

The Honorable Kymberly K. Evanson

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

STEVE HOBBS, in his official capacity as the  
Secretary of State of the State of Washington,

*Defendant.*

Case No. 3:25-cv-06078-KKE

PROPOSED INTERVENOR-DEFENDANTS  
COMMON CAUSE AND WASHINGTON  
CONSERVATION ACTION EDUCATION  
FUND'S COMBINED MOTION TO DISMISS  
AND RESPONSE IN OPPOSITION TO  
MOTION TO COMPEL

**TABLE OF CONTENTS**

1

2 INTRODUCTION .....1

3 BACKGROUND .....2

4 I. Background and Procedural Posture.....2

5 II. Statutory Background .....3

6 A. CRA .....4

7 B. NVRA .....5

8 C. HAVA .....6

9

10 LEGAL STANDARD .....6

11 ARGUMENT .....7

12 I. Plaintiff fails to state a claim under Rule 12(b)(6) .....8

13 A. The Federal Rules of Civil Procedure apply.....9

14 B. Plaintiff has failed to state the basis and the purpose of its request.....10

15 1. The CRA requires that Plaintiff state the basis and the purpose for

16 the request .....11

17 2. Plaintiff failed to allege the basis for its demand.....12

18 3. Plaintiff failed to state the purpose for its demand .....14

19 4. Plaintiff’s stated basis and purpose are not legitimate.....17

20

21 II. Plaintiff’s motion to compel is a procedurally improper dispositive motion .....18

22 A. The CRA does not authorize a procedurally deficient motion to compel.....19

23 B. In analogous situations, courts engage in meaningful judicial review .....20

24 C. Plaintiff’s reliance on *Lynd* and *Donaldson* is unavailing .....21

25

26

1 D. Plaintiff’s request is pretextual .....23

2 E. Plaintiff’s request for unredacted voter rolls violates Washington law .....26

3 CONCLUSION.....28

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1 INTRODUCTION

2 Plaintiff, the United States, has undertaken a widespread effort to amass voters’ sensitive  
3 data from almost every state in the country. Washington is one of 30 states, plus the District of  
4 Columbia, that Plaintiff has sued over their refusals to produce unredacted voter rolls, including  
5 driver’s license numbers and social security numbers. Because Plaintiff did not state the basis and  
6 the purpose for its demand of Washington’s unredacted voter rolls, as required by the Civil Rights  
7 Act (CRA), it fails to state a claim under Rule 12(b)(6).  
8

9 To date, all courts to rule on these cases, including two in this Circuit, have agreed that  
10 Plaintiff’s claims are deficient and have dismissed Plaintiff’s parallel attempts to obtain unredacted  
11 voter rolls in other states. *See United States v. Weber*, 816 F. Supp. 3d 1168 (C.D. Cal. 2026);  
12 *United States v. Oregon*, No. 6:25-cv-01666-MTK, 2026 WL 318402 (D. Or. Feb. 5, 2026); *United*  
13 *States v. Benson*, No. 1:25-cv-01148-HYJ-PJG, 2026 WL 362789 (W.D. Mich. Feb. 10, 2026);  
14 *United States v. Galvin*, No. 1:25-cv-13816-LTS, 2026 WL 972129 (D. Mass. Apr. 9, 2026);  
15 *United States v. Amore*, No. 1:25-cv-00639-MSM-PAS, 2026 WL 1040637 (D.R.I. Apr. 17, 2026);  
16 *United States v. Fontes*, No. CV-26-00066-PHX-SMB, 2026 WL 1177244 (D. Ariz. Apr. 28,  
17 2026); *cf. United States v. Raffensperger*, No. 5:25-cv-00548-CAR, 2026 WL 184233 (M.D. Ga.  
18 Jan. 23, 2026) (dismissing complaint without prejudice for lack of subject matter jurisdiction  
19 because the United States failed to comply with the CRA’s requirement that suit be filed in the  
20 federal district court in which the demand for records is made or where the demanded records are  
21 located). Because Plaintiff’s case in Washington suffers from the same legal flaws, this Court  
22 should similarly dismiss the Complaint.  
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1 Plaintiff has also filed a motion to compel, ECF No. 29, which is based on the same faulty  
 2 legal premise as its Complaint and must therefore be denied. The motion to compel is an attempt  
 3 to circumvent the traditional requirements of litigation and the Federal Rules of Civil Procedure  
 4 (FRCP or Federal Rules) to obtain sensitive information about Washington voters. *See Weber*, 816  
 5 F. Supp. 3d at 1182 (denying motion to compel because “exercising ‘appropriate process’ under  
 6 the FRCP allows this Court to determine that the DOJ has not met Title III of the CRA’s statutory  
 7 requirements”). The motion requests the entirety of Plaintiff’s desired relief in this case: access to  
 8 Washington’s unredacted voter registration list. It is an attempted end-run around judicial review,  
 9 because Plaintiff’s demand under the CRA fails to state the basis and the purpose for obtaining the  
 10 unredacted voter list. The motion therefore cannot be granted.

