



August 21, 2026

Nicholas J. Cormier, Acting Chief Privacy
Officer and Director of Open Government
Office of Privacy and Open Government
U.S. Department of Commerce
1401 Constitution Avenue NW
Room 61013
Washington, D.C. 20230
Email: eFOIA@doc.gov

IOS FOIA Officer
Office of Privacy and Open Government
U.S. Department of Commerce
1401 Constitution Avenue NW
Room 61013
Washington, D.C. 20230
Email: IOSFOIA@doc.gov

Jean McKenzie, CEN FOIA Officer
ATTN: FOIA Office
U.S. Census Bureau
4600 Silver Hill Road
Washington, D.C. 20233
Email: census.foia@census.gov

Re: Expedited Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and United States Department of Commerce (“Commerce”) regulations, 15 C.F.R. § 4.1 *et seq.*

Specifically, CREW requests, from January 20, 2025, to the date this request is processed, all records and communications relating to the August 19, 2026, report

issued by the U.S. Census Bureau,¹ *Noncitizen Voting in the 2020 Election, A Beginning Analysis* (the “Census Report”),² including but not limited to the following records:

1. All communications related to the Census Report with the following non-governmental entities or individuals:
 - a. America First Policy Institute (“AFPI”) and anyone using an email address with the domain @americafirstpolicy.com;
 - b. America First Legal and anyone using an email address with the domain @aflegal.org;
 - c. Center for Renewing America and anyone using an email address with the domain @americarenewing.com;
 - d. Data-Clear and anyone using an email address with the domain @data-clear.com;
 - e. Todd Lyons;
 - f. Chad Mizelle; and
 - g. Sonny Joy Nelson.
2. Records sufficient to identify all individuals who reviewed, edited, drafted, or otherwise contributed directly to the Census Report, including federal personnel, contractors, and non-governmental entities and individuals (“Report Contributors”).
3. For each Report Contributor, all records relating to their employment status, terms and conditions of employment, access to sensitive information, or onboarding, including but not limited to the following:
 - a. All Intergovernmental Personnel Agreements (“IPA”);
 - b. All Special Sworn Status (“SSS”) records including applications, oaths, and project authorizations.
 - c. All designations under the Confidential Information Protection and Statistical Efficiency Act (“CIPSEA”); and
 - d. Any other onboarding records such as special government employee appointments, volunteer service agreements, contractor agreements, ethics agreements, recusal agreements, and non-disclosure agreements.
4. The final Census Report produced as native electronic files inclusive of metadata as maintained on agency systems, including the source authoring file from which the publicly available PDF was generated without printing, re-saving, converting, or flattening, with all embedded metadata preserved.
5. All records and communications reflecting the Census Bureau’s methodology, sources, and authorization for the Census Report, including but not limited to the following:

¹ The Census Bureau is a bureau within Commerce. See U.S. Census Bureau, *Bureaus and Offices*, U.S. Department of Commerce, <https://www.commerce.gov/bureaus-and-offices/census>.

² U.S. Census Bureau, *Noncitizen Voting in the 2020 Election: A Beginning Analysis* (Aug. 2026), <https://perma.cc/E3N7-BZ37>.

