

HAVA also requires that states have “[a] system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters[,]” with “[s]afeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.” *Id.* § 21083(a)(4)(A)-(B).

4. The United States brings this action pursuant to its authority under the NVRA, HAVA and the CRA to compel the State of Maine and its chief state election official, Secretary of State Shenna Bellows, to provide information regarding the State’s voter list maintenance procedures and an electronic copy of the statewide voter registration list including all fields, to allow the Attorney General to effectively assess Defendants’ compliance with the requirements of the NVRA and HAVA.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1345, and 2201(a); 52 U.S.C. §§ 20510(a) and 21111; and 52 U.S.C. § 20705.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the United States’ claims occurred in this District, and the Defendants are located in and conduct election administration activities in this District.

PARTIES

7. Plaintiff United States, through the Attorney General, has authority to enforce the NVRA, 52 U.S.C. § 20510(a), and Sections 21081-83, and 21083a of HAVA, *id.* § 21111. Both the NVRA and HAVA authorize the Attorney General to bring a civil action in an appropriate district court for such declaratory and injunctive relief as are necessary to carry out the relevant

requirements under the statute. *Id.* §§ 20510(a) and 21111. Pursuant to the CRA, 52 U.S.C. § 20705, the Attorney General may compel states to produce certain records and papers relating to the administration of federal elections.

8. Defendant State of Maine is a state of the United States of America and therefore is subject to the requirements of the NVRA, HAVA, and the CRA. 52 U.S.C. §§ 20502(4), 20503, 20701, and 21141.

9. Defendant Secretary of State Shenna Bellows is sued in her official capacity as chief state election official responsible for coordinating Maine’s responsibilities under the NVRA. *See* 52 U.S.C. § 20509; 21-A.M.R.S.A.S. 161(2-A). Secretary Bellows is sued in her official capacity only.

STATUTORY BACKGROUND

The NVRA

10. The NVRA was enacted “to establish procedures that will increase the number of eligible citizens who register to vote in Federal elections “while “ensur[ing] that accurate and current voter registration rolls are maintained.” 52 U.S.C. § 20501(b)(1), (4).

11. Section 8 of the NVRA establishes requirements for the administration of voter registration for elections for federal office in covered states, including Maine. Section 8(a)(4) requires each state to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of” the death of the registrant, or “a change in the residence of the registrant, in accordance with subsections (b), (c), and (d)[.]” 52 U.S.C. §§ 20507(a)(4)(A)-(B).

12. Subsections (b), (c), and (d) set forth procedures for the removal of ineligible voters from official lists of voters as part of a state’s “program or activity to protect the integrity

of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office[.]” *Id.* § 20507(b).

13. State voter list maintenance programs must be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973, *et seq.*)[.]” 52 U.S.C. § 20507(b)(1); *see also* S. Rep. No. 103-6 at 31 (Feb. 25, 1993) (“The term ‘uniform’ is intended to mean that any purge program or activity must be applied to an entire jurisdiction.”); *accord* H.R. Rep. No. 103-9 at 15 (Feb. 2, 1993) (same).

14. Section 8(d) of the NVRA provides that a “[s]tate shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence,” unless the registrant

- A. confirms in writing that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered; or
- B. has failed to respond to a [Confirmation Notice] and has not voted or appeared to vote . . . in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

52 U.S.C. § 20507(d)(1). Section 8(d)(2) sets forth specific requirements for the Confirmation Notice to be sent to registrants, and Section 8(d)(3) provides that a “voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with [subsection 8(d)].” *Id.* §§ 20507(d)(2)-(3).

15. Section 8 of the NVRA also provides an example of a list maintenance program that constitutes a reasonable effort to remove registrants who have become ineligible due to a change of residence. 52 U.S.C. § 20507(c)(1). Under this program, a state uses information from

the United States Postal Service National Change of Address (“NCOA”) program to identify registrants who may have changed residence. *Id.* § 20507(c)(1)(A). Where it appears from the NCOA information that a registrant has moved to a new address in the same jurisdiction, the registration record is updated to show the new address and the registrant is sent a notice of the change by forwardable mail that includes a postage-prepaid, pre-addressed return form by which the registrant may verify or correct the address information. *Id.* § 20507(c)(1)(B)(i). Where it appears from the NCOA information that a registrant has moved to a new address in a different jurisdiction, the procedure set out in Section 8(d), described above, is used to confirm the address change. *Id.* § 20507(c)(1)(B)(ii).

16. Section 8(i) of the NVRA provides that:

Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, 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, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

52 U.S.C. § 20507(i)(1). Section 8(i)(2) further specifies:

The records maintained pursuant to paragraph (1) include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

Id. § 20507(i)(2).

17. Section 10 of the NVRA requires each state to “designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities” under the NVRA. 52 U.S.C. § 20509.

The Help America Vote Act

18. The purpose of HAVA “can be stated very simply—it is to improve our country’s election system.” H.R. Rep. 107-329(I) at 31 (2001). “Historically, elections in this country have been administered at the state and local level[,]” but Congress found that “the federal government can play a valuable [role] by assisting state and local government in modernizing their election systems.” *Id.* at 31-32.

19. HAVA imposes “minimum requirements” for the conduct of federal elections, which “allow the states to develop their own laws and procedures to fulfill the requirements” to the extent that they are consistent with the standards set by HAVA. *Id.* at 35.

20. HAVA required all states to implement “in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level,” that contains “the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State.” 52 U.S.C. § 21083(a)(1)(A).

21. The computerized list required by HAVA “shall be coordinated with other agency databases within the State.” 52 U.S.C. § 21083(a)(1)(A)(iv).

22. HAVA further establishes “[m]inimum standard[s] for accuracy of State voter registration records.” 52 U.S.C. § 21083(a)(4). Section 303 provides that a state’s “election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly,” including by use of a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters” and “safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.” *Id.*

23. HAVA mandates that a state may not process a voter-registration application without the applicant’s driver’s license number, where an applicant has a current and valid driver’s license, or, for other applicants, the last four digits of the applicant’s Social Security number. *Id.* § 21083(a)(5)(A). For applicants who have neither a driver’s license nor a social security number, a state must assign a unique identifying number for voter registration purposes. *Id.* § 21083(a)(5)(A)(ii). A state must then determine the validity of the information provided by the applicant. *Id.* § 21083(a)(5)(A)(iii).

24. HAVA applies to all fifty states, including Maine. *Id.* § 21141.

25. Section 303 of HAVA incorporates by reference certain provisions of the NVRA. *See* 52 U.S.C. § 21083(a)(4)(A). These provisions, unless explicitly noted otherwise, apply to all states covered under HAVA. *Id.*

26. HAVA vests the Attorney General of the United States with sole authority to “bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief . . . as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under “Sections 21081-83, and 21083a of [HAVA].” 52 U.S.C. § 21111.

27. HAVA contains no private right of action. *See* 52 U.S.C. §§ 20901 to 21145.

The Civil Rights Act of 1960

28. Congress empowered the Attorney General to request records pursuant to Title III of the CRA, codified at 52 U.S.C. § 20701 *et seq.*

29. 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 twenty-two months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

30. 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.

FACTUAL ALLEGATIONS

31. On July 24, 2025, the United States sent a letter to Secretary Bellows seeking information regarding Maine’s compliance with the NVRA. Exhibit 1, Letter from Justice Department to Secretary Bellows (July 24, 2025) (“July 24 Letter”). The Letter requested, among other information and documents, a list of the election officials who are responsible for implementing Maine’s general program of voter registration list maintenance from November 2022 through receipt of the letter and a description of the steps that Maine has taken, and when those steps were taken, to ensure that the state’s list maintenance program has been properly carried out in full compliance with the NVRA. The July 24 Letter also requested – pursuant to Section 8(i) of the NVRA – that Maine provide a current electronic copy of its computerized statewide voter registration list (“SVRL”), required under Section 303 of HAVA. *Id.* at 1.

32. The United States Election Assistance Commission (EAC) was established by HAVA to serve as “a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections.” EAC website, “Help America Vote Act,” https://www.eac.gov/about/help_america_vote_act.aspx. The EAC “is

an independent, bipartisan commission whose mission is to help election officials improve the administration of elections and help Americans participate in the voting process.” EAC website, “About the EAC,” (Sept. 15, 2025) <https://www.eac.gov/about>.

33. The EAC conducts a biennial Election Administration and Voting Survey (“EAVS”), “an analysis of state-by-state data that covers various topics related to the administration of federal elections[,]” including voter registration and list maintenance. *Id.* The EAC’s most recent report, “Election Administration and Voting Survey 2024 Comprehensive Report: A Report from the U.S. Election Assistance Commission to the 119th Congress” (“2024 EAVS Report”), explains that as part of the 2024 EAVS, the states “reported data on their efforts to keep voter registration lists current and accurate, known as list maintenance[,]” such as the number of confirmation notices states sent “to verify continued eligibility from registered voters[,]” and the number of voter registration records that state removed from their voter lists. EAC (Sept. 15, 2025), 2024 EAVS Report, https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf, at 7.

34. The July 24 Letter asked questions regarding Maine’s compliance with the NVRA, based on the Justice Department’s review of the EAVS Report. The period for the inquiries was the close of registration for the November 2022 general election through the close of registration for the November 2024 general election.

35. The Department’s July 24 letter asked Maine to produce the requested information and records by encrypted email or via the Department’s secure file-sharing system, Justice Enterprise File Sharing (JEFS). Ex. 1 at 3.

36. In response, on August 8, 2025, Secretary Bellows sent a letter refusing to provide Maine’s SVRL, stating “Under Maine law, data contained within the [SVRL] is confidential and

may not be disclosed except as specified by statute. 21-A M.R.S.A. § 196-A(I)].” Exhibit 2 at 3, Letter from Secretary Bellows to the Justice Department (August 8, 2025). Secretary Bellows then asked the Justice Department’s intentions for Maine’s voter registration database and how voters’ personally identifying information would be protected, including complying with the Privacy Act of 1974, 5 U.S.C. § 552a. *See* Ex. 2 at 4.

37. Although Secretary Bellows provided responses to the United States’ questions regarding the issues it identified in the EAVS report, these answers did not provide sufficient details for the United States to evaluate compliance with HAVA and the NVRA. Ex. 2.

38. For example, the Justice Department noted that Maine has nearly as many active registered voters as Maine’s citizen voting age population, with a registration rate in 2024 of 92.4 percent of the citizen voting age population. The Department asked Maine to explain what actions it is taking to ensure that ineligible voters are being removed.

39. Secretary Bellows responded, “Your first question suggests that Maine’s rate of registered voters as a percentage of citizen voting age population is somehow too high. I reject the premise of DOJ’s question. Maine’s rate of 92.4 percent (as calculated by the EAC) is entirely consistent with Maine’s longstanding high rates of civic engagement and voter participation...” Ex. 2 at 4.

40. Likewise, in response to Question A3d, Maine indicated it had 11,011 voters (3.5 percent of registrations received during the EAVS Report period) with duplicate registrations, almost four times fewer than the nationwide average of 12.7 percent. In response to the same question for the 2022 EAVS Report, Maine indicated it had 3,638 duplicate registrations (2 percent of registrations received during the EAVS Report period). In addition, no data was provided for Question 13a, regarding which records were merged or linked with another record.

The Justice Department asked Maine to explain what actions it is taking to identify duplicate registrations and to remove those duplicates from the voter registration list. It also requested Maine provide a list of all duplicate registrants who were removed from the statewide voter registration list, and if records were merged, please provide that information.

41. In response, Secretary Bellows stated that “According to the 2024 EAVS survey, Maine’s rate of transactions is well within the norm, with no more than half of states that submitted data reporting a lower percentage.” Ex. 2 at 4. She then described the processes Maine has in place “to ensure that duplicate applications do not result in duplicate voter registration records” in Maine’s voter list. Ex. 2 at 5.

42. The Justice Department also noted that according to Footnote 9 in the Confirmation Notice section of the EAVS Report, the “Maine elections division conducts mass confirmation notice mailings in compliance with NVRA. The last one was completed more than 90 days before the November 2022 general election. The next one is planned for 2025.” Therefore, Confirmation Notice data was missing for Questions A10a through A10f of the EAVS Report. The Department asked Maine to explain how it determines who receives a confirmation notice and the confirmation notices that have been sent out. If so, the Department requested to know the results of the confirmation notices using the same category of results used in Questions 10b-f of the EAVS report (*e.g.*, confirming registration, registrations should be invalidated, undeliverable, etc.).

43. In addition, Maine provided no data for Question A12e, regarding persons who were removed after receiving a confirmation notice and then failed to vote in two consecutive federal elections. The July 24 letter requested that Maine explain its process for sending and

tracking confirmation notices and removing persons who have received confirmation notices and failed to vote in two consecutive federal elections.

44. In response to this inquiry, Secretary Bellows referred the Justice Department to a narrative in the August 8 Letter regarding its confirmation notice process. That narrative states, among other things, that Maine conducts “periodic NVRA mailings to identify voters who are no longer eligible to vote at the address listed in [the registration list, and]...registrants are selected for address-confirmation mailings based on a lack of recent voter participation history.” Ex. 2 at 2. The last of these mailings occurred in the summer of 2022, before the EAVS reporting period. *Id.*

45. Finally, for Question A12b, Maine listed 101,771 voters (77.2 percent of the total voters Maine removed) for having moved outside the jurisdiction, which is more than twice the national average. The Justice Department asked Maine to explain its process for removing individuals who move out of the jurisdiction. *Id.*

46. In response to this question, Secretary Bellows wrote, “Maine did not remove voters for failure to return NVRA mailings – one of the three categories of removals tracked by EAVS - until after the close of the reporting period. As a result, zero removals in that category are reflected in the EAVS report, skewing the other two percentages relative to other states that did perform such cancellations during the reporting period.” Ex. 2 at 5.

47. On August 18, 2025 the Justice Department responded to Maine’s August 8 Letter, reminding Secretary Bellows that the First Circuit Court of Appeals confirmed that “Maine’s Voter File is a ‘record[] concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters’ and is thus subject to disclosure under Section 8(i)(1).” *Pub. Int. Legal Found., Inc. v.*

Bellows, 92 F.4th 36, 49 (1st Cir. 2024). Exhibit 4 at 1-2, Letter from Justice Department to Secretary Bellows (August 18, 2025) (“August 18 Letter”). In the same decision, the First Circuit found that a provision of Maine’s state privacy law was preempted by the NVRA. *Id.* at 53 (“Maine may not ‘condition [] [the right to vote] ... upon compliance with a rule ... [that] is inconsistent in both purpose and effect with the remedial objectives of the [NVRA].’”). *Id.*

48. The Department’s August 18 Letter stated that HAVA “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.”

49. The August 18 Letter also noted that the CRA empowers the Attorney General to request records. *See* Ex. 3 at 2. The Letter then demanded pursuant to the CRA, “an electronic copy of Maine’s complete and current VRL. The purpose of the request is to ascertain Maine’s compliance with the list maintenance requirements of the NVRA and HAVA.” The letter directed that the SVRL should contain “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”) to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).” (footnote omitted). Ex. 3 at 1-2.

50. The August 18 letter explained to the Defendants “that 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. § 552(a) 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.

51. On September 8, 2025, Secretary Bellows responded to the Justice Department's letter, again refusing to provide an unredacted computerized SVRL and requested additional information about how the Department complies with the Privacy Act.

52. As explained in the August 18, 2025, letter to Maine, the Civil Rights Division is required to comply with the Privacy Act and has practices and procedures to ensure compliance with the Privacy Act.

53. The information that the Justice Department collects pursuant to its request to Maine will be maintained consistent with Privacy Act protections as explained on the Justice Department's website at <https://civilrights.justice.gov/privacy-policy#:~:text=Our%20Statutes-Privacy%20Act%20Statement,the%20scope%20of%20our%20jurisdiction>. The full list of routine uses for this collection of information can be found in the System of Records Notice ("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). It should be noted that the statutes cited for routine use include NVRA, HAVA, and the CRA. The records in the SORN are kept under the authority of 44 U.S.C. § 3101 and in the ordinary course of fulfilling the responsibility assigned to the Civil Rights Division under the provisions of 28 C.F.R. §§ 0.50, 0.51.

54. Maine is a member of the Electronic Registration Information Center (ERIC), an organization comprised of states whose stated mission "is to assist states in improving the accuracy of America's voter rolls and increasing access to voter registration for all eligible

citizens.”¹ ERIC is funded by its members, who pay a one-time membership fee and annual dues. *Id.* ERIC’s website explains that “[a]t least every 60 days, each member submits their voter registration data and licensing and identification data from motor vehicle departments (MVD) to ERIC.” *Id.* ERIC’s website states: “**Members submit dates of birth, driver’s license/ID card numbers, and Social Security numbers to ERIC** after applying a cryptographic one-way hash to these data points.” *Id.*

55. Maine provides the identical information that the Department has requested to ERIC, a private organization which lacks any enforcement authority, yet refuses to adhere to federal law and provide that same information to the Attorney General of the United States.

CAUSE OF ACTION

COUNT I: NATIONAL VOTER REGISTRATION ACT, 52 U.S.C. § 20507(i)

56. Plaintiff restates and incorporates herein the allegations in the foregoing paragraphs of the Complaint.

57. The Justice Department’s July 24 Letter requested the information that Maine is required to disclose pursuant to 52 U.S.C. § 20507(i).

58. Maine has failed to provide sufficient responses to the Justice Department’s specific inquiries regarding its list maintenance procedures, despite the Attorney General’s enforcement authority of these requirements under both the NVRA and HAVA. This information is necessary for the Attorney General to determine if Maine is conducting “a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters” as required by 52 U.S.C. § 20507(a)(4).

¹ *FAQ’s*, ERIC, (Sept. 15, 2025) <https://ericstates.org/faq/>; *see id.*, “Which States Are Members of ERIC?” <https://ericstates.org/about/>.

COUNT II: HELP AMERICA VOTE ACT, 52 U.S.C. § 21083

59. Plaintiff restates and incorporates herein the allegations in the foregoing paragraphs of the Complaint.

60. Defendants have failed to take the actions necessary for the State of Maine to comply with Section 303 of HAVA.

61. Defendants' failure to provide sufficient information in response to requests made by the Justice Department's Civil Rights Division in its July 24 and August 18 letters prevent the Attorney General from evaluating Maine's compliance with HAVA, pursuant to the Attorney General's statutory enforcement authority under 52 U.S.C. § 21111.

62. Defendants' refusal to provide sufficient information prevents the Attorney General from evaluating Maine's procedures that "ensure[] . . . duplicate names are eliminated from the computerized list" pursuant to 52 U.S.C. § 21083(a)(2)(B).

63. Defendants' refusal to provide to the United States the current electronic copy of Maine'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 prevents the Attorney General from determining Maine's compliance with the list maintenance requirements of HAVA. 52 U.S.C. § 21083(a)(5)(A).

COUNT III: CIVIL RIGHTS ACT OF 1960, 52 U.S.C. § 20703

64. On August 18, 2025, the Attorney General sent a written demand to Secretary Bellows for the production of specific election records, as authorized by 52 U.S.C. § 20703.

65. Secretary Bellows' September 8, 2025, letter refused to provide the records requested.

Wherefore, the United States respectfully requests that this Court:

A. Declare that Defendants have failed to make available and provide to the United States “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, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered[,]” in violation of the NVRA. 52 U.S.C. § 20507(i)(1).

B. Declare that the Defendant’s refusal to provide the requested records concerning the voter registration and maintenance records prevents the Attorney General from enforcing HAVA;

C. Declare that Defendants’ refusal to provide registration records upon a demand by the Attorney General violates Title III of the Civil Rights Act as required by 52 U.S.C. § 20703;

D. Order Defendants to provide to the United States the current electronic copy of Maine’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 as required by 52 U.S.C. § 20703; and awards such additional relief as the interests of justice may require.

Dated: September 16, 2025

Respectfully submitted,

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July 24, 2025

Via Mail and Email

The Honorable Shenna Bellows
Secretary of State
148 State House Station
Augusta, Maine 04333-0148
shenna.bellows@maine.gov; sos.office@maine.gov

Dear Secretary Bellows:

We write to you as the chief election official for the State of Maine to request information regarding Maine's procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 *et seq.*

Please provide a list of the election officials who are responsible for implementing Maine's general program of voter registration list maintenance from November 2022 through receipt of this letter, including those responsible officials not employed by your office (such as local election officials) who are also involved in that effort. Please also provide a description of the steps that you have taken, and when those steps were taken, to ensure that the State's list maintenance program has been properly carried out in full compliance with the NVRA.

The NVRA requires each state and the District of Columbia 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." 52 U.S.C. § 20507(i)(1). Section 11 of the NVRA authorizes the Attorney General to bring NVRA enforcement actions. *See* 52 U.S.C. § 20510.

Pursuant to Section 20507(i) of the NVRA, the Attorney General requests that you produce for inspection the following records:

The current electronic copy of Maine's computerized statewide voter registration list ("statewide voter registration list") as required by Section 303(a) of the Help America Vote Act. Please include all fields contained within the list. Please produce each list in a .xls, .csv, or delimited-text file format. Please specify what delimiter is used, if applicable, or provide a file layout along with a database user manual, coding list, or other materials that define or explain how a voter record is coded into the statewide voter registration list and reported in the electronic copy of the statewide voter registration list.

Additionally, please provide the following information in electronic form. The time period for these requests is close of registration for the November 2022 general election through the close of registration for the November 2024 general election, the same time period as the most recent report from the Election Assistance Commission's Election Administration and Voting Survey ("EAVS"). If you are unable to provide the data, please explain why the data is not available.

1. A review of the most recent EAVS report indicates that in response to Question A1b, there are nearly as many registered voters listed as active as the citizen voting age population in Maine, with a registration rate in 2024 of 92.4 percent of the citizen voting age population. Please explain what actions Maine is taking to ensure that ineligible voters are being removed.
2. In response to Question A3d, Maine had 11,011 voters (3.5 percent) with duplicate registrations, almost four times fewer than the nationwide average of 12.7 percent. In response to the same question for the 2022 EAVS Report, Maine had 3,638 duplicate registrations (2 percent). No data was listed for Question A12h regarding duplicate registrants who were removed from the statewide voter registration database. Moreover, no data was provided for Question 13a, regarding what records were merged or linked with another record. Please explain what actions Maine is taking to identify duplicate registrations and to remove those duplicates from the voter registration list. Please provide a list of all duplicate registrants who were removed from the statewide voter registration list. If records were merged, please provide that information.
3. Confirmation notice data was missing for Questions A10a through A10f in Maine. According to Footnote 9 in that section of the EAVS Report, the "Maine elections division conducts mass confirmation notice mailings in compliance with NVRA. The last one was completed more than 90 days before the November 2022 general election. The next one is planned for 2025." Please explain how it is determined who receives a confirmation notice. If the confirmation notices have been sent out, please explain how many and when they were sent. If there have been results for the confirmation notices sent, explain the results using the categories in 10b-f of the EAVS Report.
4. Likewise, no data was provided for Question A12e regarding individuals who were removed after receiving a confirmation notice and then failed to vote in two consecutive federal elections. Explain Maine's process for sending out and keeping track of confirmation notices and removing individuals who have received confirmation notices and failed to vote in two consecutive federal elections.
5. For Question A12b, Maine had 101,771 voters (77.2 percent) removed for having moved outside the jurisdiction, which is more than twice the national average. Explain Maine's process for removing individuals who move out of the jurisdiction.
6. Please explain Maine's process for identifying and removing deceased individuals from the voter roll.