## 12 BACKGROUND

### 13 I. Background and Procedural Posture

14 In the summer of 2025, Plaintiff sent letters to election officials in dozens of states,  
 15 including Washington, demanding production of their statewide voter registration lists, including  
 16 sensitive information that is not part of the public voter file. The United States Department of  
 17 Justice (DOJ) wrote to Secretary of State Hobbs on September 8, 2025, demanding an electronic  
 18 copy of Washington’s statewide voter registration list containing “*all fields*, which . . . must include  
 19 the registrant’s full name, date of birth, residential address, his or her state driver’s license number,  
 20 or the last four digits of the registrant’s social security number[.]” ECF No. 30-1, Sep. 8, 2025  
 21 Letter (emphasis original); *see also* ECF No. 1, Compl. ¶ 18. The letter cited the CRA, Help  
 22 America Vote Act (HAVA), and National Voter Registration Act (NVRA). ECF No. 30-1.  
 23

24 On September 23, 2025, Secretary Hobbs wrote back to DOJ explaining that DOJ’s request  
 25

1 “raises serious legal and privacy concerns” and that he has the “responsibility to safeguard highly  
 2 personal voter information protected from disclosure under both Washington and federal law.”  
 3 ECF No. 30-2, Sep. 23, 2025 Letter (citing W.R.C. § 29A.08.720(3)(a)). Secretary Hobbs  
 4 explained that none of the statutes DOJ cited “support production of such highly sensitive voter  
 5 registration information” and “the CRA does not authorize collection of information for purposes  
 6 not authorized under the statute.” *Id.* The Secretary noted that although DOJ claimed it was seeking  
 7 the unredacted voter rolls to assess Washington’s compliance with the NVRA and HAVA, he had  
 8 “significant concerns that this is not the real reason for [DOJ’s] request” based on public reporting  
 9 indicating “that DOJ intends to use these lists to create a national voter registration database, to  
 10 share information with the Department of Homeland Security to assist in immigration enforcement  
 11 efforts, and for other purposes not authorized by law.” *Id.* Secretary Hobbs also explained how  
 12 DOJ could request a copy of the publicly available voter registration list. *Id.*

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 14  
 15 Plaintiff filed suit on December 2, 2025, alleging only one claim: that Defendant has  
 16 violated the CRA. ECF No. 1. Months later, Plaintiff moved to compel Washington to provide its  
 17 full statewide voter registration list, without any additional process in this Court, pursuant to the  
 18 same statute.<sup>1</sup> *See* ECF No. 29, Mem. in Supp. of Mot. to Compel (Br.).

## 19 II. Statutory Background

20 Although Plaintiff’s lawsuit brings only one count under the CRA, the lawsuit invokes  
 21 three statutes—the CRA, NVRA, and HAVA. Congress’s intent in passing all three of the statutes  
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 24 <sup>1</sup> The delay was due to Plaintiff’s failure to properly serve the Complaint. *See* ECF Nos. 8, 16, 18,  
 25 22. After assessing Plaintiff’s explanation for the failure to properly serve, the Court found that  
 the case should not be dismissed. ECF No. 22.

1 “was clear—ensuring that all Americans, regardless of race, are able to vote without fear or  
2 distress.” *Weber*, 816 F. Supp. 3d at 1175.

3 **A. CRA**

4 The Civil Rights Act of 1960 was “designed to protect access to the ballot in jurisdictions  
5 with patterns or practices of denying [voting] access based on race.” *Allen v. Milligan*, 599 U.S. 1,  
6 47 (2023) (Thomas, J., dissenting). “Title III of the Civil Rights Act of 1960 was passed during  
7 the Jim Crow era, when persistent voter suppression was preventing Black Americans from  
8 voting.” *Weber*, 816 F. Supp. 3d at 1175. “States were utilizing literacy tests, arbitrary registration  
9 tactics, voter ID laws, and poll taxes to keep minorities away from the ballot. Black Americans  
10 risked intimidation and violence every time they tried to access the polls.” *Id.* “One of the many  
11 techniques used to keep Black voters from the polls was to reject would-be registrants for  
12 insignificant, hyper-technical errors in filling out application forms.” *Pa. State Conf. of NAACP*  
13 *Branches v. Sec’y Commonwealth of Pa.*, 97 F.4th 120, 126 (3d Cir. 2024). These efforts included  
14 rejecting “applicants for failing to calculate their age to the day” and “underlining Mr. when it  
15 should have been circled.” *Id.* (citation modified). During this time “[t]o hide their complicity in  
16 voter suppression, state officials destroyed the records of Black Americans who had registered to  
17 vote, as well as those denied the opportunity to register.” *Weber*, 816 F. Supp. 3d at 1175.

18 Congress enacted the CRA “directly in response to these concerns, requiring states to retain  
19 and preserve all records pertaining to voter registration, voting applications, and payments of poll  
20 taxes.” *Weber*, 816 F. Supp. 3d at 1175. Section 301 of the CRA requires state and local officials  
21 to retain and preserve records related to voter registration and other acts requisite to voting for any  
22 federal office for a period of twenty-two months after any federal general, special, or primary  
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1 election. 52 U.S.C. § 20701. Section 303 requires that a state make any of these retained records  
2 available for inspection, reproduction, and copying “upon [a] demand in writing by the Attorney  
3 General” that contains “a statement of the basis and the purpose therefor.” 52 U.S.C. § 20703.

4 **B. NVRA**

5 Congress passed the NVRA in 1993 to establish “procedures that will increase the number  
6 of eligible citizens who register to vote in elections for Federal office,” making “it possible for  
7 Federal, State, and local governments to implement this [Act] in a manner that enhances the  
8 participation of eligible citizens as voters in elections for Federal office,” protecting “the integrity  
9 of the electoral process,” and ensuring “that accurate and current voter registration rolls are  
10 maintained.” 52 U.S.C. § 20501(b). Similar to the CRA, the NVRA was enacted “to combat the  
11 effects of discriminatory and unfair registration laws that cheapened the right to vote.” *Weber*, 816  
12 F. Supp. 3d at 1175 (citing *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 334 (4th Cir.  
13 2012)).

14  
15  
16 Each section of the NVRA works to balance these objectives. Section 8 of the NVRA  
17 regulates the way that states update and maintain their voter registration lists—often referred to as  
18 list maintenance—and provides a disclosure mechanism by which any party may seek certain  
19 information regarding those lists. 52 U.S.C. § 20507(b). Section 8 requires states to “conduct a  
20 general program that makes a reasonable effort to remove the names of ineligible voters from the  
21 official lists of eligible voters by reason of . . . the death of the registrant . . . or a change in the  
22 residence of the registrant,” but does not require states to conduct programs to remove voters for  
23 other reasons. 52 U.S.C. § 20507(a)(4).  
24  
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26

### C. HAVA

Against the backdrop of the NVRA, and following the 2000 general election, Congress enacted HAVA. Pub. L. No. 107-252, 116 Stat. 1666 (2002) (52 U.S.C. §§ 20901-21145). HAVA requires that each state maintain “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), (a)(1)(A)(i). HAVA charges states with “conducting a general program of list maintenance that makes a reasonable effort to remove voters who become ineligible because of a change of address [or death].” *Bellitto v. Snipes*, 935 F.3d 1192, 1203 (11th Cir. 2019); *see also* 52 U.S.C. § 21083(a)(2)(A)(ii). Although the statute repeatedly refers to other provisions of the NVRA, *see, e.g.*, 52 U.S.C. § 21083(a)(2)(A)(i), it neither contains nor incorporates a disclosure provision of any kind.

### LEGAL STANDARD

A court may dismiss a complaint for “failure to state a claim upon which relief can be granted” under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 12(b)(6). To survive a motion to dismiss under Rule 12(b)(6), the complaint must present “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 547, 570 (2007). “A claim is plausible ‘when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.’” *Garza v. Woods*, 150 F.4th 1118, 1126-27 (9th Cir. 2025) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). Although factual allegations contained in the complaint are assumed to be true, this rule does not extend to legal conclusions. “[E]ven ‘well-pleaded facts’ are not sufficient if they are

1 accompanied only by “[t]hreadbare recitals of the elements of a cause of action, supported by mere  
2 conclusory statements.” *Gibson v. City of Portland*, 165 F.4th 1265, 1287 (9th Cir. 2026) (quoting  
3 *Iqbal*, 556 U.S. at 678).

#### 4 ARGUMENT

5 Plaintiff’s Complaint fails to state a claim because it does not allege sufficient facts or legal  
6 authority to establish that Plaintiff is entitled to production of Washington voters’ sensitive data.  
7 Plaintiff’s motion to compel, in turn, attempts to bypass the normal rules of civil procedure and  
8 escape judicial review of its Complaint, to avoid dismissal and force Washington to turn over its  
9 unredacted voter rolls. But such an end-run around this Court’s review is impermissible. Rather,  
10 the Federal Rules apply and counsel for dismissal of the case under Rule 12(b)(6).  
11

12 Although the Complaint broadly gestures to enforcing the NVRA and HAVA, it is limited  
13 to a single CRA claim. Plaintiff’s authority under the CRA is not unbounded—any demand for  
14 records “shall contain a statement of the basis and the purpose therefore.” 52 U.S.C. § 20703.  
15 Plaintiff does not meet the CRA’s “basis” requirement because its demand in the September 2025  
16 letter did not state any facts that indicate Washington is not in compliance with the NVRA or  
17 HAVA. Plaintiff’s Complaint similarly fails to allege such facts. And Plaintiff does not meet the  
18 CRA’s “purpose” requirement because a single snapshot of Washington’s unredacted voter file  
19 cannot be used to determine the State’s compliance with those statutes, demonstrating that  
20 Plaintiff’s purported purpose is insufficient and, rather, evinces federal overreach into election  
21 functions delegated to the states.<sup>2</sup>  
22  
23

24 \_\_\_\_\_  
25 <sup>2</sup> Indeed, just as Plaintiff sent its September 8 letter to Secretary Hobbs, it settled a HAVA  
enforcement action against North Carolina that it brought without demanding North Carolina’s

1 Plaintiff's justifications for its demand are pretextual. Plaintiff has requested sensitive voter  
 2 data from at least 48 states and Washington, D.C. and has sued 29 other states and Washington,  
 3 D.C. for refusing to comply with its unlawful demands. Plaintiff has not attempted to show that it  
 4 believes all of these jurisdictions are violating federal law regarding list maintenance. This  
 5 remarkable lack of justification demonstrates that Plaintiff improperly seeks to use the CRA as an  
 6 unlimited tool to consolidate voter data and to expand its own power over elections, rather than to  
 7 protect the right to vote.  
 8

9 DOJ, like any other agency, must abide by statutory requirements when seeking  
 10 documents. *See In re Subpoena Duces Tecum No. 25-1431-016*, No. 2:25-mc-00041-JHC, 2026  
 11 WL 1102159, at \*5 (W.D. Wash. Apr. 23, 2026) (holding “the DOJ must establish a prima facie  
 12 case” to issue a subpoena and denying DOJ’s motion to alter or amend decision finding DOJ  
 13 subpoenas unenforceable); *see also Consumer Fin. Prot. Bureau v. Accrediting Council for Indep.*  
 14 *Colls. & Schs.*, 854 F.3d 683, 690 (D.C. Cir. 2017) (requiring compliance with statute that controls  
 15 the CFPB’s investigative demands). Because Plaintiff fails to meet the statement-of-basis-and-  
 16 purpose requirements necessary to state a claim under the CRA, the Court must dismiss its  
 17 Complaint.  
 18

19 **I. Plaintiff fails to state a claim under Rule 12(b)(6).**

20 Plaintiff has initiated civil litigation through filing a complaint, and the Federal Rules of  
 21 Civil Procedure apply here as they do in almost every civil action. Under the CRA, Plaintiff must  
 22

23 \_\_\_\_\_  
 24 unredacted voter rolls. *See* Consent Judgment and Order at 10-11, *United States v. N.C. State Bd.*  
 25 *of Elections*, No. 5:25-cv-00283-M-RJ (E.D.N.C. Sep. 8, 2025),  
[https://www.brennancenter.org/media/14474/download/072-09.08.2025-entry-of-stipulated-  
 consent-judgment.pdf?inline=1](https://www.brennancenter.org/media/14474/download/072-09.08.2025-entry-of-stipulated-consent-judgment.pdf?inline=1).

1 state the basis and the purpose for its demand for Washington’s unredacted voter rolls. Its failure  
2 to state the basis and a lawful purpose in its demand letter is fatal to its claim.

3 **A. The Federal Rules of Civil Procedure apply.**

4 Plaintiff brought this claim under the CRA, which requires applying “appropriate process,”  
5 including application of the Federal Rules. *See Weber*, 816 F. Supp. 3d at 1182 (“[E]xercising  
6 ‘appropriate process’ under the FRCP allows this Court to determine that the DOJ has not met  
7 Title III of the CRA’s”). Only four years after Congress enacted the CRA, the Supreme Court held  
8 that a statute using the same phrase—“appropriate process”—required application of the Federal  
9 Rules. *United States v. Powell*, 379 U.S. 48, 58 n.18 (1964) (“Because § 7604(a) contains no  
10 provision specifying the procedure to be followed in invoking the court’s jurisdiction, the Federal  
11 Rules of Civil Procedure apply.”). *Powell* held that “appropriate process” required courts to apply  
12 standard civil procedure rules and to ensure the relevant agency satisfied statutory prerequisites to  
13 compel the production of records.<sup>3</sup> *Id.* at 57-58 & n.18. Courts in this Circuit have applied *Powell*  
14 to other federal agency’s demands for records. *See, e.g., Crystal v. United States*, 172 F.3d 1141,  
15 1143-44 (9th Cir. 1999) (citing *Powell*, 379 U.S. at 57-58). Applying the same meaning to the  
16 identical text of the CRA accords with how courts generally interpret federal statutes. *See Azar v.*  
17 *Allina Health Servs.*, 587 U.S. 566, 574 (2019) (“This Court does not lightly assume that Congress  
18 silently attaches different meanings to the same term in the same or related statutes.”). Other courts  
19 that have decided parallel litigation, two of which are in this Circuit, have applied *Powell*. *See*  
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23 <sup>3</sup> The statute at issue in *Powell* provided the IRS with authority to issue administrative summonses  
24 and demand records as part of its prelitigation investigatory powers. It provided that federal courts  
25 had jurisdiction “by appropriate process to compel such attendance, testimony, or production of  
books, papers, or other data.” 379 U.S. at 52 n.10 (emphasis added).

1 *Weber*, 816 F. Supp. 3d at 1182 n.15; *Oregon*, 2026 WL 318402, at \*7-8; *see also Amore*, 2026  
2 WL 1040637, at \*4.

3 The Federal Rules “govern the procedure in *all civil actions* and proceedings in the United  
4 States district courts.” Fed. R. Civ. P. 1 (emphasis added); *see also* 28 U.S.C. § 2072(b)  
5 (authorizing FRCP and providing that “[a]ll laws in conflict with such rules shall be of no further  
6 force or effect after such rules have taken effect”). The FRCP were promulgated to “secure the  
7 just, speedy, and inexpensive determination of *every action*,” Fed. R. Civ. P. 1 (emphasis added),  
8 “consistent with fairness to the parties.” *United Mine Workers v. Gibbs*, 383 U.S. 715, 724 (1966).  
9 Plaintiff chose to initiate this civil action and file a motion to compel—a discovery motion  
10 governed by the FRCP. *See* Fed. R. Civ. P. 37(a). The FRCP should therefore apply to Plaintiff’s  
11 suit. *See Weber*, 816 F. Supp. 3d at 1182; *Oregon*, 2026 WL 318402, at \*8; *Amore*, 2026 WL  
12 1040637, at \*4.  
13

14  
15 At a minimum, Plaintiff’s demand under the CRA must satisfy the basic administrative  
16 requirements outlined in the statute to obtain records by stating the basis and the purpose of its  
17 demand. Plaintiff has not met the statutory prerequisites under the CRA, because it has not  
18 provided the statement of the basis and the purpose for its demand, *see infra* Section I(B), and  
19 should not be allowed to abuse this procedural device to circumvent judicial analysis of that failure.  
20

21 **B. Plaintiff has failed to state the basis and the purpose of its request.**

22 Plaintiff failed to state the basis for accessing Washington’s unredacted voter rolls because  
23 it has failed to provide any factual reason for its request. Rather than provide a tailored request  
24 based on Washington’s purported violations of federal law, DOJ has requested the same exact  
25 information from 48 states and Washington, D.C., and sued 30 states plus Washington, D.C. for  
26

1 this information, demonstrating that Plaintiff has no valid basis for requesting this data. The failure  
2 to state a basis alone is sufficient to grant this motion to dismiss. Plaintiff also fails to meet the  
3 purpose requirement because its purported purpose is untethered to the information sought and,  
4 instead, represents unlawful federal overreach into list maintenance procedures.

5 **1. The CRA requires that Plaintiff state the basis and the purpose for the**  
6 **request.**

7 The CRA requires the Attorney General “to offer a written statement of *both* the purpose  
8 and basis for its demands to” Washington. *Weber*, 816 F. Supp. 3d at 1182; 52 U.S.C. § 20703  
9 (requiring “a statement of the basis and the purpose” for any records requested). “The basis is the  
10 reasoning provided by the DOJ regarding the evidence behind its investigation of a particular state  
11 and specific, articulable facts pointing to the violation of federal law,” and “purpose” is “the  
12 rationale for the request[.]” *Weber*, 816 F. Supp. 3d at 1184; *see also Basis*, Black’s Law  
13 Dictionary 161 (8th ed. 2004) (“an underlying condition”); *Purpose*, Black’s Law Dictionary 161  
14 (8th ed. 2004) (“An objective, goal, or end”). At a minimum, the “basis” requirement compels  
15 DOJ to describe factual information in its possession that tends to show the law has been violated.  
16 *See Kennedy v. Bruce*, 298 F.2d 860, 861 (5th Cir. 1962); *Amore*, 2026 WL 1040637, at \*5.  
17

18 These CRA requirements are meaningful safeguards that Plaintiff may not flout. *See*  
19 *Weber*, 816 F. Supp. 3d at 1184; *Oregon*, 2026 WL 318402, at \*8. The requirements ensure that  
20 the federal government uses the CRA as a tool to conduct properly predicated investigations rather  
21 than a blank check to get wide swaths of documents about voters beyond its statutory authority.  
22 *See In re Gordon*, 218 F. Supp. 826, 827 (S.D. Miss. 1963) (“[T]his Act merely provides for a  
23 limited exploration and discovery as to the validity of the election processes employed and pursued  
24

1 in such Federal elections after May 6, 1960.”). Even *Kennedy v. Lynd*, a case on which Plaintiff  
2 extensively relies, recognized that under the CRA, a court “exercises judicial judgment. It does not  
3 confer or withhold a favor.” 306 F.2d 222, 225 (5th Cir. 1962) (quoting *Tutun v. United States*,  
4 270 U.S. 568, 578 (1926)); *see also United States v. Markwood*, 48 F.3d 969, 979 (6th Cir. 1995)  
5 (“[A] district court is not a ‘rubber stamp’ for agency demands for the production of information.”);  
6 *Weber*, 816 F. Supp. 3d at 1182 (holding that “appropriate process” requires application of FRCP  
7 which allows the Court to determine whether Plaintiff has met the CRA’s statutory requirements).  
8

9 The CRA’s safeguards accord with those that courts apply in analogous situations. In the  
10 administrative subpoena context, courts have found that the test for judicial enforcement of an  
11 administrative subpoena requires evaluating whether the investigation is “conducted for a  
12 legitimate purpose.” *See Crystal*, 172 F.3d at 1143-44. In the IRS summons context, the Ninth  
13 Circuit has laid out criteria the government must establish to obtain judicial enforcement, including  
14 “legitimate purpose,” “relevan[ce] to that purpose,” and that the government followed the requisite  
15 process. *See id.* In analyzing such demands, courts should inquire into allegations that an agency  
16 is using an administrative subpoena for an improper purpose, particularly when the government  
17 fails to provide any evidence of an offense that the party under investigation has committed. *See*  
18 *In re Subpoena Duces Tecum No. 25-1431-016*, 2026 WL 1102159, at \*5.  
19

20 **2. Plaintiff failed to allege the basis for its demand.**

21 Plaintiff’s September 8, 2025, demand for Washington’s voter list contained no description  
22 of the factual basis for its request, merely a bare citation to the CRA. ECF No. 30-1.  
23

24 The letter demanded Washington’s sensitive voter data “[p]ursuant to the foregoing  
25 authorities [of the NVRA and HAVA], including the CRA.” ECF No. 30-1 at 3. Plaintiff argues  
26

1 that such a reference to the statutory basis for making the demand, namely the CRA, suffices. Br.  
2 at 9-10. However, Plaintiff cites nothing to support this proposition, because it cannot possibly be  
3 accurate. The CRA requires that the Attorney General provide both the basis *and* the purpose  
4 alongside any CRA demand, but Plaintiff’s argument collapses these two distinct requirements,  
5 which would eliminate a requirement Congress imposed. *See Oregon*, 2026 WL 318402, at \*9 (“If  
6 the purpose is to investigate violations of a statute, the basis must be something else; the statute  
7 underlying the investigation is nothing more than a component of the purpose.”); *Galvin*, 2026  
8 WL 972129, at \*6 (dismissing case for failing to state basis); *Amore*, at \*5 (rejecting Plaintiff’s  
9 argument and finding “Congress could not have intended Title III to be interpreted in this  
10 redundant and circular manner.”). In order to give meaning to both terms, “the basis” must “mean  
11 a factual basis for investigating a violation of a federal statute.” *Oregon*, 2026 WL 318402, at \*9;  
12 *see also Galvin*, 2026 WL 972129, at \*6; *Amore*, 2026 WL 1040637, at \*5. Because Plaintiff  
13 provided no factual predicate for its September 2025 demand, the motion fails.<sup>4</sup>  
14  
15

16 Nor can Plaintiff belatedly supply a post-hoc justification for its demands as it attempts to  
17 do through the declaration of Eric Neff. The CRA requires that the written demand itself contains  
18 the statement of basis and purpose. *See Galvin*, 2026 WL 972129, at \*5. This Court should not  
19 consider Plaintiff’s post-hoc rationale to save its deficient Complaint; but even if this Court could  
20 do so, the Neff Declaration would still fail to satisfy the CRA’s requirements. The Declaration  
21  
22

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23 <sup>4</sup> Even in *Lynd*, a case on which Plaintiff relies, the Attorney General’s letter made a “statement  
24 of the basis” when explaining the demand was “based upon information in the possession of the  
25 Attorney General tending to show that distinctions on the basis of race or color have been made  
with respect to registration and voting within your jurisdiction.” 306 F.2d at 229 n.6; *see also* Part  
II.C. (discussing *Lynd*).

1 provides only discussions of prior matters related to the NVRA, HAVA, and the CRA, but no basis  
2 to argue that Washington is currently violating federal voting laws. *See* ECF No. 30. Plaintiff's  
3 failure to provide a basis for its request that is specific to Washington becomes clearer within the  
4 broader context: it has demanded unredacted voter rolls from almost every state and sued 30 states  
5 and the District of Columbia without providing individualized reasons showing a good-faith belief  
6 that every one of these jurisdictions is violating federal voting law.  
7

8 **3. Plaintiff failed to state the purpose for its demand.**

9 Plaintiff has likewise failed to identify a legitimate purpose for its demand, which is fatal  
10 to its Complaint. Although not articulated in its actual demand letter, Plaintiff now claims that the  
11 nonpublic information it seeks "is necessary to identify duplicate registration records, registrants  
12 who have moved, registrants who have died, and those who are not eligible to vote in federal  
13 elections." ECF No. 30 at 2; *but see* ECF No. 30-1. But the Constitution and relevant statutes  
14 Plaintiff invokes establish that the states, not the federal government, are in charge of maintaining  
15 voter rolls and the process of removing and adding individual voters. *See* U.S. Const. art. I, § 4,  
16 cl. 1; 52 U.S.C. § 20507(a)(4); 52 U.S.C. § 21083(a)(1)(A); 52 U.S.C. § 21085 (delegating  
17 expressly to the states the methods of complying with HAVA's substantive list-maintenance  
18 provisions); *see also Amore*, 2026 WL 1040637, at \*2. Washington controls its own state list  
19 maintenance procedures, as contemplated by HAVA and the NVRA. *See, e.g.,* Wash. Rev. Code  
20 § 29A.08.105, *et seq.* Plaintiff's purported purpose would supplant Washington's role in list  
21 maintenance by substituting its own judgment and process, which violates the constitutional and  
22 statutory assignments of election administration duties. *See infra* Section II(D). Usurpation of  
23 these duties cannot serve as a legitimate purpose for Plaintiff's demands. *See Weber*, 816 F. Supp.  
24

1 3d at 1175 (“The DOJ cannot go beyond the boundaries provided by Congress and use these  
2 legislative tools in a manner that wholly disregards the separation of powers provided for in the  
3 Constitution.”).

4 Plaintiff’s arguments related to purpose are also insufficient because an unredacted voter  
5 file is not necessary for the United States to assess Washington’s compliance with its statutory  
6 responsibilities under the NVRA or HAVA. *See Weber*, 816 F. Supp. 3d at 1184; *but see* Br. at 1.  
7 The NVRA requires states to implement “a *general program* that makes a *reasonable effort* to  
8 remove the names of ineligible voters from the official lists of eligible voters” by reason of death  
9 or a change in residence. 52 U.S.C. § 20507(a)(4) (emphasis added). The Supreme Court has  
10 recognized that “States take a variety of approaches” in complying with the NVRA’s requirements,  
11 and states are able to take a variety of approaches because the term “reasonable effort” gives states  
12 room to delineate the program they wish to implement. *Husted v. A. