is otherwise deemed confidential.⁶ ORS 247.945(1). The procedures to request a copy of the statewide voters list, or a less than statewide list are set forth in OAR 165-002-0020.

On August 21, 2025, Secretary of State Read sent a letter responding to Plaintiff’s July 16 and August 14 demands for information. Compl. ¶ 52; Castelli Decl., Ex. 3 (August 21, 2025 Letter).⁷ The Secretary’s letter responded to the requests to explain Oregon’s voter maintenance program by providing references to Oregon’s statutes governing its general program for list maintenance, including the removal of ineligible voters. Defendants also responded to Plaintiff’s request that they list current and prior election officials responsible for

⁵ The Address Confidentiality Program applies to a “victim of domestic violence, a sexual offense, stalking, bias or human trafficking and that the applicant fears for the applicant’s safety or the safety of the applicant’s child or ward.” ORS 192.826(3)(a).

⁶ ORS 247.965 allows a voter to request their address be confidential for personal safety reasons or if the voter has been identified as an election worker. ORS 247.965(2).

⁷ Plaintiff references and quotes from the Secretary’s August 21, 2025 letter responding to Plaintiff in its Complaint and its contents form the basis of Plaintiff’s factual allegations. *See* Compl. ¶¶ 52–56, 59–60. Because the letter is incorporated by reference into the Complaint, it is properly considered on a motion to dismiss. *Ritchie*, 342 F.3d at 908; *Lonberg*, 776 F. Supp. 2d at 1206.

implementing that Program. Castelli Decl. at Ex. 3 at 3. Defendants also stated that Plaintiff lacked federal authority for its request for the voter list or to require Defendants to provide narrative responses to Plaintiff's questions. Compl. ¶ 56; Castelli Decl., Ex. 3 at 2. Defendants noted that, as a condition to Plaintiff's demand for sensitive information related to Oregon voters, Plaintiff must comply with the Privacy Act of 1974 ("Privacy Act"), U.S.C. § 552a. Compl. ¶ 56; Castelli Decl., Ex. 3 at 2. Once Plaintiff issued the required System of Records Notice (SORN) in the Federal Register, Defendants offered to provide the publicly available voter list pursuant to the requirements of applicable state laws and rules. Compl. ¶ 56; Castelli Decl., Ex. 3 at 2. Although not specifically requested, and on the same conditions, Defendants also offered to provide a list of registered voters to whom a confirmation notice was sent in response to some of Plaintiff's narrative questions. Castelli Decl., Ex. 3 at 3.

Plaintiff has not issued a SORN related to its request for Oregon's voter list. Nor did plaintiff respond to Secretary Read's August 21, 2025 letter. Instead, it filed the Complaint asking the Court find that Oregon has violated the NVRA, HAVA, and Title III of the CRA, and order that Defendants provide "a current electronic copy of Oregon's computerized, statewide voter registration list, with all fields, including each registrant's full name, date of birth, residential address, and either their state driver's license number or the last four digits of their Social Security number." Compl. at 21 (Prayer for Relief).

III. LEGAL STANDARD

To survive a motion to dismiss under Rule 12(b)(6), a plaintiff must allege facts that, if accepted as true, are sufficient to "raise a right to relief above the speculative level" and to state a "claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007). Courts should grant Rule 12(b)(6) motions when there is no cognizable legal theory to support the claim. *See Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001). At the motion to dismiss stage, courts must accept all material facts alleged in the complaint as true and construe them in the light most favorable to the non-moving party. *Wilson v. Hewlett-Packard Co.*, 668

F.3d 1136, 1140 (9th Cir. 2012). A court may consider documents not physically attached to a complaint where they are incorporated by reference and the complaint relies on them. *See Lonberg v. Freddie Mac*, 776 F. Supp. 2d 1202, 1206 (D. Or. 2011); *see also United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003). To be entitled to a presumption of truth, however, allegations in a complaint “may not simply recite the elements of a cause of action but must contain sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself effectively.” *Starr v. Baca*, 652 F.3d 1202, 1216 (9th Cir. 2011). Courts need not credit a plaintiff’s legal conclusions couched as factual allegations. *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009). “In sum, for a complaint to survive a motion to dismiss, the non-conclusory ‘factual content,’ and reasonable inferences from that content, must be plausibly suggestive of a claim entitling the plaintiff to relief.” *Moss v. U.S. Secret Serv.*, 572 F.3d 962, 969 (9th Cir. 2009).

IV. ARGUMENT

This Court should dismiss Plaintiff’s claims. First, Plaintiff has not complied with the Privacy Act of 1974 or the E-Government Act,⁸ which are a prerequisite for Plaintiff—the federal government—to collect the requested information. Second, Plaintiff’s claims under the NVRA and HAVA fail because neither statute requires Defendants to produce unredacted copies of the voter file, nor do they authorize Plaintiff to demand the sensitive information it seeks. Finally, Plaintiff’s CRA claim fails because Plaintiff has not validly requested information

⁸ Plaintiff’s demand also likely violates the Driver’s Privacy Protection Act (“DPPA”). In Oregon, the Driver and Motor Vehicle Services Division (“DMV”) electronically provides to the Secretary certain information associated with each person who applies for, renews, or replaces a driver’s license, permit, or identification card and who is qualified to register to vote. ORS 247.014;247.017. The DPPA prohibits disclosing “personal information” that is obtained by the DMV in connection with a “motor vehicle record.” 18 U.S.C. §§ 2721(a), 2725(1), (3), & (4); *Reno v. Condon*, 528 U.S. 141, 143 (2000). Plaintiff alleges no reason why driver’s license numbers for millions of registered voters would be necessary to determine whether Oregon’s general program of list maintenance is adequate. Plaintiff certainly has not alleged how it would use those driver’s license numbers.

relating to a civil rights investigation under the CRA. None of the statutes cited authorize Plaintiff to require defendant to answer narrative questions.

A. The Federal Government must comply with the Privacy Act of 1974 and other federal privacy laws to collect and maintain a system of records and is prohibited from collecting information relating to protected First Amendment activity like voting.

Plaintiff demands that Defendants produce an unredacted voter list with sensitive personal identifying information as well as information related to Oregon voters' First Amendment activity. Congress, however, has limited federal agencies on when and what information it may request and store. Compliance with Plaintiff's request violates federal law. The Court should not order Defendants to be complicit in that violation. If the Court determines that the Privacy Act or other privacy issues raised should be treated as an affirmative defense, it may consider them at the motion to dismiss phase. *Sams v. Yahoo! Inc.*, 713 F.3d 1175, 1179 (9th Cir. 2013). Specifically, if the Court finds an "obvious bar to securing relief on the face of the complaint," it can dismiss based on an affirmative defense. *U.S. Commodity Futures Trading Comm'n v. Monex Credit Co.*, 931 F.3d 966, 973 (9th Cir. 2019) (quotation omitted). The Complaint shows three such obvious bars to relief: failure to comply with the Privacy Act, the E-Government Act, and the Driver's Privacy Protection Act.

1. Plaintiff's Request for information from Defendants violates the Privacy Act of 1974.

The Privacy Act of 1974, as codified at 5 U.S.C. § 552a, bars DOJ's claim for Oregon voter information. "The Privacy Act exists to protect individuals from disclosure of government-collected information." *Ritter v. United States*, 177 Fed. Cl. 84, 87 (2025). "The passage of the Privacy Act was spurred by congressional concern in response to the explosion of computer technology, which allowed for compilation and storage of data in quantities not seen before, coupled with rightful and broad condemnation of government surveillance programs including Watergate and the FBI's COINTELPRO." *Garris v. Fed. Bureau of Investigation*, 937 F.3d 1284, 1295–96 (9th Cir. 2019) (citing Steven W. Becker, *Maintaining Secret Government*

Dossiers on the First Amendment Activities of American Citizens: The Law Enforcement Activity Exception to the Privacy Act, 50 DePaul L. Rev. 675, 679 (2000)). “[T]he Act was ‘designed to set in motion a long-overdue evaluation of the needs of the federal government to acquire and retain personal information on Americans, by requiring stricter review within agencies of criteria for collection and retention’ of such information.” *Id.* at 1296 (quoting S. Rep. No. 93-1183, at 2 (1974) (Conf. Rep.), as reprinted in 1974 U.S.C.C.A.N. 6916, 6917) (emphasis removed). The law created “certain safeguards for an individual against an invasion of personal privacy.” Pub. L. No. 93–579, § 2(b), 88 Stat. 1896 (1974). Federal agencies are prohibited from collecting or maintaining records related to an individual’s First Amendment activities (unless narrow exceptions apply), and they must follow specific procedures before they “maintain, collect, use, or disseminate” any group of records searchable by individual. 5 U.S.C. §§ 552a(a)(3), (a)(5), (e)(4), (e)(7), (f).

The Privacy Act applies to the detailed voter data requested by Plaintiff. A “record” includes “any item, collection, or grouping of information about an individual that is maintained by an agency . . . and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual.” 5 U.S.C. § 552a(a)(4). The requested voter list meets this definition. The limited voter lists available under ORS 247.945(1) contain personal information like addresses, phone numbers, party registration, voting participation history, and year of birth. ORS 247.948(1)(a). The expanded list demanded by Plaintiff contains even more sensitive personal identifying information protected as confidential under Oregon law, such as drivers’ license numbers, social security numbers, and full birth dates. *See* ORS 247.948(2); *see also* Compl. ¶ 51 (requesting the statewide voter registration list with “all fields,” including sensitive personal data). If Plaintiff collects these records through this suit, it will result in a covered collection of records under the Privacy Act. *See* 5 U.S.C. § 552a(a)(3) (defining “maintain” to include “maintain, collect, use, or disseminate”).

a. The Privacy Act prohibits Plaintiff from collecting or maintaining records of an individual’s First Amendment activity.

The Privacy Act governs Plaintiff’s request for records from Oregon and precludes collection of this data. The Privacy Act bars federal agencies from collecting or maintaining records “describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.” 5 U.S.C. § 552a(e)(7). Plaintiff’s demand conflicts with this statutory bar. The voter list contains voter registration information, party affiliation, and a voter’s choice to participate or not in an election. This conduct by Oregon voters is a form of political expression protected by the First Amendment. *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182, 195 (1999) (choice of whether to register to vote “implicates political thought and expression”); *Rutan v. Republican Party of Ill.*, 497 U.S. 62, 69, 75–76 (1990) (the expression of political beliefs and association through political affiliation is protected by the First Amendment). The Ninth Circuit has “recognize[d] that even ‘incidental’ surveillance and recording of innocent people exercising their First Amendment rights may have the ‘chilling effect’ on those rights that section (e)(7) was intended to prohibit. . . . Blanket allowance of such ‘incidental’ surveillance and recording under the guise of general investigation could permit the exception to swallow the rule.” *MacPherson v. I.R.S.*, 803 F.2d 479, 484 (9th Cir. 1986).

No exception applies. No statute authorizes Plaintiff to maintain Oregonians’ full, unredacted voter registration records. Plaintiff does not allege, nor could it, that it has received the express authorization of the millions of voters whose records it seeks. The information must, therefore, be “pertinent to and within the scope of an authorized law enforcement activity” to allow its collection and maintenance. *See* 5 U.S.C. § 552a(e)(7); *Garris*, 937 F.3d at 1295 (“[A]n agency may not ‘collect’ a record describing any individual’s protected First Amendment activity ‘unless pertinent to and within the scope of an authorized law enforcement activity.’”).

Any law enforcement activity must be relevant at the time of collection of the records and at the time of maintaining any such record. *Garris*, 937 F.3d at 1295.

Plaintiff alleges that its purpose in demanding the unredacted voter list is to investigate whether Defendants are “complying with the statewide voter registration list maintenance provisions of the NVRA.” Compl. ¶ 34; *see also* Castelli Decl., Ex. 1 at 1. The First Amendment protected information in the voter list is not pertinent to or within the scope of Plaintiff’s purported investigation of Oregon’s list maintenance program and practices under the NVRA and HAVA. *See* 52 U.S.C. § 20507(a)(4) (NVRA provision requiring states to “conduct a general program that makes a reasonable effort” to remove ineligible voters due to death or change in residence), cited in Compl. ¶¶ 10–14; 52 U.S.C. § 21083(a)(2), (a)(4) (similar provision in HAVA), cited in Compl. ¶ 21. Plaintiff does not allege that it is investigating any individual voter for any criminal or civil violation. The complete voter list, with all the sensitive information and information related to protected First Amendment activity are not pertinent or within the scope of an investigation into list maintenance practices. If a record “has at best only speculative relevance to an unstated law enforcement purpose,” this exception is not satisfied. *Garris*, 937 F.3d at 1299. Because no exception applies, the statutory bar on maintaining records on First Amendment activities prohibits Plaintiff from collecting the requested records.

b. The Privacy Act requires Plaintiff to issue a System of Records Notice for collecting and maintaining information on individuals.

Even if Plaintiff were to meet the standard for collecting information related to First Amendment activity or limit its request to information that does not contain that information, heightened protections apply when an agency establishes or alters a “system of records,” or “group of records under the control of any agency from which information is retrieved by the name of the individual” or other individual identifier. 52 U.S.C. § 552a(a)(5), (e). The Privacy Act requires Plaintiff to publish a System of Records Notice (SORN) in the Federal Register before “establish[ing] or revis[ing]” a “system of records.” *Id.* § 552a(e)(4).

The attempt to obtain unredacted voter records from multiple states is an example of a “system of records.” *See* 52 U.S.C. § 552a(a)(5). The Complaint identifies no SORN allowing it to collect this data, nor are Defendants aware of any applicable SORN. Plaintiff alleges that the records requested would be collected and maintained under the “SORN titled, JUSTICE/CRT – 001, ‘Central Civil Rights Division Index File and Associated Records,’ 68 Fed. Reg. 47610-01, 611 (Aug. 11, 2003); 70 Fed. Reg. 43904-01 (July 29, 2005); and 82 Fed. Reg. 24147-01 (May 25, 2017).” Compl. ¶ 62. The SORN found at 68 Fed. Reg. 47610-01 states that it applies to “case files, matters, memoranda, correspondence, studies, and reports relating to enforcement of civil rights laws and other various duties of the Civil Rights Division.” 68 Fed. Reg. at 47611. The regulation does not cover a voter list complete with names, addresses, party affiliation, and voting history, much less driver’s license numbers, social security numbers, and full dates of birth. The other regulations cited by Plaintiff amended certain US DOJ SORNs. 70 Fed. Reg. 43904-01 adds a new routine use of records maintained under the SORN for disclosing information related to closed investigations of public concern. 82 Fed. Reg. 24147-01 modified all US DOJ SORNs related to responses to a breach of personally identifying information. 82 Fed. Reg. 24147.

Plaintiff cannot shoehorn collecting records of Oregon voters, and other state’s voter information, under the existing 2023 SORN for maintaining investigatory files. Plaintiff’s efforts to collect and maintain this data are barred under the Privacy Act. By requiring a SORN to be filed in the federal register, the Privacy Act requires Plaintiff to put any new system of records up to public notice and comment regarding the nature, scope, and routine uses of the records before the government collects Americans’ data. 5 U.S.C. § 552a(e)(4)(D); *see Am. Fed’n of State, Cnty. & Mun. Emps., AFL-CIO v. Soc. Sec. Admin.*, 778 F. Supp. 3d 685, 763 (D. Md. 2025), *appeal docketed*, No. 25-1411 (4th Cir. Apr. 18, 2025). The Privacy Act was meant to establish “safeguards for an individual against an invasion of personal privacy.” Pub. L. No. 93–579, § 2(b), 88 Stat. 1896 (1974). Allowing Plaintiff to collect and maintain the personal and

First Amendment protected information in Oregon’s voter list without public notice and comment and full disclosure of what use and disclosure the data might be subjected to frustrates the purpose of the Privacy Act.

Because Plaintiff’s demand for the unredacted voter list violates the Privacy Act, the Court should address this problem now. The Court may consider this Privacy Act issue on a Motion to Dismiss because the violations “are apparent on the face of the complaint.” *Rivera v. Peri & Sons Farms, Inc.*, 735 F.3d 892, 902 (9th Cir. 2013). Plaintiff seeks Privacy Act-protected information but fails to include allegations explaining how this request for massive amounts of information on all voting Oregonians would comply with that law. Nor can this deficiency be cured. Plaintiff is statutorily barred from collecting records, such as these, that describe individuals’ protected First Amendment activity. *See* 5 U.S.C. § 552a(e)(7). And even if it could collect such records, no SORN satisfies Plaintiff’s rigorous procedural duties under the Act. *Id.* § 552a(e)(4). Plaintiff cannot, therefore, make a cognizable legal claim for the information requested from Defendants and the Court should dismiss the Complaint.

2. Plaintiff’s demand for information violates the E-Government Act.

The Court should also dismiss the Complaint for failure to comply with the E-Government Act, Pub. L. No. 107–347, § 208, 116 Stat. 2899 (2002). The E-Government Act requires federal agencies to conduct a “privacy impact assessment” (PIA) 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.* § 208(b). The PIA and its procedural requirements must be completed “before the agency initiates a new collection of information.” *Elec. Priv. Info. Ctr. v. Presidential Advisory Comm’n on Election Integrity*, 266 F. Supp. 3d 297, 311 (D.D.C. 2017) (emphasis in original).

Plaintiff is seeking information protected by the E-Government Act. The names, addresses, and sensitive voter information contained in the data and applications constitute

personal information protected by the Act, triggering the PIA requirement. See Pub. L. No. 107–347, § 208(b)(1)(A)(ii)(II); OMB Guidance, M-03-22 (Sep. 26, 2003) The Complaint does not allege that Plaintiff completed a PIA applicable to this data on individual voters. Because Plaintiff, again, failed to comply with federal laws limiting its collection of sensitive data, the Court should dismiss the Complaint.

B. Plaintiff does not assert a cognizable claim for relief under the NVRA because the NVRA does not require Oregon to produce the requested sensitive and private information.

The NVRA establishes nationwide standards for enhancing voter participation and protecting the integrity of elections. *See* 52 U.S.C. § 20501(b). One way the NVRA achieves those goals is through requiring states to conduct voter list maintenance. 52 U.S.C. § 20507(a)(4) (“[E]ach State shall . . . conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters.”). That list maintenance program must be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965,” and it must not result in the removal of a person registered to vote in a federal election for failure to vote except in specific circumstances. 52 U.S.C. § 20507(b). List maintenance activities include removing individuals from the official list of voters upon death or a change of residence, as well as sending confirmation notices to voters upon a change in residence to ensure accurate voter lists. 52 U.S.C. § 20507(a)–(f). A state “need not . . . go to ‘extravagant or excessive’ lengths in creating and maintaining such a program.” *Pub. Int. Legal Found. v. Benson*, 136 F.4th 613, 625 (6th Cir. 2025).

In addition to requiring list maintenance activities, the NVRA requires states to maintain records relating to each state’s list maintenance program and permit public inspection of those records. 52 U.S.C. § 20507(i). The NVRA requires that each state maintains “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)(1). The records that each state maintains pursuant to that provision “shall include lists of the names and

addresses of all persons to whom [confirmation notices] are sent, and information concerning whether or not each such person has responded to the notice.” 52 U.S.C. § 20507(i)(2). The NVRA requires states to make list maintenance program records available for “public inspection” and “where available, photocopying at a reasonable cost.” 52 U.S.C. § 20507(i)(1). The NVRA only requires “inspection.” There is no requirement that Oregon provide an electronic version of the records. *Greater Birmingham Ministries v. Sec’y of State*, 105 F.4th 1324, 1333 (11th Cir. 2024) (“‘[P]ublic inspection’ as used in the . . . [NVRA] does not include electronic disclosure”). This limitation to providing for the inspection of records likewise invalidates any argument by Plaintiffs that Defendants are required to provide narrative answers to its questions.

The public inspection provision of the NVRA does not require states to disclose sensitive information when producing a voter file. States may redact personal or sensitive information from a voter file before producing it, and in fact, should do so. *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024) (“[T]he proper redaction of certain personal information in the Voter File can further assuage the potential privacy risks implicated by the public release of the Voter File.”). Courts have held that certain categories of information should be redacted prior to publicly releasing the voter file. *See id.* Those categories include social security numbers, full birthdates, personal information of individuals subject to criminal investigations and those who potentially failed to meet citizenship requirements, and other personal information contained in the voter file. *Project Vote/Voting For America, Inc. v. Long*, 752 F. Supp. 2d 697, 712 (E.D. Va. 2010), *aff’d*, 682 F.3d 331 (4th Cir. 2012) (“[A]ny voter registration application containing an applicant’s SSN should be redacted before public exposure of the application.”); *True the Vote v. Hosemann*, 43 F. Supp. 3d 693, 734, 739 (S.D. Miss. 2014) (“[T]he NVRA Public Disclosure Provision does not require the disclosure of unredacted voter registration documents, including voter registrant birthdates.”); *Pub. Int. Legal Found., Inc. v. N.C. State Bd. of Elections*, 996 F.3d 257, 267–68 (4th Cir. 2021) (requiring NVRA records to be redacted “to

protect exonerated potential noncitizens and their sensitive information” including “the identities and personal information of those subject to criminal investigations”); *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1345 (N.D. Ga. 2016) (requiring redaction of all digits but the final four digits of a registrant’s phone number and social security number, all characters preceding the “@” symbol in a registrant’s email address, and a registrant’s birth date). The NVRA does not require the disclosure of sensitive information. No court has held otherwise. *See id.*

This court should reach the same conclusion—that any public disclosure of records under the NVRA does not require disclosure of sensitive information. Oregon law limits the publicly available information on a voter list. ORS 247.948(1)(a). The publicly available list may not include a voter’s birth month, birthday, social security number, or driver’s license number. ORS 247.948(2). The NVRA does not compel production of such sensitive information. *See Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th at 56; 52 U.S.C. § 20507(i)(1). Oregon’s voter information protections do not frustrate the NVRA’s purpose and operate harmoniously with the NVRA’s public disclosure requirements.

Defendants offered Plaintiff the opportunity to acquire the list made available to members of the public, subject to Plaintiff’s compliance with the Privacy Act. Compl. ¶ 56. Defendants also offered to provide a list of the voters to whom such confirmation notices are sent for a period of two years. *Id.* at ¶ 60; Castelli Decl. Ex. 3 at 3. Again, the provision of the information was a condition on Plaintiff’s compliance with federal privacy laws and state procedures. Plaintiff have not responded to these offers to provide information under the NVRA and, instead, filed this lawsuit. Defendants have complied with the requirements of the NVRA by offering voter list information without the sensitive, personal information. The NVRA compels nothing more.

C. HAVA does not require Oregon to produce any information beyond that required by the NRVA.

HAVA does not provide an independent authority under which states must provide information about the voter registration list, or the list itself, to Plaintiff. Plaintiff argues that

HAVA “also provides authority for the Justice Department to seek the State’s VRL,” Compl. ¶ 49; that Oregon’s failure to comply with the information requests in the July 16 and August 14, 2025 letters “prevents the Attorney General from enforcing the list maintenance procedures required by . . . HAVA,” Compl. ¶ 71; and that failure to comply with those letters also “prevents the Attorney General from determining Oregon’s compliance with the list maintenance requirements of HAVA,” Compl. ¶ 72. Plaintiff incorrectly interprets HAVA. HAVA does not provide Plaintiff with any authority to require states to disclose the voter registration list to Plaintiff.

HAVA establishes requirements for states to follow in running federal elections. It includes voting technology requirements, voter registration requirements, and voter registration management requirements, among others. *See* 52 U.S.C. §§ 20901–21145. It requires states to implement and administer a computerized statewide voter registration list. 52 U.S.C. § 21083(a)(1)(A). HAVA requires states to maintain that list, including removals of ineligible voters, in accordance with the NVRA. 52 U.S.C. §§ 21083(a)(2), (4). HAVA does not include any provisions authorizing public inspection of that voter list or maintenance practices, nor does it include any other standalone public disclosure provision. *See* 52 U.S.C. §§ 21081–21085 (providing the requirements that states must implement).

The provision that authorizes the Attorney General to enforce the requirements of HAVA contains only a cause of action for the Attorney General, and it does not contain any information sharing requirements as part of that provision. *See* 52 U.S.C. § 21111. Nor does any other provision of HAVA require states to share information about the statewide voter registration list with the federal government. *See generally* 52 U.S.C. § 20901–21145. Thus, HAVA is not an independent legal authority under which Plaintiff may compel states to produce records and information pertaining to the statewide voter registration list.

HAVA works together with the NVRA, but unlike the NVRA, it does not have a public inspection provision. HAVA’s statutory text includes no requirement to produce information

about specific registered voters, and its text must control. *See Oklahoma v. Castro-Huerta*, 597 U.S. 629, 642 (2022). Plaintiff cites no HAVA provision for authority to demand documents. *Peters v. United States*, 853 F.2d 692, 696 (9th Cir. 1988) (authority of government agency to issue document request “created solely by statute”). Instead, Plaintiff makes conclusory allegations that Defendants violate HAVA by failing to provide the unredacted voter lists. Compl. ¶¶ 71–72. HAVA, however, specifically states that “nothing in this [Act] may be construed . . . to supersede, restrict, or limit the application of . . . The [NVRA].” 52 U.S.C. § 21145(a)(4); *see also Project Vote/Voting for America, Inc. v. Long*, 682 F.3d 331, 338 (4th Cir. 2012) (“Thus, by its own terms, HAVA cannot restrict or limit the application of the NVRA’s public disclosure requirement.”).

Any information required by HAVA may be requested under the NVRA’s public inspection provision, subject to the redaction of sensitive information as discussed above. Because nothing in HAVA entitles the federal government, or the public generally, to documents relating to the statewide registration list, HAVA does not provide any standalone authority for Plaintiff to compel Oregon to provide the statewide voter registration list or other information that Plaintiff requested in its letters. Accordingly, this Court should dismiss Count II.

If Plaintiff seeks to “evaluate the State of Oregon’s compliance with HAVA pursuant to the Attorney General’s statutory enforcement authority under 52 U.S.C. § 21111,” Compl. ¶ 70, then it must go through the normal process for requesting records under the NVRA’s public inspection provision and comply with the Privacy Act, as described above. As with the NVRA, assessing compliance with HAVA does not require an unredacted copy of the statewide voter list, nor does it require the disclosure of personal and sensitive voter information including full birth dates, driver’s license numbers, or social security numbers. Therefore, Plaintiff has no authority under the HAVA enforcement provision to compel Oregon to produce that information, or any other information, under HAVA.

D. Plaintiff has not posed a valid request for information under the Civil Rights Act.

Title III of the Civil Rights Act of 1960 (“CRA” or “Title III”) was “designed to secure a more effective protection of the right to vote.” *Alabama ex rel. Gallion v. Rogers*, 187 F. Supp. 848, 853 (M.D. Ala. 1960), *aff’d sub nom. Dinkens v. Att’y Gen. of U.S.*, 285 F.2d 430 (5th Cir. 1961). As part of this effort, Title III requires retention of certain documents by elections officials: “[e]very officer of election⁹ shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election . . . all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such [federal] election[.]” 52 U.S.C. § 20701 (alteration added). If certain conditions are met, Plaintiff may inspect these records. *Id.* § 20703. The Attorney General must present “a statement of the basis and the purpose therefor.” *Id.*

1. Plaintiff may not invoke Title III to investigate issues unrelated to civil rights.

Plaintiff’s demand for records also fails to satisfy Title III’s requirements because the stated purpose falls outside the scope of the CRA. The CRA’s text and history limit Title III to investigations of civil rights violations, namely, efforts to prevent eligible voters from voting or registering to vote for illegal reasons like racial discrimination. As shown below, for the “statement of the basis and the purpose” of a Title III demand to be valid, it must relate to a civil rights investigation.

Title III’s text provides that the “statement of the basis and the purpose” “shall” be included in a records demand, demonstrating that it is an explicit requirement and precondition. *See Bufkin v. Collins*, 604 U.S. 369, 379 (2025) (“It is undisputed that the word ‘shall’ imposes a mandatory command. ‘Shall’ means ‘must.’” (citation omitted)). But a statement of bases or

⁹ An “officer of election” is “any person who, under color of any Federal, State, Commonwealth, or local law, statute, ordinance, regulation, authority, custom, or usage, performs or is authorized to perform any function, duty, or task in connection with any application, registration, payment of poll tax, or other act requisite to voting in any general, special, or primary election at which votes are cast for candidates” in federal elections. 52 U.S.C. § 20706.

purposes unrelated to voting cannot not suffice as it would “sap the interpreted provision of all practical significance.” *See Pac. Coast Fed’n of Fishermen’s Ass’ns, Inc. v. Nickels*, 150 F.4th 1260, 1271, 1273 (9th Cir. 2025). Indeed, “[i]t is a ‘familiar rule that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit nor within the intention of its makers.’” *United Steelworkers of Am., AFL-CIO-CLC v. Weber*, 443 U.S. 193, 201–02 (1979) (concluding that the “prohibition against racial discrimination in . . . Title VII must therefore be read against the background of [its] legislative history . . . and the historical context from which the Act arose”); *Doe v. Kamehameha Schs./Bernice Pauahi Bishop Est.*, 470 F.3d 827, 846 (9th Cir. 2006) (applying *Weber*).

The Court must read that text alongside Title III’s context and history. *See Avila v. Spokane Sch. Dist.* 81, 852 F.3d 936, 941 (9th Cir. 2017). The overwhelming evidence shows that Title III of the CRA was enacted to facilitate investigation into civil rights violations related to discrimination in voting. A valid “statement of the basis and purpose,” then, is one that relates to such an investigation.

First, the text of the relevant portions of the CRA reveal that the intent was to force recalcitrant county or state election officials to maintain registration records and records that might pertain to some bar to voting. The CRA requires retention of records “relating to any application, registration, payment of poll tax, or other act requisite to voting in such [federal] election[.]” 52 U.S.C. § 20701. The CRA does not discuss voter list maintenance or removing voters from the rolls due to death or relocation.

Both congressional reports and President Eisenhower’s signing statement indicate that the CRA focused on the “key constitutional right of every American, the right to vote without discrimination on account of race or color.” Castelli Decl. Ex. 4 at 1; Ex. 5 at 2 (under “Summary”); Ex. 6 at 1–3. Title III was enacted to further that overarching goal of the CRA. The year before the CRA’s enactment, the President’s recommendations to Congress emphasized the “serious obstacle” that insufficient access to voter registration records posed to safeguarding the

right to vote under the Civil Rights Act of 1957. Castelli Decl. Ex. 7 at 2. Once enacted, the President’s signing statement recognized that Title III “requires the retention of voting records, [which] will be of invaluable aid in the successful enforcement of existing voting rights statutes.” *Id.* Ex. 4 at 1–2.

In fact, all contemporaneous records related to the CRA’s enactment strongly indicate that Title III was enacted to build upon the Civil Rights Act of 1957. As a House committee report explained, “Title III is a necessary supplement to part IV of the Civil Rights Act of 1957,” and “would implement Federal enforcement” of this prohibition. *Id.* Ex. 6 at 26; *see also* Ex. 10 at Part IV. And the congressional record repeatedly shows that Title III was meant to facilitate the enforcement of the voting rights protections codified in the Civil Rights Act of 1957. *Id.* Ex. 8 at 3683, 3692; Ex. 9 at 5193, 5209; *see also Rogers*, 187 F. Supp. at 853 (finding that the CRA’s legislative history “leaves no doubt but that [Title III] is designed to secure a more effective protection of the right to vote”).

Courts construing Title III shortly after it was enacted confirm that its aim was to facilitate protection of the right to vote through the Civil Rights Act of 1957 and the CRA itself. *Kennedy v. Lynd*, 306 F.2d 222, 228 (5th Cir. 1962) (explaining that the Attorney General “is entitled to inspect and copy all of the voter papers and records as defined” “in fulfillment of the duties imposed upon him by the Civil Rights Act of 1957 and 1960”). Valid statements of basis and purpose from the time of enactment were “based upon information in the possession of the Attorney General tending to show that distinctions on the basis of race or color have been made with respect to registration and voting within your jurisdiction.” *Id.* at 231 n.6; *In re Coleman*, 208 F. Supp. 199, 199–200 (S.D. Miss. 1962), *aff’d sub nom. Coleman v. Kennedy*, 313 F.2d 867 (5th Cir. 1963). Repeatedly addressing the issue, the Fifth Circuit “laid down the rule that the government is entitled to have an order of the trial court authorizing it to inspect the voting records” based on Plaintiff’s “reasonable grounds for belief that certain voters are being

discriminatorily denied their voting rights in a given county.” *United States v. Lynd*, 301 F.2d 818, 822 (5th Cir. 1962).

No valid civil rights purpose is alleged in the Complaint. Plaintiff’s alleged purpose concerns assessing compliance with the voter registration list maintenance provisions of the NVRA, which requires each state to “conduct a general program that makes a reasonable effort to remove the names of” voters who are ineligible due to death or a change in residence. 52 U.S.C. § 20507(a)(4); Compl. ¶ 51. Any alleged failure to purge voter registration lists of ineligible voters does not automatically fall within Title III’s scope. *See Kennedy v. Bruce*, 298 F.2d 860, 863 & n.2 (5th Cir. 1962) (noting that statistical evidence in a Title III proceeding indicating a failure to remove voters who moved away or died was “a matter which does not bear any particular importance to the present inquiry”). Plaintiff must articulate a purpose and basis that relates to an investigation into civil rights, specifically, discrimination in voting.

Here, Plaintiff has failed to allege any basis for its demand that any discrimination in voting is occurring in Oregon. Plaintiff’s alleged purpose is not valid either because it has not articulated how its assessment of Oregon’s compliance with 52 U.S.C. § 20507(a)(4) relates to an investigation into civil rights, and more specifically, discrimination in voting. Nothing in Plaintiff’s Complaint or letters to the Secretary suggests that any of these kinds of allegations could be made.

2. Plaintiff’s demand for records fails to satisfy an essential statutory requirement.

Plaintiff failed to provide both “a statement of the basis” for its demand and a statement of “the purpose therefor,” as required by 52 U.S.C. § 20703. In the past, Plaintiff has treated “purpose” and “basis” separately. *See Lynd*, 306 F.2d at 231 n.6 (showing a demand by the Attorney General where it stated a basis and a purpose); *In re Coleman*, 208 F. Supp. at 199–200 (same). *See Confederated Tribes & Bands of Yakama Nation v. Yakima Cnty.*, 963 F.3d 982, 990 (9th Cir. 2020) (“[W]hen ‘and’ is used to join two concepts, it is usually interpreted to require ‘not one or the other, but both.’”).

Plaintiff alleges that “[t]he purpose of the request is to ascertain Oregon’s compliance with the list maintenance requirements of the NVRA and HAVA.” Compl. ¶ 51 (quoting August 14, 2025 letter); Castelli Decl. Ex. 1. Plaintiff’s statement amounts, at best, only to a statement of its purpose, meaning the object of the request. *See Purpose*, Merriam-Webster Dict., <https://www.merriam-webster.com/dictionary/purpose> (defining “purpose” as “something set up as an object or end to be attained: intention”). In contrast, a “basis” is “something on which something else is established or based.” *Basis*, Merriam-Webster Dict., <https://www.merriam-webster.com/dictionary/basis>. Plaintiff’s request fails to provide any statement of its grounds for suspecting that Oregon was violating the NVRA or to explain how the requested records are relevant to its inquiry. Allowing Plaintiff to obtain records without such a showing would ignore the canon against surplusage and ignore Congress’s choice in establishing this requirement. *In re Saldana*, 122 F.4th 333, 342–43 (9th Cir. 2024).

3. Plaintiff is entitled to only in-person, redacted inspection of records covered by Title III.

Even if the Court concludes that Title III authorizes Plaintiff’s demand, Plaintiff may only inspect a redacted version of Oregon’s voter registration list at the Secretary’s office. Plaintiff is not entitled to inspect an unredacted version of Oregon’s voter list, which includes voters’ “state driver’s license number, or the last four digits of their Social Security number.” Compl. at 21 (Prayer for Relief). Title III does not preclude Oregon’s confidentiality protections of voter’s sensitive information for several reasons. Title III requires, in response to a proper demand, that the recordkeeper make available “all records . . . relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.” 52 U.S.C. §§ 20701, 20703. Title III’s text does not prohibit the redaction of sensitive voter information. *Cf. Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th at 56 (finding that “the appropriate redaction of uniquely or highly sensitive personal information in the Voter File” was permissible where the NVRA did not prohibit such redactions). Moreover, Title III’s purpose is to enable civil rights investigations into discrimination in voting, but there is no articulated connection between the

sensitive voter information Plaintiff demands and an allegation of or investigation into discrimination in voting. Plaintiff points to no reason why the investigation into voter list maintenance practices requires unredacted information. Because Title III does not require Defendants to violate state law and produce the full voter list, Plaintiff cannot compel them to do so.

Finally, Plaintiff's demand that it be sent an electronic version of Oregon's statewide voter registration database is contrary to Title III's unambiguous text. Compl. ¶ 51 and p. 21 (Prayer for Relief). A valid demand would require only that the records "be made available . . . at the principal office of such custodian." 52 U.S.C. § 20703 (emphasis added). Plaintiff's demand that Defendants produce an electronic copy is, therefore, beyond the scope of relief that the Court may provide.

V. CONCLUSION

Because Plaintiff has not complied with the Privacy Act or E-Government Act, it is not entitled to Oregon's voter list, whether redacted or unredacted. This is particularly the case because the voter list contains information on each individual's First Amendment activity. Even if voter information could be lawfully collected under the Privacy Act, Plaintiff is not entitled to the voter list because it has not issued the required SORN. Were Plaintiff to satisfy the Privacy

and E-Government Acts, its claims under the NVRA, HAVA, and the CRA fail. Plaintiff is, at most, entitled, to inspect only redacted voter data under the NVRA, HAVA, or the CRA. For those reasons, Defendants respectfully request that the Court grant their Motion to Dismiss.

DATED November 17, 2025.

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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF OREGON; and TOBIAS READ,
in his official capacity as the Oregon
Secretary of State,

Defendants.

Civil Case No. 6:25-cv-01666-MTK

Plaintiff United States of America's
MEMORANDUM OF LAW
IN OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS

**MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO
DISMISS**

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