Please provide a description of the steps that Maine has taken, and when those steps were taken, to identify registered voters who are ineligible to vote as well as the procedures it used to remove those ineligible voters from the registration list. Please identify the number of registered voters identified as ineligible to vote for the time period of the close of registration for the November 2022 general election through present for each of the following reasons:

1. Non-citizen
2. Adjudicated incompetent
3. Felony conviction

For each of those voters identified in categories 1-3 above, provide their registration information on the statewide voter registration list, including their vote history.

Please provide this information within 14 days of the date of this letter. 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. We look forward to your assistance in advance.

Sincerely,



Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division

cc: The Honorable Julie Flynn
Deputy Secretary of State
184 State House Station
Augusta, Maine 04333-0101
julie.flynn@maine.gov



SHENNA BELLOWS
SECRETARY OF STATE

STATE OF MAINE
DEPARTMENT
OF THE
SECRETARY OF STATE

August 8, 2025

Via U.S. Mail & E-mail

Michael E. Gates, Esq.
Deputy Assistant Attorney General
U.S. Department of Justice
Civil Rights Division, Voting Section
950 Pennsylvania Ave., NW – 4CON
Washington, DC 20530

Re: Your correspondence of July 24, 2025

Dear Attorney Gates:

I write in response to your letter of July 24, 2025, making sweeping and unexplained requests for information and records concerning Maine voters. As Maine's chief election officer, I have a responsibility to protect the sensitive personal information of Maine voters. I have grave concerns about the seemingly overbroad scope of the Department of Justice's information and records requests, which do not appear to be correlated with legitimate investigatory needs. Under Article I of the Constitution, the administration of federal elections is entrusted to the States. While Congress has adopted federal laws such as the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act (HAVA) as an overlay to those state laws, those federal laws do not supplant states as the administrators of federal elections, nor do they grant the Department of Justice (DOJ) authority to second-guess individual voter eligibility determinations by state and local officials.

Given the surprising—indeed, to our knowledge, unprecedented—scope of DOJ's requests for information and records, I ask that DOJ please provide an explanation of why it is making these requests to Maine. If DOJ is investigating voters in Maine or state election administrators for potential violations of federal law, I ask that DOJ provide the specific federal laws that it believes may have been violated in Maine and all facts supporting DOJ's contentions.

To the extent that DOJ's queries may be directed at Maine's obligations under the NVRA to establish systematic programs that make a "reasonable effort" to remove the names of ineligible voters, Maine satisfies and exceeds this federal requirement. Maine law authorizes

148 State House Station · Augusta, Maine · 04333-0148 · Telephone: (207) 626-8400 · Fax: (207) 287-8598

my department to conduct systematic maintenance of the central voter registration system. 21-A M.R.S.A. § 161(2-A). Since the inception of Maine's central voter registration system (CVR) in 2007, my Department's Bureau of Corporations, Elections and Commissions (CEC) has engaged in a concerted program to keep Maine's voter registration data current and accurate. CEC routinely works with municipalities to identify and remove records of deceased voters, voters who have moved, and duplicate voter records. Municipalities review state death records on a monthly basis and cancel the records of voters who have died. In 2024, these routine list-maintenance practices resulted in cancellation of 22,611 registrations for reasons such as death, duplicate records, or relocation.

In addition to these routine maintenance activities, CEC has conducted periodic NVRA mailings to identify voters who are no longer eligible to vote at the address listed in CVR. Under CEC's current process, registrants are selected for address-confirmation mailings based on a lack of recent voter participation history. If a card is returned indicating that the voter has moved or died, their registration record is updated or cancelled accordingly. If the confirmation card is not returned, or returned undeliverable, the voter is designated inactive in the CVR system. The voter can restore their active status by voting in an election, signing a referendum petition, or otherwise demonstrating that they continue to reside at their registered address. If the voter has not restored their active status by the second federal election following the mailing, CEC cancels their registration.

CEC conducted such mailings using U.S. Postal Service National Change of Address (NCOA) data in 2007, 2009, 2011, and 2013. In each of these instances, CEC used NCOA data—which the NVRA expressly endorses as a reasonable approach to list maintenance—to select individuals to receive address-confirmation mailings. CEC also conducted list-maintenance activities in 2017 using data obtained from the Interstate Voter Registration Crosscheck Program, a program allowing for interstate sharing of voter registration data between participating states. When the Crosscheck program was suspended, the Maine Legislature in 2021 authorized Maine to join the Electronic Registration Information Center (ERIC), *see* 21-A M.R.S.A. § 161(2-B), which similarly allows for member states to cross check their voter registration data with those of other states. CEC has been using ERIC data to assist in its list-maintenance efforts since 2022. ERIC's membership agreement is publicly available at the following link: <https://ericstates.org/wp-content/uploads/documents/ERIC-Bylaw-MA-FINAL.pdf>.

In the summer of 2022, CEC conducted by far its largest address-confirmation mailing to date, sending postcards to over 248,000 registered voters in the CVR system. As a result of these mailings, 4,688 voter registrations were cancelled and 221,523 voter registrations were made inactive. Following the second federal election after the mailing, held on November 5, 2024, CEC cancelled the registrations of 180,584 voters who remained inactive following that election.

Collectively, the efforts detailed above have resulted in cancellation of 726,954 registrations between 2007 and 2025. That is more than 78% of the total number of active-status registrations contained in CVR at its creation.

In addition, in 2023 CEC completed implementation of automatic voter registration (AVR) at the Bureau of Motor Vehicles. Now, every time an eligible Maine resident visits a BMV branch for services, they are automatically given an opportunity to electronically register to vote or update their voter registration information. Over time, CEC expects AVR to further improve the accuracy and currency of Maine's voter rolls. In 2024, there were 20,042 AVR transactions, of which 7,857 resulted in updates to existing voter registration records.

With regard specifically to deceased voters, Maine has two programs to ensure that registrations are cancelled upon death. First, each month, Maine registrars are provided with death information from the State's Bureau of Vital Records. Registrars are trained to use this information to cancel the registrations of deceased voters within their jurisdictions. Second, on at least an annual basis, the ERIC program provides CEC with a list of registered Maine voters who may be deceased based on information contained in the Social Security Administration's Limited Access Death Master File. CEC reviews this information and cancels the registrations of deceased voters as appropriate.

A copy of CEC's 2024 report to the Maine Legislature concerning its list maintenance efforts, which provides additional detail concerning those efforts, is attached as Exhibit A.

I turn now to DOJ's more specific requests for information and records.

Lists of Election Officials

DOJ asks for a list of "election officials who are responsible for implementing Maine's general program of voter registration list maintenance from November 2022 through receipt of this letter," including local election officials. As Maine's chief elections officer and designated state coordinator under the NVRA and HAVA, I ultimately oversee Maine's compliance with these laws. Any communication concerning my department's compliance with federal law should be sent to me.

List maintenance at the local level is overseen by the registrar of each of Maine's roughly 480 municipalities. We maintain a public list of municipal clerks and registrars at this link: <https://www.maine.gov/sos/elections-voting/find-a-municipal-clerk-or-registrar>.

Voter Registration List

Invoking 52 U.S.C.A. § 20507(i), DOJ asks for the "current electronic copy of Maine's computerized statewide voter registration lists," including "all fields contained within the list." I am unable to comply with DOJ's request. Under Maine law, data contained within CVR is confidential and may not be disclosed except as specified by statute. 21-A M.R.S.A. § 196-A(1

Nor does the NVRA provision DOJ cites require such disclosure. In considering Maine's disclosure obligations under § 20507(i), the U.S. Court of Appeals for the First Circuit recently confirmed that "nothing in the text of the NVRA prohibits the appropriate redaction of uniquely or highly sensitive personal information in the Voter File." *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024). The Maine Legislature recently enacted a law recognizing certain CVR information as "highly sensitive information." See P.L. 2025, ch. 397, § 12.

In addition to the legal constraints on providing DOJ with the requested data, it is unclear what sort of investigation would necessitate production of a state's entire voter registration database, including fields containing highly sensitive personal information. The request seems particularly overbroad based on our understanding that DOJ has made identical requests of many other states. I therefore ask that DOJ please provide me with the following information: (1) DOJ's intentions for Maine's voter registration database, (2) whether DOJ intends to publicize or further disseminate personally identifying information of Maine voters, (3) whether personally identifying information of voters, including sensitive information such as drivers' license numbers and partial social security numbers, would be subject to public records requests under the Freedom of Information Act, (4) any examples prior to 2025 of DOJ demanding the entirety of a state's voter registration database as part of an investigation, and (5) how DOJ reconciles its request with its legal obligations under the Privacy Act of 1974 and the E-Government Act of 2002.

Questions Regarding EAVS

Your letter also asks various questions concerning Maine's submissions to the Election Administration and Voting Survey (EAVS). As an initial matter, EAVS is a program of the independent Election Assistance Commission (EAC), and Maine's obligation to report data concerning its elections runs to that agency, not the Department of Justice. *See* 11 C.F.R. § 9428.7. Were Maine's reporting to the EAC inadequate, we would expect to hear from the EAC. To date, we have not. To the extent your letter suggests that DOJ may enforce EAC reporting rules, I ask that you please provide the legal authority for such a claim.

1. Registration rate

Your first question suggests that Maine's rate of registered voters as a percentage of citizen voting age population is somehow too high. I reject the premise of DOJ's question. Maine's rate of 92.4 percent (as calculated by the EAC) is entirely consistent with Maine's longstanding high rates of civic engagement and voter participation. Moreover, as described above, Maine is complying with its obligation under federal law to operate programs that make reasonable efforts to maintain its voter lists, which just this year included cancellation of over 180,000 registrations based on change of residence. To the extent that DOJ contends that Maine's rate of voter registration is somehow improperly high, please provide the basis for DOJ's contention.

2. Duplicate transactions

Your letter makes assertions concerning the number and percentage of duplicate transactions in Maine—voter registration transactions in which an existing voter submits a registration application that makes no changes to their existing information in CVR. According to the 2024 EAVS survey, Maine's rate of transactions involving duplicate registrations is well within the norm, with more than half of states that submitted data reporting a lower percentage. Maine appears to be below the nationwide average only because a small number of states reported extremely high rates of duplicate applications, skewing the average rate upward.

Nor is there any reason to believe that Maine's rate of duplicate registrations indicates a problem with duplicate records in CVR. As a matter of common sense, one would expect few voters to submit registration forms that contain no updates to their existing information in CVR. Moreover, Maine has processes in place to ensure that duplicate applications do not result in duplicate voter registration records in CVR. Specifically, CEC trains registrars on proper handling of such duplicate applications. In addition, the CVR system itself contains a safeguard against creation of a duplicate voter record by requiring the operator to conduct a search for an existing record before a new record can be created.

Your question further asserts that Maine did not provide a response to Question A12h in the EAVS survey. This is incorrect. As reflected in the 2024 EAVS Report, Maine reported to the EAC that it had removed 2,900 records from CVR as duplicate records. In removing these records, election officials move any unique information, such as voter participation history, from the duplicate record to the primary record and then cancel the duplicate record.

3. Confirmation notice data

Your letter notes that Maine did not report data to EAVS on NVRA confirmation mailings. Maine did not report this data because its last confirmation mailing took place in June 2022, before the start of the EAVS reporting period.

Please see the narrative above for CEC's current procedure for NVRA address confirmation mailings.

4. Cancellation data

Please see the narrative above for CEC's practices concerning cancellation of voters based on NVRA address-confirmation mailings. As noted above, CEC earlier this year cancelled over 180,000 registrations as a result of its 2022 address-confirmation mailing.

5. Removal of Voters based on Change of Residence

While your letter appears to express concern about the allegedly high percentage of removals attributable to change in address, the basis for DOJ's concern is unclear. Maine registers voters at the municipal level rather than the county level and, as a result, cancellations of registrations due to moves between towns within the same county are common. In addition, Maine did not remove voters for failure to return NVRA mailings—one of the three categories of removals tracked by EAVS—until after the close of the reporting period. As a result, zero removals in that category are reflected in the EAVS report, skewing the other two percentages relative to other states that did perform such cancellations during the reporting period.

To the extent DOJ continues to have a concern about Maine's percentage of removals based on change of address in light of the explanation above, please explain the factual basis for its concern.

6. Removal of Voters

Please see the narrative above for Maine's process for identifying and removing deceased voters.

Removal of Ineligible Voters

Finally, your letter requests information concerning identification and removal of voters ineligible to vote by reason of citizenship, adjudicated incompetence, and felony conviction. Maine does not disqualify voters based on felony conviction. *See* 21-A M.R.S.A. § 111. Similarly, the Maine Constitution's restriction on voting for "persons under guardianship for reasons of mental illness" was struck down by a federal court as facially invalid. *See Doe v. Rowe*, 156 F. Supp. 2d 35, 50 (D. Me. 2001). Current Maine law expressly protects the right to vote of people under guardianship, allowing disqualification only upon a court finding that the "the adult cannot communicate, with or without support, a specific desire to participate in the voting process." 18-C M.R.S.A. § 5 310(2)(A). Such court orders are extremely rare and, if issued, would be enforced by the relevant municipal registrar.

With regard to citizenship, consistent with the NVRA's requirements, *see* 52 U.S.C.A. § 20508(b)(2)(B) & (3), Maine's registration application requires the applicant to certify that they are a U.S. citizen. CEC trains registrars to reject any voter registration application in which the prospective voter has not made the required certifications. In the event a question were to arise about the citizenship of a voter following registration, Maine law requires the applicable municipal registrar to notice and conduct a hearing to determine the voter's qualifications. *See* 21 A M.R.S.A. § 161(4). Making a false statement or taking a false oath concerning a voter's qualifications is a Class D crime subject to investigation and prosecution by the Office of Attorney General. 21-A M.R.S.A. §§ 33 & 159.

Our Constitution entrusts election administration to the States, not the federal government. I reiterate my deep concern with DOJ's unexplained request for sensitive personal data concerning roughly one million Maine voters – a request that far exceeds what would be necessary for legitimate evaluation of Maine's compliance with our obligations under law. Not only is Maine in full compliance with its obligations under the NVRA and HAVA to make reasonable efforts to maintain its voter lists, but through modernization efforts like automatic voter registration and online voter registration, we are leveraging technology to increase the quality of our list maintenance. Our local and state election officials work hard to preserve the integrity of our elections, and we are proud to be national leaders in voter participation. I ask that, in light of the information provided above, DOJ withdraw its unreasonable request for personal data on individual Maine voters.

Sincerely,



Shenna Bellows
Secretary of State



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 18, 2025

Via Mail and Email

The Honorable Shenna Bellows
Secretary of State
148 State House Station
Augusta, Maine 04333-0148
shenna.bellows@maine.gov
sos.office@maine.gov

Re: Maine Voter Registration List with All Fields

Secretary Bellows:

This letter responds to your letter of August 8, 2025. This communication is limited to our request for Maine’s voter registration list (“VRL”) to assess the State’s compliance with the statewide voter registration list 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).

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).

As you know, the First Circuit Court of Appeals confirmed that “Maine’s Voter File is a ‘record[] concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters’ and is thus subject to disclosure under Section 8(i)(1).” *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 49 (1st Cir. 2024). In the same decision, the First Circuit found that a provision of Maine’s state privacy law was preempted by the NVRA. *Id.* at

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.

53 (“Maine may not “condition [] [the right to vote] ... upon compliance with a rule ... [that] is inconsistent in both purpose and effect with the remedial objectives of the [NVRA].”).

HAVA, 52 U.S.C. § 20901 *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 Maine’s complete and current VRL. The purpose of the request is to ascertain Maine’s compliance with the list maintenance requirements of the NVRA and HAVA.

As required by Section 303 of the CRA, our letter dated July 24, 2025, provided you with “a statement of the basis and the purpose therefore,” *id.*, namely, to assist in our determination of whether Maine’s list maintenance program complies with the NVRA. At your request, we have reaffirmed that statement in this correspondence.

In addition to the full electronic VRL, we also request by this letter a copy of all original and completed voter registration applications submitted to the State of Maine from December 1, 2023, through July 1, 2025. To be clear, that means copies of all voter registration applications completed and submitted by prospective voters during that time period. When providing a copy of the requested completed registration applications Maine must ensure that they are provided in unredacted format.

Your letter dated August 8, 2025, also indicated concern regarding federal privacy protections of the VRL and other requested information by the Justice Department. 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.

52 U.S.C. § 20704. As you noted, other federal laws may be applicable, including the Privacy Act. All data received from you will be kept securely and treated consistently with the Privacy Act. Maine's privacy laws, to the extent they are inconsistent with federal law, are preempted.

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. § 552(a) 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.

To that end, provide the requested electronic VRL² to the Justice Department within seven days or by August 25, 2025.

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

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: The Honorable Julie Flynn
Deputy Secretary of State
184 State House Station
Augusta, Maine 04333-0101
julie.flynn@maine.gov

² Containing *all fields*, which includes either the registrant's full name, date of birth, residential address, their state driver's license number or the last four digits of the registrant's social security number as required by HAVA.

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

| | | |
|--|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:25-CV-468-KFW |
| |) | |
| SHENNA BELLOWS, in her official capacity as Secretary of the State of Maine, and the STATE OF MAINE, |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

**MOTION FOR ORDER TO SHOW CAUSE WHY DEFENDANTS SHOULD NOT
BE COMPELLED TO PRODUCE RECORDS DEMANDED
PURSUANT TO THE CIVIL RIGHTS ACT OF 1960**

Plaintiff, UNITED STATES OF AMERICA, by and through the Attorney General, pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), 52 U.S.C. § 20701, *et seq.*, hereby moves this Honorable Court for an Order to Show Cause requiring Defendants, the STATE OF MAINE and SHENNA BELLOWS, Secretary of State, to show cause why they should not be compelled to produce the documents requested by the Plaintiff. The United States offers the attached Memorandum of Law in Support of its Motion to Show Cause.

Introduction

1. The Attorney General has been tasked by Congress with enforcement authority for both the National Voter Registration Act (“NVRA”) and the Help America Vote Act (“HAVA”). *See* 52 U.S.C. § 20510(a) and 52 U.S.C. § 21111. Both statutes require Defendants to conduct specified maintenance of Maine’s voter registration list. These requirements are an integral measure to ensure that Defendants’ statewide voter registration lists (“SVRL”) are accurate.

Ensuring the accuracy of the list of eligible voters preserves the integrity of Defendants' federal election procedures.

2. Pursuant to Section 301 of the CRA, 52 U.S.C. § 20701, “every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico are voted for, 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 election[.]” (emphasis added).

3. Further, Section 303 of the CRA provides, “Any record or paper required by section 301 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. This demand shall contain a statement of the basis and the purpose therefor.” 52 U.S.C. § 20703 (emphasis added).

Attorney General Made a Demand for Records Pursuant to Section 303 of the CRA, 52 U.S.C. § 20703.

4. On August 18, 2025, the United States made a demand under the CRA for records regarding voter registration of the Defendant, Shenna Bellows, Maine Secretary of State. Specifically, the United States 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”) to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).” Ex. 1 at 1.

5. The United States also informed the Defendant that the purpose of the request was to ascertain Defendant’s compliance with federal law. Specifically, the list maintenance requirements of both the National Voter Registration Act and the Help America Vote Act. *Id.*

6. On September 8, 2025, Secretary Bellows refused to provide the demanded records. *See* Ex. 2 at 3.

8. The United States brings this action to compel the Defendants to produce the requested records forthwith.

9. Section 305 of the CRA, 52 U.S.C. § 20705, provides that “[t]he United States District Court for the district in which a demand is made pursuant to Section 303, or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record of paper.

Conclusion

For the foregoing reasons, Plaintiff requests that this Court enter an Order directing Defendants to show cause why it has failed to produce the demanded records. Plaintiff further requests this Court:

A. ORDER Defendants to produce the documents requested immediately.

Dated: September 18, 2025

Respectfully submitted,

HARMEET K. DHILLON
Assistant Attorney General
Civil Rights Division

MICHAEL E. GATES
Deputy Assistant Attorney General
Civil Rights Division

/s/ David D. Vandenberg

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Attorneys for the United States

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 SHENNA BELLOWS, in her)
 official capacity as Secretary of the)
 State of Maine, and the STATE OF)
 MAINE,)
)
 Defendants.)
)

Case No. 1:25-cv-468-KFW

**MEMORANDUM OF LAW IN SUPPORT OF ORDER TO SHOW CAUSE WHY
DEFENDANTS SHOULD NOT BE COMPELLED TO PRODUCE RECORDS
DEMANDED PURSUANT TO THE CIVIL RIGHTS ACT OF 1960**

Federal law requires States to provide voting records to the Attorney General upon her request. Under the National Voter Registration Act (“NVRA”), each State must retain for two years “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters” and make those records “available for public inspection.” 52 U.S.C. § 20507(i)(1). The Help America Vote Act vests enforcement in the Attorney General, including bringing suit, under certain circumstances, against States that fail to maintain accurate and current voter registration lists. 52 U.S.C. § 21111. And under the Civil Rights Act of 1960, each State must “retain and preserve ... all records and papers relating to any ... act requisite to voting in [a federal] election,” 52 U.S.C. § 20701, and provide those records and papers to the Attorney General following her “demand in writing.” 52 U.S.C. § 20703.

Pursuant to these statutes, the United States requested a “copy of Maine’s computerized statewide voter registration list” in order “to ensure that the state’s list maintenance program has been properly carried out in full compliance with the NVRA.” Ex. 1 at 1, Letter from Justice Department to Maine Secretary of State Shenna Bellows (August 18, 2025). Secretary Bellows refused to provide the list. Ex. 2, Letter from Secretary Bellows to Justice Department (September 8, 2025).

This Court should order Defendants to show cause why they should not be compelled to produce the documents requested by the United States.

I. Background

A. Statutory Overview

In order to safeguard federal elections against the dual threats of wrongful abridgment of citizens’ right to vote and wrongful dilution of citizens’ right to vote—as respectively reflected by underinclusive and overinclusive voter rolls—Congress enacted the NVRA, 52 U.S.C. § 20501, *et. seq.*, and HAVA, 52 U.S.C. § 20901, *et. seq.* Both statutes contain provisions designed to help the federal government ensure that States are overseeing federal elections in a fair and honest manner and “to protect the integrity of the electoral process.” 52 U.S.C. § 20501(b)(3).

Congress passed the NVRA “to establish procedures that will increase the number of eligible citizens who register to vote in elections” while “...ensur[ing] that accurate and current voter registration rolls are maintained.” 52 U.S.C. §§ 20501(b)(1) and (4). The NVRA requires each state to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of the death of the registrant or a change in the residence of the registrant[.]” 52 U.S.C. § 20507(a)(4)(A)-(B). A State may not remove “the name of a registrant from the official list of eligible voters in elections for Federal

office on the ground that the registrant has changed residence,” unless the registrant first “confirms in writing that the registrant has changed residence” or “has failed to respond” to a confirmation notice sent by the State and “has not voted or appeared to vote” in a recent election. 52 U.S.C. § 20507(d)(1)(A)-(B).

The NVRA also contains recordkeeping and records-disclosure provisions. “Each State shall maintain for at least 2 years and shall make available for public inspection ... all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters[.]” 52 U.S.C. § 20507(i)(1). These records 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 as of the date that inspection of the records is made.” *Id.*

Like the NVRA, the purpose of HAVA “can be stated very simply—it is to improve our country’s election system.” H.R. Rep. 107-329(I) at 31 (2001)¹. HAVA accordingly requires all states to ensure their registration lists are current and include only eligible voters. States must implement “in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State.” 52 U.S.C. § 21083(a)(1)(A). States also are forbidden from processing voter-registration applications without the applicant’s driver’s license number, the last four digits of the applicant’s Social Security number, or a state-assigned unique identifying number. 52 U.S.C. § 21083(a)(5)(A).

¹ House Report No. 107-329, *Help America Vote Act of 2001*, 107th Cong., 1st Sess. (2001), available at GovInfo.gov (House Report 107-329), <https://www.govinfo.gov/content/pkg/CRPT-107hrpt329/html/CRPT-107hrpt329-pt1.htm>

These requirements are an integral measure to ensure that States' voter-registration lists are accurate and do not contain the "names of ineligible voters." 52 U.S.C. § 21083(a)(2)(A)(ii).

The Attorney General of the United States is responsible for enforcing HAVA. 52 U.S.C. § 21111. She has sole authority to "bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief . . . as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirement[.]" *Id.*

The Civil Rights Act of 1960 contains a similar enforcement provision. States must 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. States must produce "all records and papers relating to any . . . act requisite to voting in [a federal] election" to the Attorney General upon her request. *Id.*

The DOJ is statutorily entitled to request such information pursuant to the Public Disclosure Provision of the National Voter Registration Act of 1993 ("NVRA"). 52 U.S.C. § 20507(i). The NVRA provides that each State shall make available for public disclosure "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and current of official lists of eligible voters." *Id.*

The plain text of the NVRA requires disclosure. *See id.* The phrase "all records" envisions an expansive application and includes the registration information of cancelled records and accompanying voter history. *Voter Reference Foundation, LLC v. Torrez*, 727 F.Supp.3d 1014, 1212 (D. N.M. 2024) (finding "all records" includes voter list). Similarly, "programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters" encompasses a broad range of state programs, including the removal of non-citizens from voter

rolls. *Id.* The capacious language of the Public Disclosure Provision has been found to “set[] a floor, not a ceiling” to the types of records that must be disclosed. *Public Interest Legal Foundation, Inc. v. Matthews*, 589 F.Supp.3d 932, 941 (C.D. Ill. 2022) (quoting *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 337 (4th Cir. 2012) (rejecting the argument that section 20507(i)(2) limits “all records” to voter removals)). As explained above, the phrase “all records,” as used in the Public Disclosure Provision, necessarily includes the statewide voter registration list. The request for the statewide voter registration list sits firmly above that floor. Courts have continuously found that Section 8(i) requires the disclosure of voter registration records. *See, e.g., Public Interest Legal Foundation v. Boockvar*, 431 F.Supp.3d 553 (M.D. Pa. 2019) (permitting disclosure of documents regarding “all registrants who were identified as potentially not satisfying the citizenship requirement”); *Project Vote*, 682 F.3d 331, 334 (4th Cir. 2012) (requiring disclosure of voter registration applications for *any individual* who timely completed an application) (emphasis added); *Project Vote, Inc. v. Kemp*, 208 F.Supp.3d 1320 (N.D. Ga. 2016) (holding that “Section 8(i) requires the disclosure of individual voter registration records.”).

Congress passed the NVRA to “protect the integrity of the electoral process” and “ensure that accurate and current voter registration rolls are maintained.” 52 U.S.C § 20501. This intention is achieved through the public disclosure provision, which Congress created to establish external checks on potential administrative oversights or inefficiencies regarding ineligible voters appearing on voter rolls. *See Project Vote*, 682 F.3d at 334-35. If the NVRA, a federal act, and state law “do not operate harmoniously in a single procedural scheme for federal voter registration, then Congress has exercised its power to ‘alter’ the state’s regulation, and that regulation is superseded.” *Gonzalez v. Arizona*, 677 F.3d 383, 394 (9th Cir. 2012) (en banc), *aff’d sub nom. Arizona v. Inter Tribal Council of Arizona, Inc.* (“ITCA”), 570 U.S. 1 (2013).

B. Maine Refuses to Produce Voting Records.

On July 24, 2025, the United States sent a letter to Secretary Bellows, seeking information regarding Maine’s compliance with the NVRA. Ex. 3, Letter from Justice Department to Secretary Bellows (July 24, 2025) (“July 24 Letter”). The letter requested, among other information and documents, a list of the election officials, who are responsible for implementing Maine’s general program of voter registration list maintenance from November 2022 through receipt of the letter and a description of the steps that Maine has taken, and₂ when those steps were taken, to ensure that the state’s list maintenance program has been properly carried out in full compliance with the NVRA. The July 24 letter also requested, pursuant to Section 8(i) of the NVRA, that Maine provide a current electronic copy of its computerized statewide voter registration list (“SVRL”), required by HAVA. *Id.* at 1.

In response, on August 8, 2025, Secretary Bellows sent a letter refusing to provide Maine’s SVRL, stating, “Under Maine law, data contained within [SVRL] is confidential and may not be disclosed except as specified by statute.” Ex. 2 at 3, Letter from Secretary Bellows to the Justice Department (August 8, 2025).

II. ARGUMENT

Elections must be “fair and honest.” *Storer v. Brown*, 415 U.S. 724 (1974). In a fair federal election, all lawfully registered adult citizens have the right to vote after complying with any applicable state procedures, such as providing photo identification. *See* U.S. Const. Amends. XV, XIX, XXIV, XXVI. But just as fair elections require that all eligible citizens have the opportunity to vote, they require that only eligible citizens have the right to vote. “[T]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Purcell v. Gonzales*, 549 U.S. 1, 4 (2006)

(quoting *Reynolds v. Sims*, 377 U.S. 533, 555 (1964)). By refusing to provide the Attorney General with information about its voter-registration lists and procedures, Maine has violated three federal statutes and is actively thwarting the Attorney General’s performance of her duties to ensure that States fairly administer Federal Elections.

A. Maine Has Violated the National Voter Registration Act and the Help America Vote Act.

Maine has refused to make a current electronic copy of its computerized statewide voter registration list available to the Attorney General. *See* Exhibit 2. NVRA’s plain text requires States to publicize “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). That includes the voter registration list, which tautologically must be used to ensure the accuracy of the official list of eligible voters, and is the end product of the State’s voter list maintenance procedures. The First Circuit Court of Appeals agrees and has informed Secretary Bellows of her duties under the NVRA when it held that “Maine’s Voter File is a ‘record[] concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters’ and is thereby subject to disclosure under Section 8(i)(1).” *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 49 (1st Cir. 2024). That includes the voter registration list, which tautologically must be used to ensure the accuracy of the official list of eligible voters. HAVA maintains a similar disclosure requirement. The Attorney General has the authority to “ensure[] . . . duplicate names are eliminated from the computerized list.” pursuant to 52 U.S.C. § 21083(a)(2)(B). This authority would be meaningless were the Attorney General unable to acquire the list; the power to ensure that a list is accurate necessarily includes the power to acquire and review the list.

The United States requested the list from Maine pursuant to the CRA in its August 18 letter, *See* Ex. 1 at 1, and Secretary Bellows refused to provide the list. *See* Ex. 2. This overt refusal to provide the information that Maine is required to disclose violates NVRA and HAVA.

B. Maine Has Violated the Civil Rights Act of 1960.

The Civil Rights Act of 1960 displaces the Federal Rules of Civil Procedure and creates a “special statutory proceeding” under which Maine must show cause as to why it is not required to produce the voter-registration lists requested by the United States. *Kennedy v. Lynd*, 306 F.2d 222, 225 (5th Cir. 1962) (interpreting the Civil Rights Act of 1960). The NVRA uses materially identical language in requiring States to provide the Attorney General with records and paper relating to their administration of Federal elections and likewise creates the same “special statutory proceeding.” 52 U.S.C. §§ 20507 and 20510(a). Thus, “when Congress uses the same language in two statutes having similar purposes ... it is appropriate to presume that Congress intended that text to have the same meaning in both statutes.” *Smith v. City of Jackson*, 544 U.S. 228, 233 (2005) (plurality opinion); *compare* NVRA, 52 U.S.C. § 20507(i)(1) (“Each State shall ... make available for public inspection and, where available, photocopying ... all records...”) *and* Civil Rights Act of 1960, 52 U.S.C. § 20703 (“Any record or paper ... shall, upon demand in writing by the Attorney General ... be made available for inspection, reproduction, and copying”).

The “special statutory proceeding” of these statutes is “a summary proceeding.” *Lynd*, 306 F.2d at 226. To institute this proceeding, the United States need only, as it has done here, file a “simple statement” describing its “written demand for inspection and papers” and explaining that Maine and Secretary Bellows have “failed or refused to make such papers ‘available for inspection, reproduction, and copying.’” *Id.* The Court accordingly “should grant the relief sought or, if the

respondent-custodian opposes the grant of such relief, the matter should be set down without delay for suitable hearing on the matters open for determination.” *Id.*

Because Secretary Bellows has rebuffed the United States’s lawful demand that she produce Maine’s SVRL, the United States respectfully requests the Court to issue an order to show cause directing the State of Maine and Secretary Bellows to appear before this Court and explain their noncompliance with federal law.

CONCLUSION

For the foregoing reasons, Plaintiff requests that this Court enter an Order directing the State of Maine and Secretary Bellows to show cause why they have failed to produce the requested records.

Dated: September 18, 2025

Respectfully submitted,

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U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 18, 2025

Via Mail and Email

The Honorable Shenna Bellows
Secretary of State
148 State House Station
Augusta, Maine 04333-0148
shenna.bellows@maine.gov
sos.office@maine.gov

Re: Maine Voter Registration List with All Fields

Secretary Bellows:

This letter responds to your letter of August 8, 2025. This communication is limited to our request for Maine’s voter registration list (“VRL”) to assess the State’s compliance with the statewide voter registration list 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).

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).

As you know, the First Circuit Court of Appeals confirmed that “Maine’s Voter File is a ‘record[] concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters’ and is thus subject to disclosure under Section 8(i)(1).” *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 49 (1st Cir. 2024). In the same decision, the First Circuit found that a provision of Maine’s state privacy law was preempted by the NVRA. *Id.* at

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.

53 (“Maine may not “condition [] [the right to vote] ... upon compliance with a rule ... [that] is inconsistent in both purpose and effect with the remedial objectives of the [NVRA].”).

HAVA, 52 U.S.C. § 20901 *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 Maine’s complete and current VRL. The purpose of the request is to ascertain Maine’s compliance with the list maintenance requirements of the NVRA and HAVA.

As required by Section 303 of the CRA, our letter dated July 24, 2025, provided you with “a statement of the basis and the purpose therefore,” *id.*, namely, to assist in our determination of whether Maine’s list maintenance program complies with the NVRA. At your request, we have reaffirmed that statement in this correspondence.

In addition to the full electronic VRL, we also request by this letter a copy of all original and completed voter registration applications submitted to the State of Maine from December 1, 2023, through July 1, 2025. To be clear, that means copies of all voter registration applications completed and submitted by prospective voters during that time period. When providing a copy of the requested completed registration applications Maine must ensure that they are provided in unredacted format.

Your letter dated August 8, 2025, also indicated concern regarding federal privacy protections of the VRL and other requested information by the Justice Department. 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.

52 U.S.C. § 20704. As you noted, other federal laws may be applicable, including the Privacy Act. All data received from you will be kept securely and treated consistently with the Privacy Act. Maine's privacy laws, to the extent they are inconsistent with federal law, are preempted.

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. § 552(a) 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.

To that end, provide the requested electronic VRL² to the Justice Department within seven days or by August 25, 2025.

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

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: The Honorable Julie Flynn
Deputy Secretary of State
184 State House Station
Augusta, Maine 04333-0101
julie.flynn@maine.gov

² Containing *all fields*, which includes either the registrant's full name, date of birth, residential address, their state driver's license number or the last four digits of the registrant's social security number as required by HAVA.



SHENNA BELLOWS
SECRETARY OF STATE

STATE OF MAINE
DEPARTMENT
OF THE
SECRETARY OF STATE

August 8, 2025

Via U.S. Mail & E-mail

Michael E. Gates, Esq.
Deputy Assistant Attorney General
U.S. Department of Justice
Civil Rights Division, Voting Section
950 Pennsylvania Ave., NW – 4CON
Washington, DC 20530

Re: Your correspondence of July 24, 2025

Dear Attorney Gates:

I write in response to your letter of July 24, 2025, making sweeping and unexplained requests for information and records concerning Maine voters. As Maine's chief election officer, I have a responsibility to protect the sensitive personal information of Maine voters. I have grave concerns about the seemingly overbroad scope of the Department of Justice's information and records requests, which do not appear to be correlated with legitimate investigatory needs. Under Article I of the Constitution, the administration of federal elections is entrusted to the States. While Congress has adopted federal laws such as the National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act (HAVA) as an overlay to those state laws, those federal laws do not supplant states as the administrators of federal elections, nor do they grant the Department of Justice (DOJ) authority to second-guess individual voter eligibility determinations by state and local officials.

Given the surprising—indeed, to our knowledge, unprecedented—scope of DOJ's requests for information and records, I ask that DOJ please provide an explanation of why it is making these requests to Maine. If DOJ is investigating voters in Maine or state election administrators for potential violations of federal law, I ask that DOJ provide the specific federal laws that it believes may have been violated in Maine and all facts supporting DOJ's contentions.

To the extent that DOJ's queries may be directed at Maine's obligations under the NVRA to establish systematic programs that make a "reasonable effort" to remove the names of ineligible voters, Maine satisfies and exceeds this federal requirement. Maine law authorizes

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my department to conduct systematic maintenance of the central voter registration system. 21-A M.R.S.A. § 161(2-A). Since the inception of Maine's central voter registration system (CVR) in 2007, my Department's Bureau of Corporations, Elections and Commissions (CEC) has engaged in a concerted program to keep Maine's voter registration data current and accurate. CEC routinely works with municipalities to identify and remove records of deceased voters, voters who have moved, and duplicate voter records. Municipalities review state death records on a monthly basis and cancel the records of voters who have died. In 2024, these routine list-maintenance practices resulted in cancellation of 22,611 registrations for reasons such as death, duplicate records, or relocation.

In addition to these routine maintenance activities, CEC has conducted periodic NVRA mailings to identify voters who are no longer eligible to vote at the address listed in CVR. Under CEC's current process, registrants are selected for address-confirmation mailings based on a lack of recent voter participation history. If a card is returned indicating that the voter has moved or died, their registration record is updated or cancelled accordingly. If the confirmation card is not returned, or returned undeliverable, the voter is designated inactive in the CVR system. The voter can restore their active status by voting in an election, signing a referendum petition, or otherwise demonstrating that they continue to reside at their registered address. If the voter has not restored their active status by the second federal election following the mailing, CEC cancels their registration.

CEC conducted such mailings using U.S. Postal Service National Change of Address (NCOA) data in 2007, 2009, 2011, and 2013. In each of these instances, CEC used NCOA data—which the NVRA expressly endorses as a reasonable approach to list maintenance—to select individuals to receive address-confirmation mailings. CEC also conducted list-maintenance activities in 2017 using data obtained from the Interstate Voter Registration Crosscheck Program, a program allowing for interstate sharing of voter registration data between participating states. When the Crosscheck program was suspended, the Maine Legislature in 2021 authorized Maine to join the Electronic Registration Information Center (ERIC), *see* 21-A M.R.S.A. § 161(2-B), which similarly allows for member states to cross check their voter registration data with those of other states. CEC has been using ERIC data to assist in its list-maintenance efforts since 2022. ERIC's membership agreement is publicly available at the following link: <https://ericstates.org/wp-content/uploads/documents/ERIC-Bylaw-MA-FINAL.pdf>.

In the summer of 2022, CEC conducted by far its largest address-confirmation mailing to date, sending postcards to over 248,000 registered voters in the CVR system. As a result of these mailings, 4,688 voter registrations were cancelled and 221,523 voter registrations were made inactive. Following the second federal election after the mailing, held on November 5, 2024, CEC cancelled the registrations of 180,584 voters who remained inactive following that election.

Collectively, the efforts detailed above have resulted in cancellation of 726,954 registrations between 2007 and 2025. That is more than 78% of the total number of active-status registrations contained in CVR at its creation.

In addition, in 2023 CEC completed implementation of automatic voter registration (AVR) at the Bureau of Motor Vehicles. Now, every time an eligible Maine resident visits a BMV branch for services, they are automatically given an opportunity to electronically register to vote or update their voter registration information. Over time, CEC expects AVR to further improve the accuracy and currency of Maine's voter rolls. In 2024, there were 20,042 AVR transactions, of which 7,857 resulted in updates to existing voter registration records.

With regard specifically to deceased voters, Maine has two programs to ensure that registrations are cancelled upon death. First, each month, Maine registrars are provided with death information from the State's Bureau of Vital Records. Registrars are trained to use this information to cancel the registrations of deceased voters within their jurisdictions. Second, on at least an annual basis, the ERIC program provides CEC with a list of registered Maine voters who may be deceased based on information contained in the Social Security Administration's Limited Access Death Master File. CEC reviews this information and cancels the registrations of deceased voters as appropriate.

A copy of CEC's 2024 report to the Maine Legislature concerning its list maintenance efforts, which provides additional detail concerning those efforts, is attached as Exhibit A.

I turn now to DOJ's more specific requests for information and records.

Lists of Election Officials

DOJ asks for a list of "election officials who are responsible for implementing Maine's general program of voter registration list maintenance from November 2022 through receipt of this letter," including local election officials. As Maine's chief elections officer and designated state coordinator under the NVRA and HAVA, I ultimately oversee Maine's compliance with these laws. Any communication concerning my department's compliance with federal law should be sent to me.

List maintenance at the local level is overseen by the registrar of each of Maine's roughly 480 municipalities. We maintain a public list of municipal clerks and registrars at this link: <https://www.maine.gov/sos/elections-voting/find-a-municipal-clerk-or-registrar>.

Voter Registration List

Invoking 52 U.S.C.A. § 20507(i), DOJ asks for the "current electronic copy of Maine's computerized statewide voter registration lists," including "all fields contained within the list." I am unable to comply with DOJ's request. Under Maine law, data contained within CVR is confidential and may not be disclosed except as specified by statute. 21-A M.R.S.A. § 196-A(1

Nor does the NVRA provision DOJ cites require such disclosure. In considering Maine's disclosure obligations under § 20507(i), the U.S. Court of Appeals for the First Circuit recently confirmed that "nothing in the text of the NVRA prohibits the appropriate redaction of uniquely or highly sensitive personal information in the Voter File." *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024). The Maine Legislature recently enacted a law recognizing certain CVR information as "highly sensitive information." See P.L. 2025, ch. 397, § 12.

In addition to the legal constraints on providing DOJ with the requested data, it is unclear what sort of investigation would necessitate production of a state's entire voter registration database, including fields containing highly sensitive personal information. The request seems particularly overbroad based on our understanding that DOJ has made identical requests of many other states. I therefore ask that DOJ please provide me with the following information: (1) DOJ's intentions for Maine's voter registration database, (2) whether DOJ intends to publicize or further disseminate personally identifying information of Maine voters, (3) whether personally identifying information of voters, including sensitive information such as drivers' license numbers and partial social security numbers, would be subject to public records requests under the Freedom of Information Act, (4) any examples prior to 2025 of DOJ demanding the entirety of a state's voter registration database as part of an investigation, and (5) how DOJ reconciles its request with its legal obligations under the Privacy Act of 1974 and the E-Government Act of 2002.

Questions Regarding EAVS

Your letter also asks various questions concerning Maine's submissions to the Election Administration and Voting Survey (EAVS). As an initial matter, EAVS is a program of the independent Election Assistance Commission (EAC), and Maine's obligation to report data concerning its elections runs to that agency, not the Department of Justice. *See* 11 C.F.R. § 9428.7. Were Maine's reporting to the EAC inadequate, we would expect to hear from the EAC. To date, we have not. To the extent your letter suggests that DOJ may enforce EAC reporting rules, I ask that you please provide the legal authority for such a claim.

1. Registration rate

Your first question suggests that Maine's rate of registered voters as a percentage of citizen voting age population is somehow too high. I reject the premise of DOJ's question. Maine's rate of 92.4 percent (as calculated by the EAC) is entirely consistent with Maine's longstanding high rates of civic engagement and voter participation. Moreover, as described above, Maine is complying with its obligation under federal law to operate programs that make reasonable efforts to maintain its voter lists, which just this year included cancellation of over 180,000 registrations based on change of residence. To the extent that DOJ contends that Maine's rate of voter registration is somehow improperly high, please provide the basis for DOJ's contention.

2. Duplicate transactions

Your letter makes assertions concerning the number and percentage of duplicate transactions in Maine—voter registration transactions in which an existing voter submits a registration application that makes no changes to their existing information in CVR. According to the 2024 EAVS survey, Maine's rate of transactions involving duplicate registrations is well within the norm, with more than half of states that submitted data reporting a lower percentage. Maine appears to be below the nationwide average only because a small number of states reported extremely high rates of duplicate applications, skewing the average rate upward.

Nor is there any reason to believe that Maine's rate of duplicate registrations indicates a problem with duplicate records in CVR. As a matter of common sense, one would expect few voters to submit registration forms that contain no updates to their existing information in CVR. Moreover, Maine has processes in place to ensure that duplicate applications do not result in duplicate voter registration records in CVR. Specifically, CEC trains registrars on proper handling of such duplicate applications. In addition, the CVR system itself contains a safeguard against creation of a duplicate voter record by requiring the operator to conduct a search for an existing record before a new record can be created.

Your question further asserts that Maine did not provide a response to Question A12h in the EAVS survey. This is incorrect. As reflected in the 2024 EAVS Report, Maine reported to the EAC that it had removed 2,900 records from CVR as duplicate records. In removing these records, election officials move any unique information, such as voter participation history, from the duplicate record to the primary record and then cancel the duplicate record.

3. Confirmation notice data

Your letter notes that Maine did not report data to EAVS on NVRA confirmation mailings. Maine did not report this data because its last confirmation mailing took place in June 2022, before the start of the EAVS reporting period.

Please see the narrative above for CEC's current procedure for NVRA address confirmation mailings.

4. Cancellation data

Please see the narrative above for CEC's practices concerning cancellation of voters based on NVRA address-confirmation mailings. As noted above, CEC earlier this year cancelled over 180,000 registrations as a result of its 2022 address-confirmation mailing.

5. Removal of Voters based on Change of Residence

While your letter appears to express concern about the allegedly high percentage of removals attributable to change in address, the basis for DOJ's concern is unclear. Maine registers voters at the municipal level rather than the county level and, as a result, cancellations of registrations due to moves between towns within the same county are common. In addition, Maine did not remove voters for failure to return NVRA mailings—one of the three categories of removals tracked by EAVS—until after the close of the reporting period. As a result, zero removals in that category are reflected in the EAVS report, skewing the other two percentages relative to other states that did perform such cancellations during the reporting period.

To the extent DOJ continues to have a concern about Maine's percentage of removals based on change of address in light of the explanation above, please explain the factual basis for its concern.

6. *Removal of Voters*

Please see the narrative above for Maine's process for identifying and removing deceased voters.

Removal of Ineligible Voters

Finally, your letter requests information concerning identification and removal of voters ineligible to vote by reason of citizenship, adjudicated incompetence, and felony conviction. Maine does not disqualify voters based on felony conviction. *See* 21-A M.R.S.A. § 111. Similarly, the Maine Constitution's restriction on voting for "persons under guardianship for reasons of mental illness" was struck down by a federal court as facially invalid. *See Doe v. Rowe*, 156 F. Supp. 2d 35, 50 (D. Me. 2001). Current Maine law expressly protects the right to vote of people under guardianship, allowing disqualification only upon a court finding that the "the adult cannot communicate, with or without support, a specific desire to participate in the voting process." 18-C M.R.S.A. § 5 310(2)(A). Such court orders are extremely rare and, if issued, would be enforced by the relevant municipal registrar.

With regard to citizenship, consistent with the NVRA's requirements, *see* 52 U.S.C.A. § 20508(b)(2)(B) & (3), Maine's registration application requires the applicant to certify that they are a U.S. citizen. CEC trains registrars to reject any voter registration application in which the prospective voter has not made the required certifications. In the event a question were to arise about the citizenship of a voter following registration, Maine law requires the applicable municipal registrar to notice and conduct a hearing to determine the voter's qualifications. *See* 21 A M.R.S.A. § 161(4). Making a false statement or taking a false oath concerning a voter's qualifications is a Class D crime subject to investigation and prosecution by the Office of Attorney General. 21-A M.R.S.A. §§ 33 & 159.

Our Constitution entrusts election administration to the States, not the federal government. I reiterate my deep concern with DOJ's unexplained request for sensitive personal data concerning roughly one million Maine voters – a request that far exceeds what would be necessary for legitimate evaluation of Maine's compliance with our obligations under law. Not only is Maine in full compliance with its obligations under the NVRA and HAVA to make reasonable efforts to maintain its voter lists, but through modernization efforts like automatic voter registration and online voter registration, we are leveraging technology to increase the quality of our list maintenance. Our local and state election officials work hard to preserve the integrity of our elections, and we are proud to be national leaders in voter participation. I ask that, in light of the information provided above, DOJ withdraw its unreasonable request for personal data on individual Maine voters.

Sincerely,



Shenna Bellows
Secretary of State



Civil Rights Division

*Voting Section
950 Pennsylvania Ave, NW – 4CON
Washington, DC 20530*

July 24, 2025

Via Mail and Email

The Honorable Shenna Bellows
Secretary of State
148 State House Station
Augusta, Maine 04333-0148
shenna.bellows@maine.gov; sos.office@maine.gov

Dear Secretary Bellows:

We write to you as the chief election official for the State of Maine to request information regarding Maine’s procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501 *et seq.*

Please provide a list of the election officials who are responsible for implementing Maine’s general program of voter registration list maintenance from November 2022 through receipt of this letter, including those responsible officials not employed by your office (such as local election officials) who are also involved in that effort. Please also provide a description of the steps that you have taken, and when those steps were taken, to ensure that the State’s list maintenance program has been properly carried out in full compliance with the NVRA.

The NVRA requires each state and the District of Columbia 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.” 52 U.S.C. § 20507(i)(1). Section 11 of the NVRA authorizes the Attorney General to bring NVRA enforcement actions. *See* 52 U.S.C. § 20510.

Pursuant to Section 20507(i) of the NVRA, the Attorney General requests that you produce for inspection the following records:

The current electronic copy of Maine’s computerized statewide voter registration list (“statewide voter registration list”) as required by Section 303(a) of the Help America Vote Act. Please include all fields contained within the list. Please produce each list in a .xls, .csv, or delimited-text file format. Please specify what delimiter is used, if applicable, or provide a file layout along with a database user manual, coding list, or other materials that define or explain how a voter record is coded into the statewide voter registration list and reported in the electronic copy of the statewide voter registration list.

Additionally, please provide the following information in electronic form. The time period for these requests is close of registration for the November 2022 general election through the close of registration for the November 2024 general election, the same time period as the most recent report from the Election Assistance Commission's Election Administration and Voting Survey ("EAVS"). If you are unable to provide the data, please explain why the data is not available.

1. A review of the most recent EAVS report indicates that in response to Question A1b, there are nearly as many registered voters listed as active as the citizen voting age population in Maine, with a registration rate in 2024 of 92.4 percent of the citizen voting age population. Please explain what actions Maine is taking to ensure that ineligible voters are being removed.
2. In response to Question A3d, Maine had 11,011 voters (3.5 percent) with duplicate registrations, almost four times fewer than the nationwide average of 12.7 percent. In response to the same question for the 2022 EAVS Report, Maine had 3,638 duplicate registrations (2 percent). No data was listed for Question A12h regarding duplicate registrants who were removed from the statewide voter registration database. Moreover, no data was provided for Question 13a, regarding what records were merged or linked with another record. Please explain what actions Maine is taking to identify duplicate registrations and to remove those duplicates from the voter registration list. Please provide a list of all duplicate registrants who were removed from the statewide voter registration list. If records were merged, please provide that information.
3. Confirmation notice data was missing for Questions A10a through A10f in Maine. According to Footnote 9 in that section of the EAVS Report, the "Maine elections division conducts mass confirmation notice mailings in compliance with NVRA. The last one was completed more than 90 days before the November 2022 general election. The next one is planned for 2025." Please explain how it is determined who receives a confirmation notice. If the confirmation notices have been sent out, please explain how many and when they were sent. If there have been results for the confirmation notices sent, explain the results using the categories in 10b-f of the EAVS Report.
4. Likewise, no data was provided for Question A12e regarding individuals who were removed after receiving a confirmation notice and then failed to vote in two consecutive federal elections. Explain Maine's process for sending out and keeping track of confirmation notices and removing individuals who have received confirmation notices and failed to vote in two consecutive federal elections.
5. For Question A12b, Maine had 101,771 voters (77.2 percent) removed for having moved outside the jurisdiction, which is more than twice the national average. Explain Maine's process for removing individuals who move out of the jurisdiction.
6. Please explain Maine's process for identifying and removing deceased individuals from the voter roll.

Please provide a description of the steps that Maine has taken, and when those steps were taken, to identify registered voters who are ineligible to vote as well as the procedures it used to remove those ineligible voters from the registration list. Please identify the number of registered voters identified as ineligible to vote for the time period of the close of registration for the November 2022 general election through present for each of the following reasons:

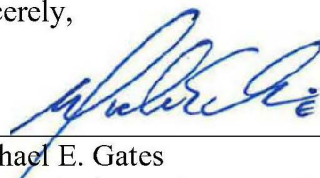
1. Non-citizen
2. Adjudicated incompetent
3. Felony conviction

For each of those voters identified in categories 1-3 above, provide their registration information on the statewide voter registration list, including their vote history.

Please provide this information within 14 days of the date of this letter. 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. We look forward to your assistance in advance.

Sincerely,



Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division

cc: The Honorable Julie Flynn
Deputy Secretary of State
184 State House Station
Augusta, Maine 04333-0101
julie.flynn@maine.gov

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

| | | |
|--|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Case No. 1:25-CV-468-KFW |
| SHENNA BELLOWS in her official capacity |) | |
| as Secretary of the State of Maine and the |) | |
| STATE OF MAINE. |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

DECLARATION

Maureen S. Riordan, for her declaration, pursuant to 28 U.S.C. 1746, deposes and says:

1. I am currently a Senior Counsel and Acting Chief of the Voting Section of the Civil Rights Division (the "Voting Section") of the United States Department of Justice. I am fully and personally familiar with the facts stated herein. I make this declaration in support of the United States' motion, brought on by the Order to Show Cause for refusal to produce election registration records, pursuant to the Civil Rights Act codified at 52 U.S.C. § 20701, *et seq.*

2. 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.*, require each state to perform voter list maintenance to ensure that only eligible voters remain on the statewide voter registration list. Under Section 11 of the NVRA and Section 401 of HAVA, the Attorney General is charged with the responsibility for enforcement of the list maintenance requirements of both statutes. *See* 52 U.S.C. § 20510(a) and 52 U.S.C. § 21111. This enforcement responsibility has been delegated to the Civil Rights Division.

3. One of my principal responsibilities is monitoring states' compliance with the requirements of the NVRA and HAVA, including the filing of enforcement actions for noncompliance.

4. On August 18, 2025, the Civil Rights Division sent a demand pursuant to 52 U.S.C. § 20701, *et seq.*, to Secretary of State Bellows, requesting that “the electronic copy of the statewide [voter registration list] 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”) to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).”

5. The letter informed the Secretary that the purpose of the demand for these records was to ascertain Maine’s compliance with the list maintenance requirements of federal laws, specifically the NVRA and HAVA.

6. The Department further advised Secretary Bellows that the Attorney General will keep all data received pursuant to our demand secure and treat it consistently with the Privacy Act.

7. The letter further explained that 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. § 522a note). The demand also instructed that 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 agency’s enforcement authority, which the Department of Justice is now endeavoring to do.

8. The request specified a deadline for response of August 25, 2025.

9. After the Department granted an extension, on September 8, 2025, Secretary of State Bellows refused to provide the requested records.

I affirm under the penalty of perjury that the above statements are true and correct.

Dated: September 18, 2025

Washington, DC.



Maureen S. Riordan

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

| | | |
|--|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Case No. |
| SHENNA BELLOWS in her official capacity |) | |
| as Secretary of the State of Maine and the |) | |
| STATE OF MAINE. |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

COMPLAINT

As President Trump said earlier this year, “[f]ree, fair, and honest elections unmarred by fraud, errors, or suspicion are fundamental to maintaining our constitutional Republic.” Exec. Order No. 14248, 90 Fed. Reg. 14005 (Mar. 25, 2025). Indeed, “[t]he right of American citizens to have their votes properly counted and tabulated, without illegal dilution, is vital to determining the rightful winner of an election.” Id. Under our Constitution, States “must safeguard American elections in compliance with Federal laws that protect Americans’ voting rights and guard against dilution by illegal voting, discrimination, fraud, and other forms of malfeasance and error.” Id. Without such safeguards, “[v]oter fraud drives honest citizens out of the democratic process and breeds distrust of our government.” *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006). And “[v]oters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised.” Id.

To prevent fraudulent votes from being cast, federal law requires that States conduct routine list maintenance procedures of their statewide voter registration databases. Accurate

voter rolls prevent the opportunity for fraud in federal elections. The Civil Rights Division of the Department of Justice is tasked with ensuring that States conduct voter registration list maintenance to prevent the inclusion of ineligible voters on any State’s voter registration list. This action seeks to remedy Defendant’s violations of federal voting laws. Plaintiff United States of America (“United States”) brings this action against the State of Maine and Shenna Bellows in her official capacity as the Secretary of State for the State of Maine, and alleges as follows:

1. The United States brings this action to enforce provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501 *et seq.*; the Help America Vote Act (“HAVA”), 52 U.S.C. § 20901 *et seq.*; and Title III of the Civil Rights Act of 1960 (“CRA”), 52 U.S.C. § 20701 *et seq.*

2. Defendants have failed to comply with the important mandates of the NVRA and HAVA by refusing to provide necessary information to enable the United States to assess its compliance. One purpose of the NVRA is to “protect the integrity of the electoral process” and “ensure that accurate and current voter registration rolls are maintained.” 52 U.S.C. § 20501(b)(3)-(4). Consistent with these purposes, the NVRA requires each state to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of “the death of a registrant or a change in residence of the registrant.” *Id.* § 20507(a)(4)(A)-(B).

3. Similarly, HAVA requires the appropriate state or local election official to perform list maintenance with respect to the centralized, computerized statewide voter registration list required under HAVA “on a regular basis[.]” 52 U.S.C. § 21083(a)(1)-(2). HAVA also requires that states have “[a] system of file maintenance that makes a reasonable

effort to remove registrants who are ineligible to vote from the official list of eligible voters[,]” with “[s]afeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.” *Id.* § 21083(a)(4)(A)-(B).

4. The United States brings this action pursuant to its authority under the NVRA, HAVA and the CRA to compel the State of Maine and its chief state election official, Secretary of State Shenna Bellows, to provide information regarding the State’s voter list maintenance procedures and an electronic copy of the statewide voter registration list including all fields, to allow the Attorney General to effectively assess Defendants’ compliance with the requirements of the NVRA and HAVA.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1345, and 2201(a); 52 U.S.C. §§ 20510(a) and 21111; and 52 U.S.C. § 20705.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the United States’ claims occurred in this District, and the Defendants are located in and conduct election administration activities in this District.

PARTIES

7. Plaintiff United States, through the Attorney General, has authority to enforce the NVRA, 52 U.S.C. § 20510(a), and Sections 21081-83, and 21083a of HAVA, *id.* § 21111. Both the NVRA and HAVA authorize the Attorney General to bring a civil action in an appropriate district court for such declaratory and injunctive relief as are necessary to carry out the relevant requirements under the statute. *Id.* §§ 20510(a) and 21111. Pursuant to the CRA, 52 U.S.C. §

20705, the Attorney General may compel states to produce certain records and papers relating to the administration of federal elections.

8. Defendant State of Maine is a state of the United States of America and therefore is subject to the requirements of the NVRA, HAVA, and the CRA. 52 U.S.C. §§ 20502(4), 20503, 20701, and 21141.

9. Defendant Secretary of State Shenna Bellows is sued in her official capacity as chief state election official responsible for coordinating Maine’s responsibilities under the NVRA. *See* 52 U.S.C. § 20509; 21-A.M.R.S.A.S. 161(2-A). Secretary Bellows is sued in her official capacity only.

STATUTORY BACKGROUND

The NVRA

10. The NVRA was enacted “to establish procedures that will increase the number of eligible citizens who register to vote in Federal elections “while “ensur[ing] that accurate and current voter registration rolls are maintained.” 52 U.S.C. § 20501(b)(1), (4).

11. Section 8 of the NVRA establishes requirements for the administration of voter registration for elections for federal office in covered states, including Maine. Section 8(a)(4) requires each state to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of” the death of the registrant, or “a change in the residence of the registrant, in accordance with subsections (b), (c), and (d)[.]” 52 U.S.C. §§ 20507(a)(4)(A)-(B).

12. Subsections (b), (c), and (d) set forth procedures for the removal of ineligible voters from official lists of voters as part of a state’s “program or activity to protect the integrity

of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office[.]” *Id.* § 20507(b).

13. State voter list maintenance programs must be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973, *et seq.*)[.]” 52 U.S.C. § 20507(b)(1); *see also* S. Rep. No. 103-6 at 31 (Feb. 25, 1993) (“The term ‘uniform’ is intended to mean that any purge program or activity must be applied to an entire jurisdiction.”); *accord* H.R. Rep. No. 103-9 at 15 (Feb. 2, 1993) (same).

14. Section 8(d) of the NVRA provides that a “[s]tate shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence,” unless the registrant

- A. confirms in writing that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered; or
- B. has failed to respond to a [Confirmation Notice] and has not voted or appeared to vote . . . in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

52 U.S.C. § 20507(d)(1). Section 8(d)(2) sets forth specific requirements for the Confirmation Notice to be sent to registrants, and Section 8(d)(3) provides that a “voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with [subsection 8(d)].” *Id.* §§ 20507(d)(2)-(3).

15. Section 8 of the NVRA also provides an example of a list maintenance program that constitutes a reasonable effort to remove registrants who have become ineligible due to a change of residence. 52 U.S.C. § 20507(c)(1). Under this program, a state uses information from

the United States Postal Service National Change of Address (“NCOA”) program to identify registrants who may have changed residence. *Id.* § 20507(c)(1)(A). Where it appears from the NCOA information that a registrant has moved to a new address in the same jurisdiction, the registration record is updated to show the new address and the registrant is sent a notice of the change by forwardable mail that includes a postage-prepaid, pre-addressed return form by which the registrant may verify or correct the address information. *Id.* § 20507(c)(1)(B)(i). Where it appears from the NCOA information that a registrant has moved to a new address in a different jurisdiction, the procedure set out in Section 8(d), described above, is used to confirm the address change. *Id.* § 20507(c)(1)(B)(ii).

16. Section 8(i) of the NVRA provides that:

Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, 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, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

52 U.S.C. § 20507(i)(1). Section 8(i)(2) further specifies:

The records maintained pursuant to paragraph (1) include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

Id. § 20507(i)(2).

17. Section 10 of the NVRA requires each state to “designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities” under the NVRA. 52 U.S.C. § 20509.

The Help America Vote Act

18. The purpose of HAVA “can be stated very simply—it is to improve our country’s election system.” H.R. Rep. 107-329(I) at 31 (2001). “Historically, elections in this country have been administered at the state and local level[,]” but Congress found that “the federal government can play a valuable [role] by assisting state and local government in modernizing their election systems.” *Id.* at 31-32.

19. HAVA imposes “minimum requirements” for the conduct of federal elections, which “allow the states to develop their own laws and procedures to fulfill the requirements” to the extent that they are consistent with the standards set by HAVA. *Id.* at 35.

20. HAVA required all states to implement “in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level,” that contains “the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State.” 52 U.S.C. § 21083(a)(1)(A).

21. The computerized list required by HAVA “shall be coordinated with other agency databases within the State.” 52 U.S.C. § 21083(a)(1)(A)(iv).

22. HAVA further establishes “[m]inimum standard[s] for accuracy of State voter registration records.” 52 U.S.C. § 21083(a)(4). Section 303 provides that a state’s “election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly,” including by use of a “system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters” and “safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.” *Id.*

23. HAVA mandates that a state may not process a voter-registration application without the applicant’s driver’s license number, where an applicant has a current and valid driver’s license, or, for other applicants, the last four digits of the applicant’s Social Security number. *Id.* § 21083(a)(5)(A). For applicants who have neither a driver’s license nor a social security number, a state must assign a unique identifying number for voter registration purposes. *Id.* § 21083(a)(5)(A)(ii). A state must then determine the validity of the information provided by the applicant. *Id.* § 21083(a)(5)(A)(iii).

24. HAVA applies to all fifty states, including Maine. *Id.* § 21141.

25. Section 303 of HAVA incorporates by reference certain provisions of the NVRA. *See* 52 U.S.C. § 21083(a)(4)(A). These provisions, unless explicitly noted otherwise, apply to all states covered under HAVA. *Id.*

26. HAVA vests the Attorney General of the United States with sole authority to “bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief . . . as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirements under “Sections 21081-83, and 21083a of [HAVA].” 52 U.S.C. § 21111.

27. HAVA contains no private right of action. *See* 52 U.S.C. §§ 20901 to 21145.

The Civil Rights Act of 1960

28. Congress empowered the Attorney General to request records pursuant to Title III of the CRA, codified at 52 U.S.C. § 20701 *et seq.*

29. 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 twenty-two months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

30. 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.

FACTUAL ALLEGATIONS

31. On July 24, 2025, the United States sent a letter to Secretary Bellows seeking information regarding Maine’s compliance with the NVRA. Exhibit 1, Letter from Justice Department to Secretary Bellows (July 24, 2025) (“July 24 Letter”). The Letter requested, among other information and documents, a list of the election officials who are responsible for implementing Maine’s general program of voter registration list maintenance from November 2022 through receipt of the letter and a description of the steps that Maine has taken, and when those steps were taken, to ensure that the state’s list maintenance program has been properly carried out in full compliance with the NVRA. The July 24 Letter also requested – pursuant to Section 8(i) of the NVRA – that Maine provide a current electronic copy of its computerized statewide voter registration list (“SVRL”), required under Section 303 of HAVA. *Id.* at 1.

32. The United States Election Assistance Commission (EAC) was established by HAVA to serve as “a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections.” EAC website, “Help America Vote Act,” https://www.eac.gov/about/help_america_vote_act.aspx. The EAC “is

an independent, bipartisan commission whose mission is to help election officials improve the administration of elections and help Americans participate in the voting process.” EAC website, “About the EAC,” (Sept. 15, 2025) <https://www.eac.gov/about>.

33. The EAC conducts a biennial Election Administration and Voting Survey (“EAVS”), “an analysis of state-by-state data that covers various topics related to the administration of federal elections[,]” including voter registration and list maintenance. *Id.* The EAC’s most recent report, “Election Administration and Voting Survey 2024 Comprehensive Report: A Report from the U.S. Election Assistance Commission to the 119th Congress” (“2024 EAVS Report”), explains that as part of the 2024 EAVS, the states “reported data on their efforts to keep voter registration lists current and accurate, known as list maintenance[,]” such as the number of confirmation notices states sent “to verify continued eligibility from registered voters[,]” and the number of voter registration records that state removed from their voter lists. EAC (Sept. 15, 2025), 2024 EAVS Report, https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf, at 7.

34. The July 24 Letter asked questions regarding Maine’s compliance with the NVRA, based on the Justice Department’s review of the EAVS Report. The period for the inquiries was the close of registration for the November 2022 general election through the close of registration for the November 2024 general election.

35. The Department’s July 24 letter asked Maine to produce the requested information and records by encrypted email or via the Department’s secure file-sharing system, Justice Enterprise File Sharing (JEFS). Ex. 1 at 3.

36. In response, on August 8, 2025, Secretary Bellows sent a letter refusing to provide Maine’s SVRL, stating “Under Maine law, data contained within the [SVRL] is confidential and

may not be disclosed except as specified by statute. 21-A M.R.S.A. § 196-A(I)].” Exhibit 2 at 3, Letter from Secretary Bellows to the Justice Department (August 8, 2025). Secretary Bellows then asked the Justice Department’s intentions for Maine’s voter registration database and how voters’ personally identifying information would be protected, including complying with the Privacy Act of 1974, 5 U.S.C. § 552a. *See* Ex. 2 at 4.

37. Although Secretary Bellows provided responses to the United States’ questions regarding the issues it identified in the EAVS report, these answers did not provide sufficient details for the United States to evaluate compliance with HAVA and the NVRA. Ex. 2.

38. For example, the Justice Department noted that Maine has nearly as many active registered voters as Maine’s citizen voting age population, with a registration rate in 2024 of 92.4 percent of the citizen voting age population. The Department asked Maine to explain what actions it is taking to ensure that ineligible voters are being removed.

39. Secretary Bellows responded, “Your first question suggests that Maine’s rate of registered voters as a percentage of citizen voting age population is somehow too high. I reject the premise of DOJ’s question. Maine’s rate of 92.4 percent (as calculated by the EAC) is entirely consistent with Maine’s longstanding high rates of civic engagement and voter participation...” Ex. 2 at 4.

40. Likewise, in response to Question A3d, Maine indicated it had 11,011 voters (3.5 percent of registrations received during the EAVS Report period) with duplicate registrations, almost four times fewer than the nationwide average of 12.7 percent. In response to the same question for the 2022 EAVS Report, Maine indicated it had 3,638 duplicate registrations (2 percent of registrations received during the EAVS Report period). In addition, no data was provided for Question 13a, regarding which records were merged or linked with another record.

The Justice Department asked Maine to explain what actions it is taking to identify duplicate registrations and to remove those duplicates from the voter registration list. It also requested Maine provide a list of all duplicate registrants who were removed from the statewide voter registration list, and if records were merged, please provide that information.

41. In response, Secretary Bellows stated that “According to the 2024 EAVS survey, Maine’s rate of transactions is well within the norm, with no more than half of states that submitted data reporting a lower percentage.” Ex. 2 at 4. She then described the processes Maine has in place “to ensure that duplicate applications do not result in duplicate voter registration records” in Maine’s voter list. Ex. 2 at 5.

42. The Justice Department also noted that according to Footnote 9 in the Confirmation Notice section of the EAVS Report, the “Maine elections division conducts mass confirmation notice mailings in compliance with NVRA. The last one was completed more than 90 days before the November 2022 general election. The next one is planned for 2025.” Therefore, Confirmation Notice data was missing for Questions A10a through A10f of the EAVS Report. The Department asked Maine to explain how it determines who receives a confirmation notice and the confirmation notices that have been sent out. If so, the Department requested to know the results of the confirmation notices using the same category of results used in Questions 10b-f of the EAVS report (*e.g.*, confirming registration, registrations should be invalidated, undeliverable, etc.).

43. In addition, Maine provided no data for Question A12e, regarding persons who were removed after receiving a confirmation notice and then failed to vote in two consecutive federal elections. The July 24 letter requested that Maine explain its process for sending and

tracking confirmation notices and removing persons who have received confirmation notices and failed to vote in two consecutive federal elections.

44. In response to this inquiry, Secretary Bellows referred the Justice Department to a narrative in the August 8 Letter regarding its confirmation notice process. That narrative states, among other things, that Maine conducts “periodic NVRA mailings to identify voters who are no longer eligible to vote at the address listed in [the registration list, and]...registrants are selected for address-confirmation mailings based on a lack of recent voter participation history.” Ex. 2 at 2. The last of these mailings occurred in the summer of 2022, before the EAVS reporting period. *Id.*

45. Finally, for Question A12b, Maine listed 101,771 voters (77.2 percent of the total voters Maine removed) for having moved outside the jurisdiction, which is more than twice the national average. The Justice Department asked Maine to explain its process for removing individuals who move out of the jurisdiction. *Id.*

46. In response to this question, Secretary Bellows wrote, “Maine did not remove voters for failure to return NVRA mailings – one of the three categories of removals tracked by EAVS - until after the close of the reporting period. As a result, zero removals in that category are reflected in the EAVS report, skewing the other two percentages relative to other states that did perform such cancellations during the reporting period.” Ex. 2 at 5.

47. On August 18, 2025 the Justice Department responded to Maine’s August 8 Letter, reminding Secretary Bellows that “the First Circuit Court of Appeals confirmed that “Maine’s Voter File is a ‘record[] concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters’ and is thus subject to disclosure under Section 8(i)(1).” *Pub. Int. Legal Found., Inc. v.*

Bellows, 92 F.4th 36, 49 (1st Cir. 2024). Exhibit 4 at 1-2, Letter from Justice Department to Secretary Bellows (August 18, 2025) (“August 18 Letter”). In the same decision, the First Circuit found that a provision of Maine’s state privacy law was preempted by the NVRA. *Id.* at 53 (“Maine may not “condition [] [the right to vote] ... upon compliance with a rule ... [that] is inconsistent in both purpose and effect with the remedial objectives of the [NVRA].”). *Id.*

48. The Department’s August 18 Letter stated that HAVA “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.”

49. The August 18 Letter also noted that the CRA empowers the Attorney General to request records. *See* Ex. 3 at 2. The Letter then demanded pursuant to the CRA, “an electronic copy of Maine’s complete and current VRL. The purpose of the request is to ascertain Maine’s compliance with the list maintenance requirements of the NVRA and HAVA.” The letter directed that the SVRL should contain “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”) to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).” (footnote omitted). Ex. 3 at 1-2.

50. The August 18 letter explained to the Defendants “that 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. § 552(a) 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.”

51. On September 8, 2025, Secretary Bellows responded to the Justice Department's letter, again refusing to provide an unredacted computerized SVRL and requested additional information about how the Department complies with the Privacy Act.

52. As explained in the August 18, 2025, letter to Maine, the Civil Rights Division is required to comply with the Privacy Act and has practices and procedures to ensure compliance with the Privacy Act.

53. The information that the Justice Department collects pursuant to its request to Maine will be maintained consistent with Privacy Act protections as explained on the Justice Department's website at <https://civilrights.justice.gov/privacy-policy#:~:text=Our%20Statutes-Privacy%20Act%20Statement,the%20scope%20of%20our%20jurisdiction>. The full list of routine uses for this collection of information can be found in the System of Records Notice (“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). It should be noted that the statutes cited for routine use include NVRA, HAVA, and the CRA. The records in the SORN are kept under the authority of 44 U.S.C. § 3101 and in the ordinary course of fulfilling the responsibility assigned to the Civil Rights Division under the provisions of 28 C.F.R. §§ 0.50, 0.51.

54. Maine is a member of the Electronic Registration Information Center (ERIC), an organization comprised of states whose stated mission “is to assist states in improving the accuracy of America's voter rolls and increasing access to voter registration for all eligible

citizens.”¹ ERIC is funded by its members, who pay a one-time membership fee and annual dues. *Id.* ERIC’s website explains that “[a]t least every 60 days, each member submits their voter registration data and licensing and identification data from motor vehicle departments (MVD) to ERIC.” *Id.* ERIC’s website states: “**Members submit dates of birth, driver’s license/ID card numbers, and Social Security numbers to ERIC** after applying a cryptographic one-way hash to these data points.” *Id.*

55. Maine provides the identical information that the Department has requested to ERIC, a private organization which lacks any enforcement authority, yet refuses to adhere to federal law and provide that same information to the Attorney General of the United States.

CAUSE OF ACTION

COUNT I: NATIONAL VOTER REGISTRATION ACT, 52 U.S.C. § 20507(i)

56. Plaintiff restates and incorporates herein the allegations in the foregoing paragraphs of the Complaint.

57. The Justice Department’s July 24 Letter requested the information that Maine is required to disclose pursuant to 52 U.S.C. § 20507(i).

58. Maine has failed to provide sufficient responses to the Justice Department’s specific inquiries regarding its list maintenance procedures, despite the Attorney General’s enforcement authority of these requirements under both the NVRA and HAVA. This information is necessary for the Attorney General to determine if Maine is conducting “a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters” as required by 52 U.S.C. § 20507(a)(4).

¹ *FAQ’s*, ERIC, (Sept. 15, 2025) <https://ericstates.org/faq/>; *see id.*, “Which States Are Members of ERIC?” <https://ericstates.org/about/>.

COUNT II: HELP AMERICA VOTE ACT, 52 U.S.C. § 21083

59. Plaintiff restates and incorporates herein the allegations in the foregoing paragraphs of the Complaint.

60. Defendants have failed to take the actions necessary for the State of Maine to comply with Section 303 of HAVA.

61. Defendants' failure to provide sufficient information in response to requests made by the Justice Department's Civil Rights Division in its July 24 and August 18 letters prevent the Attorney General from evaluating Maine's compliance with HAVA, pursuant to the Attorney General's statutory enforcement authority under 52 U.S.C. § 21111.

62. Defendants' refusal to provide sufficient information prevents the Attorney General from evaluating Maine's procedures that "ensure[] . . . duplicate names are eliminated from the computerized list" pursuant to 52 U.S.C. § 21083(a)(2)(B).

63. Defendants' refusal to provide to the United States the current electronic copy of Maine'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 prevents the Attorney General from determining Maine's compliance with the list maintenance requirements of HAVA. 52 U.S.C. § 21083(a)(5)(A).

COUNT III: CIVIL RIGHTS ACT OF 1960, 52 U.S.C. § 20703

64. On August 18, 2025, the Attorney General sent a written demand to Secretary Bellows for the production of specific election records, as authorized by 52 U.S.C. § 20703.

65. Secretary Bellows' September 8, 2025, letter refused to provide the records requested.

Wherefore, the United States respectfully requests that this Court:

A. Declare that Defendants have failed to make available and provide to the United States “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, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered[,]” in violation of the NVRA. 52 U.S.C. § 20507(i)(1);

B. Declare that the Defendant’s refusal to provide the requested records concerning the voter registration and maintenance records prevents the Attorney General from enforcing HAVA;

C. Declare that Defendants’ refusal to provide registration records upon a demand by the Attorney General violates Title III of the Civil Rights Act as required by 52 U.S.C. § 20703;

D. Order Defendants to provide to the United States the current electronic copy of Maine’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 as required by 52 U.S.C. § 20703; and awards such additional relief as the interests of justice may require.

Dated: September 16, 2025

Respectfully submitted,

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Assistant Attorney General
Civil Rights Division

MICHAEL E. GATES
Deputy Assistant Attorney General
Civil Rights Division

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Attorneys for the United States

Pursuant to these statutes, the United States requested a “copy of Maine’s computerized statewide voter registration list” in order “to ensure that the state’s list maintenance program has been properly carried out in full compliance with the NVRA.” Ex. 1 at 1, Letter from Justice Department to Maine Secretary of State Shenna Bellows (August 18, 2025). Secretary Bellows refused to provide the list. Ex. 2, Letter from Secretary Bellows to Justice Department (September 8, 2025).

This Court should order Defendants to show cause why they should not be compelled to produce the documents requested by the United States.

I. Background

A. Statutory Overview

In order to safeguard federal elections against the dual threats of wrongful abridgment of citizens’ right to vote and wrongful dilution of citizens’ right to vote—as respectively reflected by underinclusive and overinclusive voter rolls—Congress enacted the NVRA, 52 U.S.C. § 20501, *et. seq.*, and HAVA, 52 U.S.C. § 20901, *et. seq.* Both statutes contain provisions designed to help the federal government ensure that States are overseeing federal elections in a fair and honest manner and “to protect the integrity of the electoral process.” 52 U.S.C. § 20501(b)(3).

Congress passed the NVRA “to establish procedures that will increase the number of eligible citizens who register to vote in elections” while “ensur[ing] that accurate and current voter registration rolls are maintained.” 52 U.S.C. §§ 20501(b)(1) and (4). The NVRA requires each state to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of the death of the registrant or a change in the residence of the registrant[.]” 52 U.S.C. § 20507(a)(4)(A)-(B). A State may not remove “the name of a registrant from the official list of eligible voters in elections for Federal

office on the ground that the registrant has changed residence,” unless the registrant first “confirms in writing that the registrant has changed residence” or “has failed to respond” to a confirmation notice sent by the State and “has not voted or appeared to vote” in a recent election. 52 U.S.C. § 20507(d)(1)(A)-(B).

The NVRA also contains recordkeeping and records-disclosure provisions. “Each State shall maintain for at least 2 years and shall make available for public inspection ... all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters[.]” 52 U.S.C. § 20507(i)(1). These records 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 as of the date that inspection of the records is made.” *Id.*

Like the NVRA, the purpose of HAVA “can be stated very simply—it is to improve our country’s election system.” H.R. Rep. 107-329(I) at 31 (2001). HAVA accordingly requires all states to ensure their registration lists are current and include only eligible voters. States must implement “in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State.” 52 U.S.C. § 21083(a)(1)(A). States also are forbidden from processing voter-registration applications without the applicant’s driver’s license number, the last four digits of the applicant’s Social Security number, or a state-assigned unique identifying number. 52 U.S.C. § 21083(a)(5)(A). These requirements are an integral measure to ensure that States’ voter-registration lists are accurate and do not contain “the names of ineligible voters.” 52 U.S.C. § 21083(a)(2)(A)(iii).

The Attorney General of the United States is responsible for enforcing HAVA. 52 U.S.C. § 21111. She has sole authority to “bring a civil action against any State or jurisdiction in an appropriate United States District Court for such declaratory and injunctive relief . . . as may be necessary to carry out the uniform and nondiscriminatory election technology and administration requirement[.]” *Id.*

The Civil Rights Act of 1960 contains a similar enforcement provision. States must 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. States must produce “all records and papers relating to any . . . act requisite to voting in [a federal] election” to the Attorney General upon her request. *Id.*

The DOJ is statutorily entitled to request such information pursuant to the Public Disclosure Provision of the National Voter Registration Act of 1993 (“NVRA”). 52 U.S.C. § 20507(i). The NVRA provides that each State shall make available for public disclosure “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and current of official lists of eligible voters.” *Id.*

The plain text of the NVRA requires disclosure. *See id.* The phrase “all records” envisions an expansive application and includes the registration information of cancelled records and accompanying voter history. *Voter Reference Foundation, LLC v. Torrez*, 727 F.Supp.3d 1014, 1212 (D. N.M. 2024) (finding “all records” includes voter list). Similarly, “programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters” encompasses a broad range of state programs, including the removal of non-citizens from voter rolls. *Voter Reference* at 1212. The capacious language of the Public Disclosure Provision has been found to “set[] a floor, not a ceiling” to the types of records that must be disclosed. *Public Interest*

Legal Foundation, Inc. v. Matthews, 589 F.Supp.3d 932 (C.D. Ill. 2022). The request for the statewide voter registration list sits firmly above that floor. Courts have continuously found that Section 8(i) requires the disclosure of voter registration records. *See, e.g., Public Interest Legal Foundation v. Boockvar*, 431 F.Supp.3d 553 (M.D. Pa. 2019) (permitting disclosure of documents regarding “all registrants who were identified as potentially not satisfying the citizenship requirement”); *Project Vote/Voting for Am, Inc. v. Long*, 682 F.3d 331, 334 (4th Cir. 2012) (requiring disclosure of voter registration applications for *any individual* who timely completed an application) (emphasis added); *Project Vote, Inc. v. Kemp*, 208 F.Supp.3d 1320 (N.D. Ga. 2016) (holding that “Section 8(i) requires the disclosure of individual voter registration records.”).

Congress passed the NVRA to “protect the integrity of the electoral process” and “ensure that accurate and current voter registration rolls are maintained.” 52 U.S.C § 20501. This intention is achieved through the public disclosure provision, which Congress created to establish external checks on potential administrative oversights or inefficiencies regarding ineligible voters appearing on voter rolls. *See Project Vote/Voting for Am, Inc.*, 682 F.3d at 334-35. If the NVRA, a federal act, and state law “do not operate harmoniously in a single procedural scheme for federal voter registration, then Congress has exercised its power to ‘alter’ the state’s regulation, and that regulation is superseded.” *Gonzalez v. Arizona*, 677 F.3d 383, 394 (9th Cir. 2012) (en banc), *aff’d sub nom. Arizona v. Inter Tribal Council of Arizona, Inc. (“ITCA”)*, 570 U.S. 1 (2013).

B. Maine Refuses to Produce Voting Records.

On July 24, 2025, the United States sent a letter to Secretary Bellows, seeking information regarding Maine’s compliance with the NVRA. Ex. 3, Letter from Justice Department to Secretary Bellows (July 24, 2025) (“July 24 Letter”). The letter requested, among other information and documents, a list of the election officials, who are responsible for implementing Maine’s general

program of voter registration list maintenance from November 2022 through receipt of the letter and a description of the steps that Maine has taken, and, when those steps were taken, to ensure that the state’s list maintenance program has been properly carried out in full compliance with the NVRA. The July 24 letter also requested, pursuant to Section 8(i) of the NVRA, that Maine provide a current electronic copy of its computerized statewide voter registration list (“SVRL”), required by HAVA. *Id.* at 1.

In response, on August 8, 2025, Secretary Bellows sent a letter refusing to provide Maine’s SVRL, stating, “Under Maine law, data contained within [SVRL] is confidential and may not be disclosed except as specified by statute.” Ex. 4 at 3, Letter from Secretary Bellows to the Justice Department (August 8, 2025).

II. ARGUMENT

Elections must be “fair and honest.” *Storer v. Brown*, 415 U.S. 724 (1974). In a fair federal election, all lawfully registered adult citizens have the right to vote after complying with any applicable state procedures, such as providing photo identification. *See* U.S. Const. Amends. XV, XIX, XXIV, XXVI. But just as fair elections require that all eligible citizens have the opportunity to vote, they require that only eligible citizens have the right to vote. “[T]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.” *Purcell v. Gonzales*, 549 U.S. 1, 4 (2006) (quoting *Reynolds v. Sims*, 377 U.S. 533, 555 (1964)). By refusing to provide the Attorney General with information about its voter-registration lists and procedures, Maine has violated three federal statutes and is actively thwarting the Attorney General’s performance of her duties to ensure that States fairly administer Federal Elections.

A. Maine Has Violated the National Voter Registration Act and the Help America Vote Act.

Maine has refused to make a current electronic copy of its computerized statewide voter registration list available to the Attorney General. *See* Exhibit 2. NVRA’s plain text requires States to publicize “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). That includes the voter registration list, which tautologically must be used to ensure the accuracy of the official list of eligible voters, and is the end product of the State’s voter list maintenance procedures. The First Circuit Court of Appeals agrees and has informed Secretary Bellows of her duties under the NVRA when it held that “Maine’s Voter File is a ‘record[] concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters’ and is thus subject to disclosure under Section 8(i)(1).” *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 49 (1st Cir. 2024). That includes the voter registration list, which tautologically must be used to ensure the accuracy of the official list of eligible voters. HAVA maintains a similar disclosure requirement. The Attorney General has the authority to “ensure[] . . . duplicate names are eliminated from the computerized list₂” pursuant to 52 U.S.C. § 21083(a)(2)(B). This authority would be meaningless were the Attorney General unable to acquire the list; the power to ensure that a list is accurate necessarily includes the power to acquire and review the list.

The United States requested the list from Maine pursuant to the CRA in its August 18 letter, *See* Ex. 1 at 1, and Secretary Bellows refused to provide the list. *See* Ex. 2. This overt refusal to provide the information that Maine is required to disclose violates NVRA and HAVA.

B. Maine Has Violated the Civil Rights Act of 1960.

The Civil Rights Act of 1960 displaces the Federal Rules of Civil Procedure and creates a “special statutory proceeding” under which Maine must show cause as to why it is not required to produce the voter-registration lists requested by the United States. *Kennedy v. Lynd*, 306 F.2d 222, 225 (5th Cir. 1962) (interpreting the Civil Rights Act of 1960). The NVRA uses materially identical language in requiring States to provide the Attorney General with records and paper relating to their administration of Federal elections and likewise creates the same “special statutory proceeding.” 52 U.S.C. §§ 20507 and 20510(a). Thus, “when Congress uses the same language in two statutes having similar purposes ... it is appropriate to presume that Congress intended that text to have the same meaning in both statutes.” *Smith v. City of Jackson*, 544 U.S. 228, 233 (2005) (plurality opinion); *compare* NVRA, 52 U.S.C. § 20507(i)(1) (“Each State shall ... make available for public inspection and, where available, photocopying ... all records...”) *and* Civil Rights Act of 1960, 52 U.S.C. § 20703 (“Any record or paper ... shall, upon demand in writing by the Attorney General ... be made available for inspection, reproduction, and copying”).

The “special statutory proceeding” of these statutes is “a summary proceeding.” *Lynd*, 306 F.2d at 226. To institute this proceeding, the United States need only, as it has done here, file a “simple statement” describing its “written demand for inspection and papers” and explaining that Maine and Secretary Bellows have “failed or refused to make such papers ‘available for inspection, reproduction, and copying.’” *Id.* The Court accordingly “should grant the relief sought or, if the respondent-custodian opposes the grant of such relief, the matter should be set down without delay for suitable hearing on the matters open for determination.” *Id.*

Because Secretary Bellows has rebuffed the United States’s lawful demand that she produce Maine’s SVRL, the United States respectfully requests the Court to issue an order to show

cause directing the State of Maine and Secretary Bellows to appear before this Court and explain their noncompliance with federal law.

CONCLUSION

For the foregoing reasons, Plaintiff requests that this Court enter an Order directing the State of Maine and Secretary Bellows to show cause why they have failed to produce the requested records.

Dated: September 18, 2025

Respectfully submitted,

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Civil Rights Division

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s/ David Vandenberg
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Attorneys for the United States

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

| | | |
|--|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | Case No. |
| SHENNA BELLOWS in her official capacity |) | |
| as Secretary of the State of Maine and the |) | |
| STATE OF MAINE. |) | |
| |) | |
| |) | |
| Defendants. |) | |
| |) | |

DECLARATION

Maureen S. Riordan, for her declaration, pursuant to 28 U.S.C. 1746, deposes and says:

1. I am currently a Senior Counsel and Acting Chief of the Voting Section of the Civil Rights Division (the "Voting Section") of the United States Department of Justice. I am fully and personally familiar with the facts stated herein. I make this declaration in support ~~of~~ the United States' motion, brought on by ~~the~~ Order to Show Cause for ~~refusal to produce production~~ ~~of~~ election registration records, pursuant to the Civil Rights Act codified at 52 U.S.C. § 20701, ~~et seq.~~

2. The National Voter Registration Act, 52 U.S.C. § 20501, ~~et seq.~~, and the Help America Vote Act ("HAVA"), 52 U.S.C. § ~~20501~~ 20901, ~~et seq.~~, require each state to perform ~~voter-list~~ maintenance to ensure that only eligible voters remain on the statewide voter registration list. Under Section 11 of the NVRA and Section 401 of HAVA, the Attorney General is charged with the responsibility for enforcement of the list maintenance requirements of both

statutes. See 52 U.S.C. § 20501(a) and 52 U.S.C. § 21111. This enforcement responsibility has been delegated to the Civil Rights Division.

3. One of my principal responsibilities is monitoring states' compliance with the requirements of the NVRA and HAVA, including the filing of enforcement actions for noncompliance.

4. On August 18, 2025, the Civil Rights Division sent a demand pursuant to 52 U.S.C. § 20701 to Secretary of State Bellows, requesting an electronic copy of Maine's statewide voter registration list ("VRL"), containing 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 HAVA for federal voter registration. See 52 U.S.C. § 21083(a)(5)(A)(i).

5. The letter further explained that HAVA specifies that the last 4 four 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. § 522a note). The demand also instructed that 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, which the Department of Justice ~~was~~ is now endeavoring to do.

6. The Department further advised Secretary Bellows that the Attorney General ~~would~~ will keep all data received pursuant to our demand secure and treat it consistently with the Privacy Act.

7. The letter also informed the Secretary that the purpose of the demand for these records was to ascertain Maine's compliance with the list maintenance requirements of federal laws, specifically the NVRA and HAVA.

8. The request specified a deadline for response of August 25, 2025.

9. After the Department granted an extension, on September 8, 2025, Secretary of State Bellows refused to provide the requested records.

I affirm under the penalty of perjury that the above statements are true and correct.

Dated: September 00, 2025
Washington, DC.

Maureen S. Riordan

From: Bennett, Brittany (CRT) [redacted] (b)(6)
[redacted] (b)(6)
Sent: 9/30/2025 1:28:42 PM
To: Rosenberg, Mary E. (CRT) [redacted] (b)(6)
Subject: RE: California
Attachments: DOJ_California_CRANVRAHAVA_FINAL.pdf

(b)(5)

(b)(5)

Brittany E. Bennett

Trial Attorney
Civil Rights Division, Voting Section
U.S. Department of Justice
150 M Street NE
Washington, D.C. 20002

(b)(6)

(b)(6)



From: Rosenberg, Mary E. (CRT) <(b)(6)>

Sent: Tuesday, September 30, 2025 9:26 AM

To: Bennett, Brittany (CRT) (b)(6)

Subject: RE: California

Sure.

From: Bennett, Brittany (CRT) <(b)(6)>

Sent: Tuesday, September 30, 2025 9:12 AM

To: Rosenberg, Mary E. (CRT) (b)(6)

Subject: California

Hi Mary,

I am working on the CA OSC Memo. Maureen suggested getting together with you to go over the letters and make sure my summary is correct with the dates and substance. Do you want me to send you my summary so you can add any other pertinent details?

Brittany E. Bennett

Trial Attorney
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U.S. Department of Justice
150 M Street NE
Washington, D.C. 20002

(b)(6)

(b)(6)



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

DUPLICATE.

CREW v. DOJ - CRT - 001102-001104

DUPLICATE.

CREW v. DOJ - CRT - 001105-001144

From: Tucker, James T. (CRT) (b)(6)
Sent: 11/17/2025 8:46:40 PM
To: James T Tucker (b)(6)
Subject: Fw: Response to Motion to Dismiss
Attachments: public_interest_legal_foundation_v._bellows_no._23-1361_1st_cir._07-25-23- DOJ Amicus Brief.pdf

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From: Bennett, Brittany (CRT) (b)(6)
Sent: Monday, November 17, 2025 3:38:46 PM
To: Tucker, James T. (CRT) (b)(6) >
Subject: RE: Response to Motion to Dismiss

(b)(5)

Brittany E. Bennett
Trial Attorney
Civil Rights Division, Voting Section
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From: Tucker, James T. (CRT) <(b)(6)>
Sent: Monday, November 17, 2025 1:47 PM
To: Bennett, Brittany (CRT) <(b)(6)>
Subject: RE: Response to Motion to Dismiss

Thanks! That's helpful, especially the last sentence.

(b)(5)

After that, maybe circle back through their motion and the research list I sent and see if there are any other points we need to address?

From: Bennett, Brittany (CRT) <(b)(6)>
Sent: Monday, November 17, 2025 1:23 PM
To: Tucker, James T. (CRT) <(b)(6)>
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From: Bennett, Brittany (CRT)

Sent: Friday, November 14, 2025 4:18 PM

To: Tucker, James T. (CRT) (b)(6)

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

Subject: Response to Motion to Dismiss

I added most of my portion. I couldn't (b)(5) I added quite a bit on MSJ but we may have to whittle it down. We have a word limit of 7,000.

Still no word from the Court. ./

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IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

PUBLIC INTEREST LEGAL FOUNDATION,

Plaintiff-Appellee

v.

SHENNA BELLOWS, in her official capacity as the
Secretary of State for the State of Maine,

Defendant-Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF
PLAINTIFF-APPELLEE URGING CERTIFICATION OR AFFIRMANCE ON
THE ISSUES ADDRESSED HEREIN

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IN THE UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

No. 23-1361

PUBLIC INTEREST LEGAL FOUNDATION,

Plaintiff-Appellee

v.

SHENNA BELLOWS, in her official capacity as the
Secretary of State for the State of Maine,

Defendant-Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

BRIEF FOR THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF
PLAINTIFF-APPELLEE URGING CERTIFICATION OR AFFIRMANCE ON
THE ISSUES ADDRESSED HEREIN

INTEREST OF THE UNITED STATES

This case raises important issues regarding Section 8(i) of the National Voter Registration Act (NVRA), 52 U.S.C. 20507(i). The Attorney General is charged with enforcing the NVRA. 52 U.S.C. 20510(a). Accordingly, the United States has an interest in ensuring that Section 8(i) is correctly construed and given its proper preemptive scope. The United States files this brief under Federal Rule of Appellate Procedure 29(a).

STATEMENT OF THE ISSUES

The United States addresses the following issues:

1. Whether Section 8(i) requires disclosure of Maine’s voter registration database.
2. Whether the Court should certify to the Maine Supreme Judicial Court the question of how to interpret Maine’s statutory restrictions on using and disseminating voter data.
3. If the Court declines to certify, whether Section 8(i) preempts Maine’s use and dissemination restrictions to the extent they interfere with the NVRA’s purposes.
4. Whether the NVRA leaves States and individuals free to protect voter privacy by redacting sensitive information from released voter records or enforcing other laws prohibiting misuse of personal information.¹

STATEMENT OF THE CASE

I. Statutory Background

a. In 1993, Congress passed the NVRA, Pub. L. No. 103-31, 107 Stat. 77 (52 U.S.C. 20501-20511). Congress found that governments have a “duty” to promote the “fundamental right” to vote, and that “discriminatory and unfair registration laws and procedures” can damage federal voter participation and

¹ The United States takes no position on any issue not addressed herein.

“disproportionately harm” participation “by various groups, including racial minorities.” 52 U.S.C. 20501(a).

Section 8 of the NVRA, titled “[r]equirements with respect to administration of voter registration,” establishes uniform procedures to increase voter registration in federal elections while maintaining accurate voter rolls. See 52 U.S.C. 20507.

This case concerns Section 8(i), titled “[p]ublic disclosure of voter registration activities.” 52 U.S.C. 20507(i). Section 8(i) provides, in relevant part:

Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, 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, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

52 U.S.C. 20507(i)(1).

b. In 2002, Congress enacted the Help America Vote Act (HAVA), Pub. L. No. 107-252, 116 Stat. 1666 (52 U.S.C. 20901-21145). HAVA required each State to create “a single, uniform, official, centralized, interactive computerized statewide voter registration list,” which “shall serve as the single system for storing and managing the official list of registered voters throughout the State.” 52 U.S.C. 21083(a)(1)(A) and (a)(1)(A)(i). Upon receiving registration applications, election officials must “electronically enter[]” the information “into the computerized list on an expedited basis.” 52 U.S.C. 21083(a)(1)(A)(vi). States must take specified

steps to ensure that officials can “verify the accuracy of the information provided on applications for voter registration,” and must “ensure that voter registration records in the State are accurate and are updated regularly.” 52 U.S.C. 21083(a)(4) and (a)(5)(B)(i).

2. *The Present Controversy*

a. As HAVA requires, Maine maintains its voter-roll information in a single database. Doc. 87, at 4.² Plaintiff Public Interest Legal Foundation (PILF), a nonprofit “that ‘seeks to promote the integrity of elections nationwide,’” sent Maine Secretary of State Shenna Bellows (the Secretary) a request in October 2019 for “an electronic copy of Maine’s ‘statewide voter registration list.’” Doc. 87, at 3, 5 (citations omitted). A state law restricting access to the State’s voter list prohibited the Secretary from releasing this data. Doc. 87, at 5. PILF sued the Secretary under the NVRA. Doc. 87, at 5.

b. In June 2021, Maine added a new Exception J to its confidentiality law. Doc. 87, at 5. Exception J allows anyone “evaluating the State’s compliance with its voter list maintenance obligations” to “purchase” a subset of information—the Voter File—from the statewide database. Me. Stat. Tit. 21-A, § 196-A(1)(J) (2023). However, those obtaining the Voter File must comply with two privacy

² “Doc. __, at __” refers to the docket entry and page number of documents filed in the district court, No. 1:20-cv-61 (D. Me.). “Sec’y Br.” and “PILF Br.” refer respectively to the Secretary’s and PILF’s opening briefs on appeal.

restrictions. First, the Use Ban states that they may not “use the voter information or any part of the information for any purpose that is not directly related to evaluating the State’s compliance with its voter list maintenance obligations.” *Id.* § 196-A(1)(J)(1). Second, the Dissemination Ban states that they may not cause “any part of the voter information that identifies, or that could be used with other information to identify, a specific voter, including but not limited to a voter’s name, residence address or street address, to be made accessible by the general public on the Internet or through other means.” *Id.* § 196-A(1)(J)(2).

c. After Maine enacted Exception J, PILF amended its complaint. Doc. 55. The Secretary moved to dismiss. Doc. 58. The district court denied the motion in relevant part, holding that Section 8(i) required the State to disclose the Voter File and that PILF plausibly alleged its preemption claims. Doc. 61, at 9-12.

Both sides later moved for summary judgment (Docs. 74, 80), and the court granted PILF’s motion (Docs. 87, 88). It first refused the Secretary’s request to reconsider its holding that Section 8(i) mandates the Voter File’s disclosure. Doc. 87, at 7 & n.10, 10-11. It then found that the plain language of Maine’s Exception J would forbid PILF from (1) using the Voter File “to evaluate *another* State’s compliance with its voter list maintenance obligations,” (2) “enforc[ing] the NVRA” against other States, and (3) “publicly releasing the Voter File’s data.” Doc. 87, at 11-12 & nn.17-18. Finally, the court held that Exception J poses a

sufficient obstacle to the accomplishment of the NVRA's purposes to warrant preemption. Doc. 87, at 12-13. It issued a declaratory judgment. Doc. 87, at 17.

d. The Secretary timely appealed. Doc. 89.

SUMMARY OF ARGUMENT

The district court correctly held that Section 8(i) requires the Secretary to disclose the Voter File. Statutory text, context, and purpose establish that Section 8(i) covers records concerning both voter registration and list-maintenance activities, including voter registration lists such as the Voter File. The Secretary's reliance on select provisions of Section 8 and statements from the Federal Election Commission (FEC) do not support her contrary argument.

Before resolving the subsequent preemption question, this Court should certify the question of Exception J's scope to the Maine Supreme Judicial Court. The parties hotly debate the Use Ban's breadth, and questions remain about the Dissemination Ban's scope. Maine's highest court alone can issue binding interpretations of state law, and it may provide narrowing constructions that obviate some or all of the preemption issues in this case.

Should this Court decline to certify, then the NVRA would partially preempt both the Use and Dissemination Bans as the district court interpreted them. The NVRA preempts any condition on Section 8(i)'s disclosure right—including restrictions on using and disseminating voter data—when it would interfere with

the statute's purposes. For similar reasons, Section 8(i) can be viewed as creating implied federal rights to use or disseminate the records it requires to be disclosed, when needed to fulfill the NVRA's purposes. As interpreted by the district court, Maine's broad bans pose obstacles to fulfilling the NVRA's purposes and are preempted as to applications that conflict with those purposes.

However, Maine retains many options to protect voters' privacy, which the NVRA does not preempt or hinder. For instance, States may redact certain particularly sensitive information before disclosing voters' records. Likewise, they may prohibit use or dissemination of voter data that does not further the NVRA's purposes. And the NVRA leaves intact many state and federal laws designed to prevent voter intimidation or other abuses.

ARGUMENT

I

THE NVRA REQUIRES THE SECRETARY TO DISCLOSE THE VOTER FILE

A. Section 8(i) Covers States' Voter Lists

The district court correctly held that Section 8(i) applies to voter registration databases like the Voter File. The NVRA's language, structure, and purpose support this reading.

1. The "starting point in discerning the meaning of a statute is the provision itself." *Colón-Marrero v. Vélez*, 813 F.3d 1, 11 (1st Cir. 2016). Section 8(i)

requires disclosure of “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). Maine’s Voter File, which records the results of all the State’s registration and list-maintenance activities, falls squarely within this language. To see why, take each piece of the statutory text step by step.

First, both Maine’s registration and list-maintenance efforts plainly constitute “programs” or “activities.” 52 U.S.C. 20507(i)(1). A “program” is “a plan of procedure” or “schedule or system under which action may be taken toward a desired goal,” while an “activity” is a “natural or normal function or operation.” *Webster’s Third New International Dictionary* 22, 1812 (1993). Maine’s efforts meet either definition. Both federal and state law require Maine to make ongoing, continuous efforts to verify applicants’ eligibility to vote, register eligible voters in its central voter registration system, revise its voter registration records, and remove ineligible voters from its voter rolls. See 52 U.S.C. 20504-20506, 20507(a)-(g), 21083; Me. Stat. Tit. 21-A, §§ 128, 161, 162-A, 232, 233 (2023). Each of these processes “is a ‘program’ because it is” a plan of procedure “carried out in the service of a specified end—maintenance of voter rolls.” *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 335 (4th Cir. 2012) (*Project*

Vote). And each “is an ‘activity’ because it is a particular task and deed of [Maine] election employees,” a normal operation for which they are responsible. *Ibid*.

Next, these registration, maintenance, and removal activities are “conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. 20507(i)(1). Maine’s after-the-fact list-maintenance activities plainly ensure that the voter rolls remain both current and accurate as voters move, die, changes their names, or affiliate with new political parties. See also 52 U.S.C. 20507(a)(4) and (b)-(g), 21083(a)(2)(B) and (a)(4) (requiring States, under both the NVRA and HAVA, to conduct continuous list maintenance activities while imposing safeguards to prevent improper removals). But registration processes also serve this purpose, as “voter lists are not ‘accurate’ or ‘current’ if eligible voters have been improperly denied registration or if ineligible persons have been added to the rolls.” *Project Vote*, 682 F.3d at 335.

Meeting these goals is not a mere byproduct of the registration process (contra Sec’y Br. 33); application review and database input processes have no other purpose but to ensure that the voter rolls as a whole remain correct and up-to-date. Congress acknowledged as much in the NVRA itself: It instituted several new mandatory voter registration methods, 52 U.S.C. 20504-20506, and required voter registration forms to ask for the information (but only the information) needed to enable officials to “assess the eligibility of the applicant,” 52 U.S.C.

20504(c)(2)(B)(ii), 20504(c)(2)(C), and 20508(b)(1)-(2). And Congress further emphasized these purposes in passing HAVA: It required all States to develop statewide electronic voter databases, and mandated that election officials “verify the accuracy” of applicants’ information and enter voters’ information into the statewide list “on an expedited basis,” so that States would always have an accurate and up-to-date list. 52 U.S.C. 21083(a)(1)(A)(vi) and (a)(5)(B)(i).

Moreover, the information in the Voter File constitutes “records concerning the implementation of” Maine’s registration and list-maintenance programs. 52 U.S.C. 20507(i)(1). Section 8(i) extends not just to records “of” the implementation of programs or activities, but rather to all records “concerning” implementation. *Ibid.* (emphasis added). Like its synonym “regarding,” the word “concerning” used “in a legal context generally has a broadening effect, ensuring that the scope of a provision covers not only its subject but also matters relating to that subject.” *Patel v. Garland*, 142 S. Ct. 1614, 1622 (2022) (citation omitted). The Voter File reflects the results of Maine’s registration and list-maintenance activities, and therefore “concern[s]”—or relates to—the “implementation” of those activities. *Project Vote*, 682 F.3d at 335. Moreover, the NVRA applies its disclosure requirement to “all” such “records.” 52 U.S.C. 20507(i)(1) (emphasis added). “All,” like the similar word “any,” gives a provision “an expansive meaning,” covering implementation-related records “of whatever kind.” *United*

States v. Dion, 37 F.4th 31, 35 (1st Cir.), cert. denied, 143 S. Ct. 387 (2022).

“[T]he statute’s use of the term ‘all records’ relating to [a State’s] ‘implementation of’ the program or activity” indicates that Section 8(i) “encompasses a broad range of disclosable documents.” *Public Int. Legal Found., Inc. v. North Carolina State Bd. of Elections*, 996 F.3d 257, 266 (4th Cir. 2021). This includes the Voter File.

Finally, the Voter File is not among the two sets of records excluded from Section 8(i)’s reach: those that “relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.” 52 U.S.C. 20507(i)(1). As “Congress explicitly enumerate[d] certain exceptions” to Section 8(i), the Secretary cannot invent any “additional,” “implied” exceptions for registration databases. *United States v. Councilman*, 418 F.3d 67, 75 (1st Cir. 2005) (en banc) (citation omitted). That Congress needed to exclude two types of records, both of which relate to voter registration, also confirms that Section 8(i) otherwise reaches registration records.

2. A “contextual review” further shows that Section 8(i) requires disclosure of the Voter File. *Colón-Marrero*, 813 F.3d at 12. Section 8(i) is captioned “Public disclosure of voter *registration* activities,” 52 U.S.C. 20507(i) (emphasis added), and falls within a section titled “[r]equirements with respect to administration of voter *registration*,” 52 U.S.C. 20507 (emphasis added). “These statutory labels reinforce the conclusion that Section 8(i)(1) governs voter

registration records,” *Project Vote*, 682 F.3d at 337, including records of who is registered.

Congress also specified throughout Section 8 when its provisions applied solely to list maintenance. For instance, Section 8(c), titled “[v]oter removal programs,” sets time limits for completing “any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. 20507(c)(2)(A). This language refers only to large-scale list-maintenance programs. Section 8(a)(4) is even more explicit, requiring States to implement a “general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of” voters’ death or change of address. 52 U.S.C. 20507(a)(4). Section 8(i) contains no such language—a presumptively intentional difference. See *United States v. Saemisch*, 70 F.4th 1, 10 (1st Cir. 2023).

By contrast, Section 8(a)—like Section 8(i)—regulates registration as well as list-maintenance activities. 52 U.S.C. 20507(a); see 52 U.S.C. 20507(a)(1) and (a)(5)(A) (mandating measures to “inform applicants” of “voter eligibility requirements” and “ensure that any eligible applicant is registered to vote”). And in Section 8(b), Congress set standards for “[a]ny State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office.” 52

U.S.C. 20507(b)(1). This language, like Section 8(i)'s, applies across-the-board to activities designed to “ensur[e] the accuracy and currency of official lists of eligible voters.” 52 U.S.C. 20507(i)(1). Such activities include adding eligible applicants to the lists and leaving off ineligible applicants.

3. To the extent any textual “ambiguity” remains, statutory purpose can “resolve” it. *Penobscot Nation v. Frey*, 3 F.4th 484, 498 (1st Cir. 2021) (en banc), cert. denied, 142 S. Ct. 1668 and 142 S. Ct. 1669 (2022). Disclosure of the Voter File plainly would advance all of the NVRA’s purposes: increasing eligible voter registration, enhancing voter participation, protecting electoral integrity, and maintaining accurate and current voter registration rolls. See 52 U.S.C. 20501(b). Whether “voter registration rolls” are “accurate and current,” 52 U.S.C. 20501(b)(4), cannot be determined without actually examining them. Public inspection of the information included in the Voter File, both alone and combined with other records, can help ensure that States are properly evaluating applications, rejecting applicants only for legitimate reasons, processing eligible applications in a timely fashion, and engaging in uniform and nondiscriminatory registration and list-maintenance practices. See, e.g., 52 U.S.C. 20504(e); 52 U.S.C. 20506(d); 52 U.S.C. 20507(a)(1) and (b)(1). Inspection of such records also may help uncover systemic problems in a jurisdiction, so voters or organizations can remedy registration and list-maintenance issues before future elections. See, e.g., *Project*

Vote, 682 F.3d at 333. Public disclosure of the Voter File thus advances the NVRA’s central purposes.

B. The Secretary’s Attempts To Limit 8(i)’s Scope Fail

1. The Secretary responds (Br. 27, 33) that Section 8(i) applies only to list-maintenance programs—and even then, only to records that directly “describe” or “document” these programs (Br. 30). As discussed above, however, neither text, context, nor purpose supports this distinction between voter-registration and list-maintenance activities, or so strictly limits the records covered. In any event, the two categories cannot be so neatly separated. As the Secretary herself acknowledges (Br. 12), some of the data in the Voter File—like voter participation history, or updates to voters’ addresses—“is not derived from” voters’ initial registration forms, but rather from later list-maintenance. The Voter File therefore is a record concerning the implementation of both registration *and* list-maintenance activities.

2. The Secretary at times goes further and claims (Br. 27, 29-31, 33-34, 43-44) that Section 8(i) does not even apply to States’ ongoing, “day-to-day” list-maintenance processes. Rather, she asserts (Br. 27), Section 8(i) reaches only the purposeful, periodic list-maintenance programs “authorized and regulated by the remainder of § 8.”

But Section 8(i)'s text cannot be read to tether disclosure to those programs alone. "If Congress had wanted the provision to have that effect, it could have said so in words far simpler than those that it wrote." *Biden v. Texas*, 142 S. Ct. 2528, 2539 (2022). It could have limited disclosure to records of "list-maintenance programs described in this section." Or it could have employed language like that in other provisions of Section 8, which limit themselves to the removal of names or other particular list-maintenance processes. *E.g.*, 52 U.S.C. 20507(a)(4), (c)(2), (d) and (f). But Section 8(i) uses general language, applying to *all* records concerning implementation of programs "conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. 20507(i)(1). Section 8(i) also reaches "activities," *ibid.*, a word that "suggests great breadth," *Johnson v. City of Saline*, 151 F.3d 564, 570 (6th Cir. 1998), and plainly covers "administrative functions" like "the maintenance of databases," *Arizona v. Thompson*, 281 F.3d 248, 257 (D.C. Cir. 2002).

3. Lastly, the Secretary asserts (Br. 38-41) that Congress did not have the Voter File in mind when it crafted Section 8(i). She notes (Br. 39), for instance, that some provisions in Section 8 mention voter lists, but that Section 8(i) does not specify that such lists are disclosable. Congress, however, chose to draft a general provision that covers "all" records concerning implementation of relevant programs or activities. "This commodious phrasing leaves no doubt that Congress

did not intend to exclude particular kinds of [records] simply because they were left unmentioned.” *Dion*, 37 F.4th at 36.

The Secretary also relies (Br. 40-41) on Section 8(i)(2). This paragraph specifies that States must maintain certain records about confirmation-of-address mailings sent as part of Section 8(a)(4) programs, but it does not mention voter registration databases (or any other records). 52 U.S.C. 20507(i)(2). The Secretary asserts (Br. 40-41) that Section 8(i)(2) implicitly limits the personal voter data that Section 8(i)(1) renders disclosable to the data in the enumerated records.

Section 8(i)(2), however, is not limited to its examples. It states that “[t]he records maintained pursuant to paragraph (1) shall *include*” the enumerated records. 52 U.S.C. 20507(i)(2) (emphasis added). And “the word ‘include’ indicates the list is illustrative rather than comprehensive.” *Del Grosso v. Surface Transp. Bd.*, 898 F.3d 139, 142 (1st Cir. 2018). Indeed, Congress debated the extent to which it would restrict disclosure under Section 8(i), see S. Rep. No. 6, 103rd Cong., 1st Sess. 40 (1993) (Senate Report), and settled on the two narrow categorical exceptions that it listed in Section 8(i)(1), see 52 U.S.C. 20507(i)(1). Limiting Section 8(i)’s coverage of voter data only to the enumerated examples in Section 8(i)(2) “would render” these express exclusions in Section 8(i)(1) “superfluous.” *Baker v. Smith & Wesson, Inc.*, 40 F.4th 43, 49 (1st Cir. 2022).

Section 8(i)(2) does not exclude other records; it merely “describes” certain “set[s] of records that must be” created and “maintained.” *Project Vote*, 682 F.3d at 337.

The Secretary then points to a 1994 FEC guidance document. Br. 42-44. This document discusses Section 8(i)(2)’s express examples of disclosable records; it then says that States might also wish to retain “for the same period of time all records of removals from the voter registration list,” but “[a]s a matter of prudence, * * * not as a requirement of the Act.” National Clearinghouse on Elec. Admin., Fed. Elec. Comm’n, *Implementing the National Voter Registration Act of 1993: Requirements, Issues, Approaches, and Examples* 7-1 (Jan. 1, 1994), <https://perma.cc/Z5UL-LPBY>.

This statement cannot sustain the Secretary’s interpretation of Section 8(i). For one thing, the FEC’s rulemaking authority never extended to the NVRA’s public disclosure provision. See Pub. L. No. 103-31, § 9(a), 107 Stat. 87 (as amended 52 U.S.C. 20508(a)); contra Sec’y Br. 42.³ Hence, as the guidance document itself notes, the FEC “d[id] *not* have legal authority either to interpret the Act or to determine whether this or that procedure meets [its] requirements”; its suggestions were “offered without force of law, regulation, or advisory opinion.” National Clearinghouse on Elec. Admin. at P-1; see *United States v. Mead Corp.*,

³ HAVA transferred the FEC’s functions and powers under the NVRA to the Election Assistance Commission. See Pub. L. No. 107-252, § 802, 116 Stat. 1726 (52 U.S.C. 20508(a)).

533 U.S. 218, 231-232 (2001). For another, the statement’s placement after discussion of Section 8(i)(2) suggests that the FEC may have believed that *only* those records specified in Section 8(i)(2) must be retained and disclosed—a reading that, as just discussed, would run afoul of the statutory text. However, the document gives no rationale for the statement upon which the Secretary relies. And it is the statute’s clear language that ultimately controls. See *Goncalves Pontes v. Barr*, 938 F.3d 1, 3 (1st Cir. 2019).

II

THIS COURT SHOULD CERTIFY THE QUESTION OF EXCEPTION J’S SCOPE TO THE MAINE SUPREME JUDICIAL COURT

Whether the NVRA preempts Exception J depends on what Exception J actually restricts. The district court determined that Maine’s Use Ban would prohibit using Voter File data either to help analyze other States’ NVRA compliance or to enforce the NVRA against other States, and that the Dissemination Ban would prohibit requestors from publicly releasing Voter File data. Doc. 87, at 11-12 & nn.17-18. PILF has gone further, arguing that the Use Ban would prohibit it even from using Voter File data to enforce the NVRA against Maine. Doc. 84, at 5-6. The Secretary does not dispute (Br. 46) the district court’s characterization of the Dissemination Ban, but she argues (Br. 58-61) that the Use Ban would not prohibit PILF from enforcing the NVRA or analyzing other States’ NVRA compliance.

This state-law interpretive dispute is best resolved by Maine’s highest court. While “federal courts have the power” and “the duty” “to adopt narrowing constructions of *federal* legislation,” they “are without power to adopt a narrowing construction of a *state* statute unless such a construction is reasonable and readily apparent.” *Boos v. Barry*, 485 U.S. 312, 330-331 (1988) (emphases added). Bedrock federalism principles animate this distinction. For one thing, “the federal tribunal risks friction-generating error when it endeavors to construe a novel state Act not yet reviewed by the State’s highest court.” *Arizonans for Off. Eng. v. Arizona*, 520 U.S. 43, 79 (1997). For another, any federal interpretation could well prove ephemeral, “because federal courts cannot make their state-law interpretations binding on state courts.” *Mount Vernon Fire Ins. Co. v. VisionAid, Inc.*, 875 F.3d 716, 728 (1st Cir. 2017). For this same reason, “Supreme Court precedent warns against accepting as authoritative an Attorney General’s interpretation of state law when the Attorney General does not bind the state courts or local law enforcement authorities, as is the case in Maine.” *NCTA -- The Internet & Television Ass’n v. Frey*, 7 F.4th 1, 19 n.13 (1st Cir. 2021) (internal citation and quotation marks omitted).

Here, both parties put forward plausible interpretations of Exception J, and no Maine court has yet passed on the statute’s meaning. Indeed, the Use and Dissemination Bans are even more ambiguous than the parties’ disagreements

illustrate. Perhaps because Maine enacted it in response to PILF’s lawsuit, Exception J mentions only “list maintenance.” Me. Stat. Tit. 21-A, § 196-A(1)(J) and (1)(J)(1) (2023). It thus appears to forbid requestors from using Voter File data to help register voters, even though increasing registration is a key purpose of the NVRA. Meanwhile, the Dissemination Ban does not define what constitutes making data “accessible by the general public.” *Id.* § 196-A(1)(J)(2). Would it include engaging in a “door-to-door canvassing effort to confirm the accuracy of” duplicated or error-ridden voter records (Doc. 84, at 6), or contacting voters to tell them they had been removed from the rolls?

“Speculation by a federal court about the meaning of a state statute in the absence of prior state court adjudication is particularly gratuitous when ... the state courts stand willing to address questions of state law on certification from a federal court.” *Arizonans for Off. Eng.*, 520 U.S. at 79 (citation omitted). Certification is appropriate here. This Court “may certify a question to the [Maine Supreme Judicial Court acting as the] Maine Law Court where there are ‘questions of [Maine] law ... that may be determinative of the cause and ... there is no clear controlling precedent in the decisions of the Supreme Judicial Court.’” *Franchini v. Investor’s Bus. Daily, Inc.*, 981 F.3d 1, 10 (1st Cir. 2020) (second alteration in original) (quoting Me. R. App. P. 25(a)). The Court may certify *sua sponte*, even if “[n]o request for certification was made” by the parties “in the district court or in

this court.” *Brown v. Crown Equip. Corp.*, 501 F.3d 75, 77 (1st Cir. 2007), certified question answered, 960 A.2d 1188 (Me. 2008). A binding, limiting construction of state law could eliminate the preemption dispute over the Use Ban and at least narrow the dispute over the Dissemination Ban, helping to avoid unnecessary constitutional rulings.

III

IF THE DISTRICT COURT CORRECTLY INTERPRETED THE USE AND DISSEMINATION BANS, THE NVRA PARTIALLY PREEMPTS THEM

A. As Interpreted By The District Court, The Use And Dissemination Bans Pose Obstacles To Fulfilling The NVRA’s Purposes And Therefore Are Preempted To The Extent Of The Conflict

Should the Court decline to certify, or should the Maine Supreme Judicial Court broadly interpret Exception J’s restrictions, then the preemption issue will persist. Assuming the district court correctly read the Use Ban, and based on the parties’ agreed reading of the Dissemination Ban, the district court’s preemption analysis is largely correct. See Doc. 87, at 12-13. Both bans have applications that conflict with Section 8(i) as read in light of the NVRA’s purposes, and the NVRA preempts them as to those applications, including in this case. But preemption extends only to applications of Exception J that prohibit uses or disseminations of disclosed information that would further the NVRA’s purposes.

As the NVRA lacks an express preemption provision, “the parties have focused their arguments solely on * * * ‘obstacle preemption.’” *Maine Forest*

Prods. Council v. Cormier, 51 F.4th 1, 6 (1st Cir. 2022). Obstacle preemption occurs when “the challenged state law ‘stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.’” *Ibid.* (citation omitted).

Certain standards designed to limit preemption do not apply to statutes enacted under the Elections Clause. That Clause “invests the States with responsibility for the mechanics of congressional elections, but” grants Congress “paramount” authority to override States’ choices. *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 9 (2013) (citations omitted). In short, the Elections Clause itself confers preemptive power. *Id.* at 14. This means that the presumption against preemption used in Supremacy Clause cases does not apply to “Elections Clause legislation” like the NVRA. *Id.* at 15. Nor need courts search for evidence of congressional intent to preempt contrary state laws. See *id.* at 14. And in Elections Clause cases, courts “do not finely parse the federal statute for gaps or silences into which state regulation might fit,” as doing so “could fundamentally alter the structure and effect of” the federal statute. *Fish v. Kobach*, 840 F.3d 710, 729 (10th Cir. 2016).

1. The central preemption inquiry is whether the NVRA “confers a right on private actors (either explicitly or implicitly) that conflicts with [Exception J’s] restrictions.” *Maine Forest Prods. Council*, 51 F.4th at 8. “[I]n determining the

preemptive scope of a congressional enactment, [courts] rely on the plain language of the statute and its legislative history.” *Medicaid & Medicare Advantage Prod. Ass’n of P.R., Inc. v. Emanuelli Hernandez*, 58 F.4th 5, 11 (1st Cir. 2023) (citation omitted). Here, both indicate that Congress intended to authorize disclosure, dissemination, and use of records in aid of the NVRA’s purposes.

a. Section 8(i) requires States to “make” covered records “available for public inspection and, where available, photocopying.” 52 U.S.C. 20507(i)(1). This language plainly contemplates uniform disclosure. It gives every member of the public a right to view and copy the same information upon request—a right they may enforce through litigation. 52 U.S.C. 20510(b). States may not “condition[] that right * * * upon compliance with a rule” that “is inconsistent in both purpose and effect with the remedial objectives of the federal” statute. *Felder v. Casey*, 487 U.S. 131, 153 (1988).

Congress enacted the NVRA to “provide uniform national voter registration procedures for Federal elections.” Senate Report 3. By doing so, Congress stated in the NVRA’s text, it aimed both to expand voter registration and to protect the integrity of the electoral process. See 52 U.S.C. 20501(b). Because it often is necessary to use or disseminate disclosed data to fulfill these twin purposes, States may not condition Section 8(i)’s disclosure right on compliance with overbroad use or dissemination restrictions. See *Felder*, 487 U.S. at 153. For similar reasons,

one also may view Section 8(i)'s disclosure right as carrying with it additional "implicit federal right[s]," *Maine Forest Prods. Council*, 51 F.4th at 10, to use and disseminate the disclosed information as needed to fulfill the NVRA's purposes.

Disclosure is necessary to determine whether those who are eligible to vote have been registered and remain on the rolls, but voter data must then be used and circulated to the broader public if voter registration is ever to be increased as a result. See *Voter Registration: Hearing Held Before the Subcomm. on Elections of the H. Comm. on Admin.*, 103rd Cong., 1st Sess. 111 (1993) (statement of Edward A. Hailes, Counsel, Wash. Bur., NAACP) (praising inclusion of Section 8(i) in draft NVRA because "[t]hese records could be used to identify and assist voters ensnared in a state of voting rights uncertainty").

Similarly, "[i]t is self-evident that disclosure will assist the identification of both error and fraud in the preparation and maintenance of voter rolls." *Project Vote*, 682 F.3d at 339. But to analyze and advocate for improvements to list maintenance practices, it often will be necessary to *use* voters' data and to *disseminate* it to election officials or others.

Congress recognized, too, that "an effective national voter registration program must also include private civil enforcement," which "can encourage action to assure that a reasonable effort is undertaken to achieve [the registration program's] objectives in all States." Senate Report 21. Such civil enforcement

efforts also will often require using—and may require publicly revealing—certain personal voter data.

b. Pointing to the Freedom of Information Act (FOIA), the Privacy Act, and the Civil Rights Act of 1960, the Secretary counters (Br. 35-36, 56-57) that Congress has implemented a general federal policy of protecting privacy. But each of these statutes imposes its own unique set of restrictions on disclosure, use, and dissemination—restrictions that Section 8(i) does not share. See 5 U.S.C. 552(b)(6) (FOIA) (creating general disclosure exemption for personal privacy but imposing no post-disclosure restrictions); 5 U.S.C. 552a(b) (Privacy Act) (limiting disclosure only to certain recipients or to recipients promising to use information for specified purposes); 52 U.S.C. 20703 and 20704 (Civil Rights Act) (restricting disclosure to Attorney General and strictly limiting further dissemination). Far from indicating a blanket federal policy of privacy protection, the distinctions between each of these laws shows that Congress balances anew in each disclosure statute the benefits of public knowledge with the costs of reduced privacy.

2. Having demonstrated the private disclosure right that Section 8(i) affords, along with the use and dissemination rights that flow with it, “the conflict with [Exception J] becomes starkly apparent.” *Maine Forest Prods. Council*, 51 F.4th at 10. The Use Ban, as the district court interpreted it, would prohibit using Voter File data to examine other States’ compliance with the NVRA. Doc. 87, at 11.

The Use Ban also may outlaw using Voter File data for voter registration activities. See p. 20, *supra*. Such uses of data are needed to fulfill the NVRA’s purposes, and Section 8(i) protects them. Likewise, the district court determined that the Use Ban would prohibit using the Voter File as evidence to help enforce the NVRA against another State. Doc. 87, at 12 n.18. Not only would this improperly condition Section 8(i)’s core disclosure right and conflict with Section 8(i)’s implicit right to use disclosed data; it also would interfere with the NVRA’s private right of action for anyone “aggrieved,” regardless of “the State involved.” 52 U.S.C. 20510(b)(1).

The Dissemination Ban, too, conflicts with the NVRA. Section 8(i) requires records to be “ma[d]e available for public inspection.” 52 U.S.C. 20507(i)(1). Dissemination restrictions thus burden the rights both of requestors and of the broader public entitled to view this information. Public interest groups and others often use lists of names and addresses in a public way to help enforce the NVRA’s purposes, whether to re-register erroneously removed voters or to force States to improve their list-maintenance processes. But the Dissemination Ban prohibits making public any information that even could be combined with *other* information to identify voters. Me. Stat. Tit. 21-A, § 196-A(1)(J)(2) (2023). Exception J would thus prohibit a requestor, for instance, from creating a website with a list of “inactive” voters and encouraging voters to check if they are

on the list so they can avoid removal from the rolls. This broad ban on publicizing disclosed information “is ‘inconsistent with’ the NVRA’s mandate” as applied to circumstances in which public dissemination would serve the NVRA’s purposes. *Arizona*, 570 U.S. at 15 (citation omitted).

Maine still can enforce Exception J when it would not interfere with the NVRA’s express purposes. And Maine could pass a narrower, better-defined set of use and dissemination limits. But as interpreted by the district court, the NVRA partially preempts the current bans.

B. NVRA Preemption Does Not Prohibit Redaction Of Sensitive Voter Information Or Enforcement Of Other Laws Prohibiting The Misuse Of Personal Data

While Maine’s privacy concerns do not justify an unduly restrictive reading of Section 8(i)’s text and purposes, those concerns are substantial. It is important, therefore, to emphasize the limits on Section 8(i)’s preemptive scope. The line between permissible and impermissible conditions on disclosure can be complex and fact-dependent; what follows are merely illustrative examples of acceptable restrictions.

First, the NVRA does not prohibit States from redacting “uniquely sensitive information” like voters’ Social Security Numbers before disclosing records. *Project Vote*, 682 F.3d at 339. Nor does it prohibit redacting an even broader set of personal information in certain sensitive circumstances—for instance, the names

and personal information of people subjected to criminal investigation (but later exonerated) on suspicion of being illegally registered to vote. See *Public Int. Legal Found.*, 996 F.3d at 267.

Second, Section 8(i) does not preempt state-law use restrictions as to uses that would not further the NVRA's purposes. For instance, as the Secretary notes (Br. 45), many States prohibit using information from voter registration lists for commercial purposes. Such prohibitions do not "frustrate[]" the NVRA's "operation within its chosen field" and so would not be preempted. *Emanuelli Hernandez*, 58 F.4th at 11 (citation omitted).

Third, similarly, the NVRA does not preempt bans on disseminating personal data whose public broadcasting is not necessary to achieve the NVRA's purposes. For example, States may need to disclose voters' years of birth, parties of registration, or voting history so requestors can determine whether States are complying with the NVRA's list-maintenance and non-discrimination requirements. See 52 U.S.C. 20507(b). But, outside the contexts of directly assessing and litigating NVRA compliance, state publication bans would be less likely to impede the statute's purposes.

Finally, the NVRA does not authorize requestors to disseminate disclosed information for a purpose or in a manner that harms voters. Most prominently, the NVRA's disclosure provision does not revoke or preempt federal or state laws

against voter intimidation. Contra Sec’y Br. 57. Both the NVRA and federal criminal law authorize prosecutions for willfully intimidating, threatening, or coercing people for registering to vote or voting. 18 U.S.C. 594; 52 U.S.C. 20511(1). The Voting Rights Act also authorizes civil suits to prevent or remedy acts with the effect of intimidating voters. See 52 U.S.C. 10307(b) and 10308(d). And nearly all States, including Maine, impose their own restrictions on voter intimidation, threats, or coercion. See Theodore Z. Wyman, *Litigation of Voter Intimidation Law* § 8, 174 Am. Jur. Trials 385 (May 2023). Additionally, the NVRA does not preempt state laws prohibiting libel or other dangerous uses of voters’ information.

Below, PILF agreed with several such limits on NVRA preemption. Noting Maine’s concerns about publicizing “ethnic and language minorities[’]” personal information, voter intimidation, and “misuse by ‘scammers, hackers, commercial interests, or foreign governments,’” PILF stated that it “does not allege an intention to engage in these activities nor that they were intended by Congress, much less that they would further the NVRA’s objectives.” Doc. 84, at 3 (citations omitted). It has made similar concessions on appeal. PILF Br. 50-51, 52. PILF was right to acknowledge these limits on preemption but wrong to claim (PILF Br. 50) that disclosures of personally identifiable information are “imaginary monsters.” See

Sec’y Br. 14-15, 49-51. This Court also should emphasize limits on preemption—plus the others discussed above—to avoid abuse of sensitive voter data.

CONCLUSION

This Court should certify to the Maine Supreme Judicial Court, or else affirm on the issues addressed herein.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that the attached BRIEF FOR THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF PLAINTIFF-APPELLEE URGING CERTIFICATION OR AFFIRMANCE ON THE ISSUES ADDRESSED HEREIN:

(1) complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 6488 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f); and

(2) complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365, in 14-point Times New Roman font.

s/ Noah B. Bokat-Lindell
NOAH B. BOKAT-LINDELL
Attorney

Date: July 25, 2023

CERTIFICATE OF SERVICE

I certify that on July 25, 2023, I electronically filed the foregoing BRIEF FOR THE UNITED STATES AS AMICUS CURIAE IN SUPPORT OF PLAINTIFF-APPELLEE URGING CERTIFICATION OR AFFIRMANCE ON THE ISSUES ADDRESSED HEREIN with the Clerk of the Court for the United States Court of Appeals for the First Circuit by using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Noah B. Bokar-Lindell
NOAH B. BOKAT-LINDELL
Attorney

From: Braniff, Andrew (CRT) <[REDACTED]>
Sent: 11/18/2025 11:58:57 PM
To: Mellett, Timothy F (CRT) <[REDACTED]>; Riordan, Maureen (CRT) <[REDACTED]>
Subject: RE: DUE by COB - Status update on election related DOJ actions
Attachments: OregonMotiontoDismiss.11.17.25.pdf

Thank you!

Since I'm checking all the dockets for intervenors I read Oregon's motion to dismiss. Are they saying that registering to vote is First Amendment activity? If that's the case not sure why we needed the 15th, 19th, 24th and 26th Amendments....

From: Mellett, Timothy F (CRT) <[REDACTED]>
Sent: Tuesday, November 18, 2025 6:49 PM
To: Braniff, Andrew (CRT) <[REDACTED]>; Riordan, Maureen (CRT) <[REDACTED]>
Subject: RE: DUE by COB - Status update on election related DOJ actions

How is this?

(b)(5)

From: Braniff, Andrew (CRT) <[REDACTED]>
Sent: Tuesday, November 18, 2025 5:46 PM
To: Mellett, Timothy F (CRT) <[REDACTED]>; Riordan, Maureen (CRT) <[REDACTED]>
Subject: RE: DUE by COB - Status update on election related DOJ actions

Ok here's the chart. I need to fill out the rest of the intervenors. And the email we send over should include answers to the below if you could draft in a few sentences. Im not sure I understood the abbreviated text Maureen sent completely and would hate to improperly paraphrase.:

(b)(5)

From: Mellett, Timothy F (CRT) <[REDACTED]>
Sent: Tuesday, November 18, 2025 5:24 PM

To: Braniff, Andrew (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>
Subject: RE: DUE by COB - Status update on election related DOJ actions

Here is what I have on investigations.

From: Braniff, Andrew (CRT) <(b)(6)>
Sent: Tuesday, November 18, 2025 3:50 PM
To: Mellett, Timothy F (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>
Subject: RE: DUE by COB - Status update on election related DOJ actions

If we have contacted them yes under investigations.

Also if you or Maureen could send a couple of sentences on the last question:

(b)(5)

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Tuesday, November 18, 2025 3:30 PM
To: Braniff, Andrew (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>
Subject: RE: DUE by COB - Status update on election related DOJ actions

Should all of the states they have not provided us all of the data(SSN/DL) be on here?

From: Braniff, Andrew (CRT) <(b)(6)>
Sent: Tuesday, November 18, 2025 3:08 PM
To: Riordan, Maureen (CRT) <(b)(6)>; Mellett, Timothy F (CRT) <(b)(6)>
Subject: RE: DUE by COB - Status update on election related DOJ actions

Use this one. I added a VRA column.

From: Braniff, Andrew (CRT)
Sent: Tuesday, November 18, 2025 3:04 PM
To: Riordan, Maureen (CRT) <(b)(6)>; Mellett, Timothy F (CRT) <(b)(6)>
Subject: RE: DUE by COB - Status update on election related DOJ actions

I'm filling out the case list. If you could fill in the investigation list I would appreciate it.

From: Riordan, Maureen (CRT) <(b)(6)>
Sent: Tuesday, November 18, 2025 1:52 PM
To: Braniff, Andrew (CRT) <(b)(6)>; Mellett, Timothy F (CRT) <(b)(6)>
Subject: Re: DUE by COB - Status update on election related DOJ actions

Tim also we have very few cases that are only HAVA filed. Most are NVRA//HAVA and CRA

Maureen S. Riordan
Senior Counsel
Acting Chief, Voting Section
Civil Rights Division

(b)(6)

From: Braniff, Andrew (CRT) <(b)(6)>

Sent: Tuesday, November 18, 2025 1:17:00 PM

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

Subject: FW: DUE by COB - Status update on election related DOJ actions

Tim,

We got a request for the below information. (And also an update on Ohio). Could you start on the highlighted section. I know we have to file California today. I will circulate a format with the above information you can check.

(b)(5)

From: Mellett, Timothy F (CRT) [(b)(6)]
Sent: 11/18/2025 10:49:47 PM
To: Braniff, Andrew (CRT) [(b)(6)]; Riordan, Maureen (CRT) [(b)(6)]
Subject: Re: DUE by COB - Status update on election related DOJ actions

I'm commuting home right now, but I can hop on when I get home and suggest some language. We have more public registration lists than what you have above.

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duplicated in

CREW v. DOJ - CRT - 001145-001147

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DUPLICATE.

CREW v. DOJ - CRT - 001145-001147

DUPLICATE.

CREW v. DOJ - CRT - 001145-001147

DUPLICATE.

CREW v. DOJ - CRT - 001145-001147

DUPLICATE.

CREW v. DOJ - CRT - 001145-001147

From: Riordan, Maureen (CRT) <[REDACTED]>
Sent: 11/18/2025 10:59:28 PM
To: Osete, Jesus (CRT) <[REDACTED]>
Subject: Re: Letters from Secretaries of State to DOJ and DHS

From: Osete, Jesus (CRT) <[REDACTED]>
Sent: Tuesday, November 18, 2025 5:57:47 PM
To: Riordan, Maureen (CRT) <[REDACTED]> Neff, Eric (CRT) <[REDACTED]>
Cc: Zandi, Matt (CRT) <[REDACTED]>
Subject: RE: Letters from Secretaries of State to DOJ and DHS

I'm not aware of an agreement.

Jesus A. Osete
Principal Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20579
[REDACTED]
[REDACTED]



From: Riordan, Maureen (CRT) <[REDACTED]>
Sent: Tuesday, November 18, 2025 5:50 PM
To: Osete, Jesus (CRT) <[REDACTED]>; Neff, Eric (CRT) <[REDACTED]>; Dhillon, Harmeet K. (CRT) <[REDACTED]>
Cc: Zandi, Matt (CRT) <[REDACTED]>
Subject: Re: Letters from Secretaries of State to DOJ and DHS

Jesus we have yet to share any data with DHS. Unless there has been an agreement with DHS/SAVE that I am unaware of?

Maureen S. Riordan
Senior Counsel
Acting Chief, Voting Section
Civil Rights Division
[REDACTED]

From: Osete, Jesus (CRT) <[REDACTED]>
Sent: Tuesday, November 18, 2025 5:39:27 PM
To: Neff, Eric (CRT) <[REDACTED]>; Dhillon, Harmeet K. (CRT) <[REDACTED]>; Riordan, Maureen (CRT) <[REDACTED]>
Cc: Zandi, Matt (CRT) <[REDACTED]>
Subject: RE: Letters from Secretaries of State to DOJ and DHS

TY.

Jesus A. Osete

Principal Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20579

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



From: Neff, Eric (CRT) <(b)(6)>
Sent: Tuesday, November 18, 2025 5:36 PM
To: Osete, Jesus (CRT) <(b)(6)>; Dhillon, Harmeet K. (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>
Cc: Zandi, Matt (CRT) <(b)(6)>
Subject: RE: Letters from Secretaries of State to DOJ and DHS

Yes I'll get back to you shortly.

From: Osete, Jesus (CRT) <(b)(6)>
Sent: Tuesday, November 18, 2025 5:33 PM
To: Dhillon, Harmeet K. (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>
Cc: Zandi, Matt (CRT) <(b)(6)>; Neff, Eric (CRT) <(b)(6)>
Subject: RE: Letters from Secretaries of State to DOJ and DHS

Eric I know you're focused on Fulton right now, but as soon as you wrap that up can you please turn to this, analyze it, and pass along your recommendation regarding next steps, if any?

Thanks.

Jesus A. Osete

Principal Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20579

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



From: Osete, Jesus (CRT)

Sent: Tuesday, November 18, 2025 5:24 PM

To: Dhillon, Harmeet K. (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>

Cc: Zandi, Matt (CRT) <(b)(6)>; Neff, Eric (CRT) <(b)(6)>

Subject: RE: Letters from Secretaries of State to DOJ and DHS

+ Eric Neff

Jesus A. Osete

Principal Deputy Assistant Attorney General

Civil Rights Division

U.S. Department of Justice

950 Pennsylvania Ave., NW

Washington, DC 20579

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



From: Dhillon, Harmeet K. (CRT) <(b)(6)>

Sent: Tuesday, November 18, 2025 4:50 PM

To: Osete, Jesus (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>

Cc: Zandi, Matt (CRT) <(b)(6)>

Subject: FW: Letters from Secretaries of State to DOJ and DHS

Who else should be getting this correspondence? Let's discuss.

HKD

Harmeet K. Dhillon

Assistant Attorney General

Civil Rights Division

U.S. Department of Justice

Email: (b)(6)

Cell: (b)(6)

Desk: (b)(6)

From: Office <Office@coloradosos.gov>

Sent: Tuesday, November 18, 2025 9:01 AM

To: (b)(6); (b)(6)

Cc: Dhillon, Harmeet K. (CRT) <(b)(6)>; (b)(6); (b)(6)

Subject: [EXTERNAL] Letters from Secretaries of State to DOJ and DHS

Hello,

Please see the attached letter signed by 10 Secretaries of State.

Thank you.

From: Riordan, Maureen (CRT) [(b)(6)]
Sent: 11/18/2025 11:01:04 PM
To: Osete, Jesus (CRT) [(b)(6)]; Neff, Eric (CRT) [(b)(6)]
CC: Zandi, Matt (CRT) [(b)(6)]
Subject: Re: Letters from Secretaries of State to DOJ and DHS

Ok. Just called because [(b)(5)]
[(b)(5)]

Not sure wheee this is coming from.

Maureen S. Riordan
Senior Counsel
Acting Chief, Voting Section
Civil Rights Division

[(b)(6)]

duplicate in

CREW v. DOJ - CRT - 001155-001158

duplicated in

CREW v. DOJ - CRT - 001155-001158

duplicate in

CREW v. DOJ - CRT - 001155-001158

duplicate in

CREW v. DOJ - CRT - 001155-001158

From: Neff, Eric (CRT) [(b)(6)]; [(b)(6)]
Sent: 11/18/2025 11:01:54 PM
To: Osete, Jesus (CRT) [(b)(6)]; Riordan, Maureen (CRT) [(b)(6)]@usdoj.gov
CC: Zandi, Matt (CRT) [(b)(6)]
Subject: RE: Letters from Secretaries of State to DOJ and DHS

This is likely fishing to try to trap us with contradictory statements later (or tomorrow, as CA is one of the states) in court. The claim that data has been shared with DHS has no citation and is too vague to even know what they are referring to.

I believe our reply should always be: "We will use the data in a manner consistent with Federal law" and say nothing more. HAVA, NVRA, CRA – none of them require to give the states information about what we are going to do with the data. No judge will have authority to limit us beyond a promise of Federal law compliance.

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CREW v. DOJ - CRT - 001155-001158

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CREW v. DOJ - CRT - 001155-001158

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CREW v. DOJ - CRT - 001155-001158

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CREW v. DOJ - CRT - 001155-001158

From: Bennett, Brittany (CRT) [redacted] (b)(6)
[redacted] (b)(6)
Sent: 11/24/2025 4:39:49 PM
To: Mellett, Timothy F (CRT) [redacted] (b)(6)
Subject: News Articles Response

(b)(5)

Brittany E. Bennett
Trial Attorney
Civil Rights Division, Voting Section
U.S. Department of Justice
150 M Street NE
Washington, D.C. 20002

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



From: Mellett, Timothy F (CRT) [(b)(6)]
Sent: 11/24/2025 5:17:00 PM
To: Riordan, Maureen (CRT) [(b)(6)]
CC: Bennett, Brittany (CRT) [(b)(6)]
Subject: CA Opposition to Intervenor's Motion to Dismiss
Attachments: Response to CA Intervenor's Motion to Dismiss 2025.11.24.docx; CA LWV MTD ECF 67.pdf; CA Elias MTD ECF 62.pdf

Hi Maureen,

I have attached our Opposition to Intervenor's Motion to Dismiss in California. I have also attached the motions to dismiss that they filed.

Something that is being raised by everyone is our purported sharing with information with DHS. To my knowledge, this is not true. We have responded to this in FN 9. One way to deal with this allegation [(b)(5)]

[(b)(5)]
[(b)(5)] Thanks,

Tim Mellett
Deputy Chief, Voting Section
U.S. Department of Justice

[(b)(6)]
Cell: [(b)(6)]

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

From: Song, Harin C. (CRT) <[redacted] (b)(6)>
<[redacted] (b)(6)>
Sent: 12/2/2025 1:11:41 PM
To: Daniel, Tamica (CRT) <[redacted] (b)(6)>
Subject: RE: Data Sharing Agreement

Thank you, Tamica.

Best,
Harin

From: Daniel, Tamica (CRT) <[redacted] (b)(6)>
Sent: Tuesday, December 2, 2025 7:21 AM
To: Song, Harin C. (CRT) <[redacted] (b)(6)>
Subject: RE: Data Sharing Agreement

Thanks for the update on your [redacted] (b)(6). We're looking forward to seeing you in the office tomorrow.

Thanks for the update on the MOU. Please let me know when you get a response from Tim.

Best,

Tamica

From: Song, Harin C. (CRT) <[redacted] (b)(6)>
Sent: Tuesday, December 2, 2025 5:37 AM
To: Daniel, Tamica (CRT) <[redacted] (b)(6)>
Subject: FW: Data Sharing Agreement

Hi, Tamica,

I hope you have been well. I was [redacted] (b)(6) today and am traveling back to DC tomorrow (12/2) and plan to be in the office on Wednesday (12/3).

I wanted to send you an update regarding the detail. Things appear to have changed between the time I met with you and Carrie on Monday afternoon (11/24) and the next morning. I sent the below questions to Tim after I read his emails from 11/25 on 11/26. Tim circulated to the Voting Section attorneys earlier today (12/1) the corrected citation that I noted, but I have not yet received a response from him on my questions regarding the MOU.

Best,
Harin

From: Song, Harin C. (CRT)
Sent: Wednesday, November 26, 2025 9:25 AM
To: Mellett, Timothy F (CRT) <[redacted] (b)(6)>
Subject: RE: Data Sharing Agreement

Hi, Tim,

I read through the agreement that has been approved by the FO and leadership offices, which you circulated yesterday.

First, I think the below statutory citation has an error; it should be § 20510(a).

- Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. See 52 U.S.C. § 20501(a).

Second, I did not see (b)(5)

(b)(5)

I noted the below comments in the version with metadata and a comment. The response comment indicates

(b)(5)

(b)(5)

(b)(5)

Best,
Harin

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Tuesday, November 25, 2025 2:35 PM
To: Tucker, James T. (CRT) <(b)(6)>; Neff, Eric (CRT) <(b)(6)>; Bennett, Brittany (CRT) <(b)(6)>; Vandenberg, David (CRT) <(b)(6)>; Song, Harin C. (CRT) <(b)(6)>
Cc: Riordan, Maureen (CRT) <(b)(6)>
Subject: RE: Data Sharing Agreement

All,

I realized that I sent you the version that still had a comment in the margins and metadata. Please use this version instead. Thanks,

Tim

From: Mellett, Timothy F (CRT)
Sent: Tuesday, November 25, 2025 9:28 AM
To: Tucker, James T. (CRT) <(b)(6)>; Neff, Eric (CRT) <(b)(6)>; Bennett, Brittany (CRT) <(b)(6)>; Vandenberg, David (CRT) <(b)(6)>; Song, Harin C. (CRT) <(b)(6)>
Cc: Riordan, Maureen (CRT) <(b)(6)>
Subject: Data Sharing Agreement

All,

Please find attached the data sharing agreement that was approved by the FO and leadership offices. Thanks,

Tim

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

**DOCUMENT WITHHELD IN FULL UNDER
FOIA EXEMPTIONS B(5) AND B(6).**

NANCY DAHLSTROM
LIEUTENANT GOVERNOR
lt.governor@alaska.gov



550 W 7th Avenue, Suite 1700
Anchorage, Alaska 99501
Main: 907.269.7460

STATE OF ALASKA
OFFICE OF THE LIEUTENANT GOVERNOR

December 19, 2025

Eric Neff
Acting Chief
Civil Rights Division, Voting Section
U.S. Department of Justice

Dear Mr. Neff,

Per your written request dated August 14, 2025, the State of Alaska agrees to provide the Department of Justice a complete list of eligible, registered voters, including dates of birth, residential addresses, and driver's license numbers or the last four digits of social security numbers, in accordance with the attached memorandum of understanding, entered at the request of the Department of Justice, and AS 15.07.195(c)(1). This statute allows the Division of Elections to share voters' confidential information with a federal government agency, such as the Department of Justice, provided it uses "the information only for governmental purposes authorized under law."

As stated in the memorandum of understanding, the Department of Justice will use Alaska's voter list to test, analyze, and assess the State's compliance with federal laws, including the National Voter Registration Act and Help America Vote Act. The Department of Justice and any other recipients of the voter list will comply with the Privacy Act of 1974. Alaska will continue to comply with all state and federal laws while implementing this memorandum of understanding.

Sincerely,

A handwritten signature in blue ink that reads "Nancy Dahlstrom".

Nancy Dahlstrom
Lieutenant Governor

DUPLICATE.

CREW v. DOJ - CRT - 000001-000010

**DOCUMENT WITHHELD IN FULL UNDER
FOIA EXEMPTIONS B(5) AND B(6).**

From: Watson, John (CRT) (b)(6)
Sent: 1/12/2026 7:07:35 PM
To: Kagle, Kilian (CRT) (b)(6)
CC: Cononie, Sean (CRT) (b)(6)
Subject: Upcoming Requirements for CRT-JCON system
Attachments: RE: Voting Section Support - Data Requests

Kilian,

We have been informed about some requirements from Voting and Education that I wanted to reach out and ensure I am aware of any required compliance actions for CRT-JCON, CRT-ECS, and potentially CRT-RDMS or CRT-RDMS One.

We are aware of upcoming requirements that will involve large datasets with PII and may potentially introduce new information types or require processing information in new ways:

- 1) Voting Section:
 - a. Ingestion of bulk confidential Voter Registration Data from multiple states
 - b. Storage of bulk confidential Voter Registration Data from multiple states
 - c. Potential analysis of ingested data by litigative consultant.

2) Education Section

(b)(5)

Attached is my email to Sean regarding this information, with some more details on the type of PII data. My initial thoughts are included under "Dataset would contain" and "Comments" fields within the table.

Please let me know if you have time to discuss,

John Watson

Team Lead, Engineering and Infrastructure Services.

U.S. Department of Justice | Civil Rights Division

Email Address: (b)(6)

Mobile: (b)(6)

From: Watson, John (CRT) (b)(6)
Sent: 1/5/2026 10:12:04 PM
To: Cononie, Sean (CRT) (b)(6)
CC: O'Sullivan, Michael (CRT) (b)(6)
Subject: RE: Voting Section Support - Data Requests

Sean,

Following up on the below, I was wondering if you received any additional information on the Section's requirements. Also, it would be helpful to understand what level of protections the data may require especially given the below description of the information covered under states' confidentiality programs. If

(b)(5)

John Watson

Team Lead, Engineering and Infrastructure Services.

U.S. Department of Justice | Civil Rights Division

Email Address: (b)(6)

Mobile: (b)(6)

From: Watson, John (CRT)
Sent: Thursday, December 18, 2025 12:59 PM
To: Cononie, Sean (CRT) <(b)(6)>
Subject: Voting Section Support - Data Requests

Sean,

In support of Gary's request to prepare for Voting Section requests for voter registration list from the states, I was able to locate the descriptions at the bottom of the email and used it to populate the below table.

(b)(5)

(b)(5)

(b)(5)

Reference:

1. https://www.nass.org/sites/default/files/surveys/2020-10/NASS-briefing-FAQ-info-security-2020_0.pdf
2. https://www.eac.gov/sites/default/files/2024-03/Voter_Roll_Privacy.pdf

John Watson

Team Lead, Engineering and Infrastructure Services.

U.S. Department of Justice | Civil Rights Division

Email Address: (b)(6)

Mobile: (b)(6)

From: Braniff, Andrew (CRT) [(b)(6)]
Sent: 1/13/2026 2:53:09 PM
To: Osete, Jesus (CRT) [(b)(6)]
CC: Zandi, Matt (CRT) [(b)(6)]; Neff, Eric (CRT) [(b)(6)]
Subject: DOJ SAVE VV MOA Draft_DHS 010926.agb1.13
Attachments: DOJ SAVE VV MOA Draft_DHS 010926.agb1.13.docx

I think we are good on this. Eric has reviewed. Our only edit going back is to remove "Voting Section" from the title and first paragraph since Crim Section may have some uses for the data as well once we get results from SAVE.

Upon your approval I can send back to DHS with our last edits and get it signed!

Andy

**DOCUMENT WITHHELD IN FULL UNDER
FOIA EXEMPTIONS B(5) AND B(6).**

DUPLICATE.

F000455

DUPLICATE.

CREW v. DOJ - CRT - 000751-000752

DUPLICATE.

CREW v. DOJ - CRT - 000772-000777

DUPLICATE.

CREW v. DOJ - CRT - 000761-000766

DUPLICATE.

CREW v. DOJ - CRT - 000761-000766

**DOCUMENT WITHHELD IN FULL UNDER
FOIA EXEMPTIONS B(5) AND B(6).**

DUPLICATE.

CREW v. DOJ - CRT - 000908-000910

**DOCUMENT WITHHELD IN FULL UNDER
FOIA EXEMPTIONS B(5) AND B(6).**

**DOCUMENT WITHHELD IN FULL UNDER
FOIA EXEMPTIONS B(5) AND B(6).**

DUPLICATE.

CREW v. DOJ - CRT - 001170-001172

DUPLICATE.

CREW v. DOJ - CRT - 001170-001172

DUPLICATE.

DUPLICATE.

CREW v. DOJ - CRT - 000956-000958

Sent: 12/23/2025 7:51:28 PM
To: Neff, Eric (CRT) [(b)(6)]; Hayes, Chris (CRT) [(b)(6)]
Subject: RE: SAVE capability

Same. Never accessed it before.

Kam

From: Neff, Eric (CRT) <[(b)(6)]>
Sent: Tuesday, December 23, 2025 2:48 PM
To: Hayes, Chris (CRT) <[(b)(6)]>
Cc: Gupta, Kamran (CRT) <[(b)(6)]>
Subject: RE: SAVE capability

Kamran?

From: Hayes, Chris (CRT) <[(b)(6)]>
Sent: Tuesday, December 23, 2025 2:47 PM
To: Neff, Eric (CRT) <[(b)(6)]>
Cc: Gupta, Kamran (CRT) <[(b)(6)]>
Subject: RE: SAVE capability

Eric,
I've never accessed the SAVE platform.

-Chris

From: Neff, Eric (CRT) <[(b)(6)]>
Sent: Tuesday, December 23, 2025 2:28 PM
To: Hayes, Chris (CRT) <[(b)(6)]>
Cc: Gupta, Kamran (CRT) <[(b)(6)]>
Subject: SAVE capability

Chris/Kamran,

Do you have the capability (once we have the proper admin approvals – which is still in progress) to upload the VRLSs once we receive it to SAVE with DHS for analysis?

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)]



Sent: 7/10/2025 9:40:54 PM
To: Shikari, Roshni (CRT) [(b)(6)]
CC: Rameres, Jewel (CRT) [(b)(6)]; Rosenberg, Mary E. (CRT) [(b)(6)]; Song, Harin C. (CRT) [(b)(6)]; Lott, Jasmin (CRT) [(b)(6)]; Reid, Arielle (CRT) [(b)(6)]; Tucker, James T. (CRT) [(b)(6)]; Muench, Kevin (CRT) [(b)(6)]; Bonilla, German (CRT) [(b)(6)]; Hyatte, Joi (CRT) [(b)(6)]; Wake, Brittany (CRT) [(b)(6)]; Gupta, Kamran (CRT) [(b)(6)]; Bruzzone, Callie (CRT) [(b)(6)]
Subject: RE: Questions about NVRA project
Attachments: 7-10-25 California NVRA Final .docx

All,

I have attached the final Word copy of the California letter.
I also wanted to let you know that the information sharing agreement request with CRT and SAVE (Department of Homeland Security) is now with our IT folks.
Thanks,

Tim

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CREW v. DOJ - CRT - 000807-000812

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CREW v. DOJ - CRT - 000807-000812

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CREW v. DOJ - CRT - 000807-000812

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CREW v. DOJ - CRT - 000807-000812

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CREW v. DOJ - CRT - 000807-000812

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CREW v. DOJ - CRT - 000807-000812

DUPLICATE.

CREW v. DOJ - CRT - 001145-001147

DUPLICATE.

CREW v. DOJ - CRT - 001208-001210

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

Sent: 9/22/2025 4:16:41 PM
To: Gates, Michael (CRT); (b)(6); Riordan, Maureen (CRT); (b)(6)
Subject: RE: Redline complaint attached...
Attachments: Complaint- FINAL- California 9.22.25_msrb.doc

Brittany E. Bennett

Trial Attorney
Civil Rights Division, Voting Section
U.S. Department of Justice
150 M Street NE
Washington, D.C. 20002

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



From: Gates, Michael (CRT); (b)(6)
Sent: Monday, September 22, 2025 12:10 PM
To: Bennett, Brittany (CRT) <(b)(6)>; Riordan, Maureen (CRT); (b)(6)
Subject: RE: Redline complaint attached...

Brittany, I started reviewing but am going to wait for you to send me an updated version on the same pleading paper format, etc., as the OC case we filed. Please port this over to that format then send back up. Thank you.

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: Bennett, Brittany (CRT) <(b)(6)>
Sent: Saturday, September 20, 2025 11:42 PM
To: Riordan, Maureen (CRT) <(b)(6)>
Cc: Gates, Michael (CRT) <(b)(6)>
Subject: RE: Redline complaint attached...

I have revised based on your comments. (b)(5) My
summary is below, (b)(5)

Also, if you would like to discuss any details or more revisions just let me know what time works for you tomorrow. I don't want to take any unnecessary weekend time of yours but I am available to you.

(b)(5)

(b)(5)

Brittany E. Bennett

Trial Attorney
Civil Rights Division, Voting Section
U.S. Department of Justice
150 M Street NE
Washington, D.C. 20002

(b)(6)

(b)(6)



From: Riordan, Maureen (CRT) <(b)(6)>

Sent: Friday, September 19, 2025 7:08 PM

To: Bennett, Brittany (CRT) <(b)(6)>

Cc: Gates, Michael (CRT) <(b)(6)>

Subject: Redline complaint attached..

Brittany please read my comments. (b)(5)

(b)(5)

(b)(5)

I have other changes and comments that we can deal with after we get the

(b)(5)

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

DUPLICATE.

CREW v. DOJ - CRT - 001096-001098

DUPLICATE.

CREW v. DOJ - CRT - 001099

DUPLICATE.

CREW v. DOJ - CRT - 001002-001003

DUPLICATE.

CREW v. DOJ - CRT - 001064-001082

DUPLICATE.

CREW v. DOJ - CRT - 001083-001092

DUPLICATE.

CREW v. DOJ - CRT - 001093-001095

Sent: 8/14/2025 11:55:27 AM
To: Mellett, Timothy F (CRT) <(b)(6)>
Subject: RE: Letters
Attachments: Template for State Providing Lists 2025 FINAL tfm_redlined.docx

Tim,

Re letter #1: Here are my suggested edits, (b)(5)

(b)(5)

Looking through letter #2 now.

Jim

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Thursday, August 14, 2025 6:25 AM
To: Tucker, James T. (CRT) <(b)(6)>
Subject: FW: Letters

Any thoughts on how to deal with this? (b)(5)
fine.

From: Gates, Michael (CRT) <(b)(6)>
Sent: Thursday, August 14, 2025 2:28 AM
To: Mellett, Timothy F (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>
Subject: Re: Letters

I think (b)(5) Those versions were approved by FO.

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

From: Mellett, Timothy F (CRT) <(b)(6)>
Sent: Wednesday, August 13, 2025 9:19:06 PM
To: Gates, Michael (CRT) <(b)(6)>; Riordan, Maureen (CRT) <(b)(6)>
Subject: RE: Letters

Hi Michael and Maureen,