- a. The contract with DataClear and/or Data-Clear covering the data used in the analysis;
 - b. Complete Census Bureau Disclosure Review Board case file for ID CBDRB-FY26-0285;
 - c. A full accounting of data quality for each data source used in the analysis including, but not limited to:
 - i. Source, reference date, number of cases in each data set, and the distribution of partial or missing information on critical linking elements including name, date of birth, social security number, sex, and address;
 - ii. Methods used for PIKing, linking, and summary statistics on match rate and potential bias.
 - d. Any code used in the analysis
 - e. Any records held by the Census Bureau's Data Stewardship Executive Policy Committee and Disclosure Review Board or the DOC's Data Governance Board (CDGB) related to the Census Report, including minutes for any session discussing the Census Report;
 - f. Any records related to review by the Data Integration Policy Committee or any subsequent group or individual serving those functions;
 - g. All analyses and determinations (including underlying memoranda) of whether the report constituted a "statistical use" of the underlying data;
 - h. Any Privacy Impact Assessment (PIA) relied on to produce the Census Report, or any determination (including underlying memoranda and analysis) regarding the requirements of the E-Government Act (44 U.S.C. §§ 3601–3606); and
 - i. Any relevant System of Records Notices (SORNs) or routine-use analyses relied on to produce the Census Report, or any determination (including underlying memoranda and analysis) regarding the requirements of the Privacy Act of 1974 (5 U.S.C. § 552a).
6. Records sufficient to identify the agency system(s) of records in which the records and information provided by federal agencies and DataClear for purposes of the Census Report are stored,³ and the most recent SORNs for those systems.
 7. Records and communications related to actual or potential errors in the Census Report, including but not limited to any such records held by the DOC's Scientific Integrity Officer's office.
 8. All formal or informal data-access or data-sharing agreements allowing access to personally identifiable information ("PII") specifically for purposes of preparing the Census Report and related analyses.

³ See Census Report at 1, 4-6 (noting sources for the Census Report included federal records from "partner government agencies including the Internal Revenue Service, Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services, and the Social Security Administration," as well as data from "DataClear's record of federal-election voters and registrants").

9. All communications related to the Census Report, including but not limited to any transmittal of draft, pre-decisional, small area or population counts, or PII, with other Executive agencies or departments, including but not limited to the following:
 - a. The White House Office;
 - b. The Executive Office of the President;
 - c. The Department of Homeland Security;
 - d. Immigration and Customs Enforcement;
 - e. The Social Security Administration;
 - f. The Internal Revenue Service; and
 - g. The Department of Justice.

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

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

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

Fee Waiver Request

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

The Census Report has no noted author, but purports to “examine[] noncitizen voting in the general election held on November 3, 2020.” Census Report, *see supra* n. 2, at 1. It claims that “[t]he Census Bureau’s beginning analysis readily determined with high confidence that over 128 million of these voter records represented citizens, and that over 24,000 of these voter records represented noncitizens at the time of the election.” *Id.* The Report identifies its sources as (1) a commercial copy of the public voter file obtained from vendor DataClear, *see id.* at 4, and (2) federal administration record sources, including “the USCIS immigration record system (green cards and lawful-permanent-resident status), State Department immigrant and nonimmigrant visa issuances, ICE records (foreign students, removals, and national-docket proceedings), USCIS DACA approvals, and the Social Security Administration’s legal-alien citizenship codes.” *Id.* at 6. The Report states its methodology includes matching “each incoming record against a reference file built from the Social Security Administration’s Numident and other files.” *Id.* Since the Census Bureau published the report, the President, White House, and other Administration officials have touted its findings as identifying widespread voter fraud, *see infra*, but media coverage has been largely critical, questioning the Report’s methodology, sourcing, and accuracy, as well as the Census Bureau’s coordination with non-governmental organizations, *see infra*.

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

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

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

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

Expedited Processing Request

CREW requests expedited processing of this request, pursuant to 5 U.S.C. § 552 and 15 C.F.R. § 4.6(f). CREW is entitled to expedited processing because (1) there is “[a]n urgency to inform the public about an actual or alleged Federal Government activity” and CREW is “primarily engaged in disseminating information,” 6 C.F.R. § 5.5(e)(1)(ii), and (2) these same facts raise possible questions, in “[a] matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence.” *Id.* at § 5.5(e)(1)(iv).

CREW is “primarily engaged in disseminating information” to the public. *See, e.g., CREW v. DOJ*, 826 F. Supp. 3d 73, 87 (D.D.C. 2026). CREW’s primary purpose is to inform and educate the public about the activities of government officials and agencies. To that end, CREW uses statutes like the FOIA to gather information the public needs to hold public officials accountable and disseminates this information through social media and its website, www.citizensforethics.org, which receives tens of thousands of views every month.⁴

There is also an urgency to inform the public about an actual or alleged Federal Government activity for at least two reasons. First, there is an urgent need to inform the public about the Census Report. Since the Report was issued, the President and the White House amplified the Report, stating on social media: “The Census Bureau has begun checking the Voter Records from 2020 against their Citizenship Records. On the first 128,000,000 Voters, the Census Bureau proves that over 24,000 Noncitizens voted illegally! The Census Bureau is going to analyze the next 32,000,000 Voters, and this number will explode. I WON THE ELECTION! We must pass THE SAVE AMERICA ACT.”⁵ Commerce Secretary Lutnick similarly posted about the Census Report on Social Media, and likewise noted that the Census Bureau’s review of voter records is ongoing: “More than 32 million more voters’ records will be analyzed in the coming weeks, and these records will likely show tens of thousands of additional illegal voters.”⁶ There is unquestionably a significant urgency to inform the public about whether the Census Report establishes—or does not establish—that the President won the 2020 election. Additionally, given the President’s and Secretary’s speculation about the likelihood that the Census Bureau’s future review of records will reveal more instances of purported fraud, it is imperative to understand the at-issue methodology.

⁴ *See, e.g., Citizens for Responsibility and Ethics in Washington*, N.Y. Times, <https://tinyurl.com/4bt6nuja> (last visited Nov. 20, 2024) (list of New York Times articles referencing CREW spanning over a decade); Ed Pilkington and Dharna Noor, *Top US ethics watchdog investigating Trump over dinner with oil bosses*, The Guardian (May 15, 2024), <https://perma.cc/BH6K-5UWA> (referring to CREW as “Top US ethics watchdog”).

⁵ Donald J. Trump (@realDonaldTrump), Truth Social (Aug. 18, 2026, at 16:48 ET), <https://truthsocial.com/@realDonaldTrump/posts/117118475271319244>; *see also* The White House (@WhiteHouse), X (Aug. 18, 2026, at 17:17 ET), <https://perma.cc/6R95-V2XV> (quoting the same statement).

⁶ Howard Lutnick (@howardlutnick), X (Aug. 18, 2026, at 17:47 ET), <https://perma.cc/FX65-TXLT>.

Second, there is an urgent need to inform the public about the scope of coordination between Government officials and non-governmental third parties in preparing the Census Report, including third parties' access to sensitive PII. The Census Report makes clear that its sources included highly-sensitive PII, including "USCIS immigration record system (green cards and lawful-permanent-resident status), State Department immigrant and nonimmigrant visa issuances, ICE records (foreign students, removals, and national-docket proceedings), USCIS DACA approvals, and the Social Security Administration's legal-alien citizenship codes." Census Report, *supra* n. 2, at 6. Elsewhere, the Census Report shows that it relied upon "the Social Security Administration's Numident and other files," which also include highly-sensitive PII. *Id.* In addition to the Census Report sourcing from and relying on such PII, recent reporting shows that non-governmental third parties contributed to the Census Report.⁷

The above establishes that the request concerns a matter of current exigency to the American public. To start, courts in the D.C. Circuit have recognized that the federal government's allegations of "voter fraud" are a matter of current exigency. *Protect Democracy Project, Inc. v. DOJ*, 498 F. Supp. 3d 132, 142 (D.D.C. 2020). The President's and Secretary's comments make clear that the Census Report squarely implicates such issues.

The request also concerns a matter of public exigency because the public needs immediate clarity about how Commerce is using sensitive voter data generally, how Commerce used sensitive voter data in creating the Census Report specifically, and whether that data is being improperly shared with non-governmental third parties. Given "widespread concern" about voter data, this request plainly concerns "a matter of current exigency to the American public." *CREW*, 826 F. Supp. 3d at 87. Commerce accessing, using, and sharing voter data and SSA citizenship data with non-governmental third parties raise urgent concerns about the confidentiality and security of sensitive voter information. Voters' data is protected by the Privacy Act of 1974—which establishes "certain safeguards for an individual against an invasion of personal privacy by" the federal government.⁸ Failure to promptly release the requested records could allow potentially unlawful practices to continue without public scrutiny.

Further, delaying a response would compromise a significant recognized interest, particularly since Commerce's efforts are ongoing as is the current election cycle, affecting confidence in elections. *See CREW*, 826 F. Supp. 3d at 87 ("Because the election cycle is inherently time-limited, delaying a response to CREW's FOIA requests would inevitably compromise the public's interest in understanding the nature of the allegedly ongoing effort before the upcoming elections pass by.") And Commerce's activities here concern quintessential federal government activity. *See id.*

Second, the same alleged facts raise possible questions, in "[a] matter of widespread and exceptional media interest involving questions about the Government's integrity which affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv). Commerce's

⁷ Hansi Lo Wang & Jude Joffe-Block, *Experts raise alarms over Census Bureau report Trump is touting on noncitizen voting*, NPR (Aug. 19, 2026), <https://perma.cc/4HKW-P54Q>.

⁸ Privacy Act of 1974 § 2(b).

involvement in identifying purported election fraud and its use of voter data, including its coordination with non-governmental third parties in preparing the Census Report, has already drawn national media attention, including from the Washington Post,⁹ CNN,¹⁰ NPR,¹¹ VoteBeat,¹² Democracy Docket,¹³ and Election Law Blog.¹⁴ Much of the coverage of the Census Report has been critical of the Report, including questioning the government's transparency and methodology, as well as raising concerns about the Census Bureau coordinating with non-governmental third parties. Where, as here, the media interest has "called into question" the government's conduct, expedition is appropriate. *CREW*, 826 F. Supp. 3d at 88. The public needs clarification on this matter, as it relates to the reliability of a report publicized by the President, White House, and Cabinet officials, implicates the government's use of sensitive personal information, and concerns allegations of widespread voter fraud made in the midst of ongoing elections.

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

Conclusion

If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at [REDACTED] and foia@citizensforethics.org or call me at [REDACTED]. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Where possible, please produce records in electronic format. Please send the requested records to [REDACTED] and foia@citizensforethics.org or by mail to John Hill, Citizens for Responsibility and Ethics in Washington, P.O. Box 14596, Washington, D.C. 20044.

Sincerely,
John Hill
Senior Litigation Counsel

⁹ Cleve R. Wootson Jr. & Patrick Marley, *Trump revives unverified claims of noncitizen voting in 2020*, Washington Post (Aug. 19, 2026), <https://archive.ph/hOojO#selection-479.0-493.14>.

¹⁰ Gabe Cohen & Fredreka Schouten, *Experts slam Trump's unusual new census report as a 'hijack by the White House'*, CNN (Aug. 20, 2026), <https://tinyurl.com/mr2ntzpx>.

¹¹ Hansi Lo Wang, Jude Joffe-Block, & Miles Parks, *Experts raise alarms over Census Bureau report Trump is touting on noncitizen voting*, NPR (last updated Aug. 20, 2026), <https://perma.cc/J4FN-EV55>.

¹² Dion Nissenbaum, *A new Trump administration analysis claims noncitizens voted in 2020. Experts are questioning its validity*, VoteBeat (Aug. 20, 2026), <https://perma.cc/FH3P-DQH6>.

¹³ Yunior Rivas & Jim Saksa, *Trump attempts to use U.S. Census Bureau to revive 2020 election lies, advance attack on voting*, Democracy Docket (Aug. 19, 2026), <https://perma.cc/8R2R-BW85>.

¹⁴ Justin Levitt, *President misuses flawed study to falsely claim noncitizen voting*, Election Law Blog (Aug. 19, 2026), <https://perma.cc/43K7-BXH2>.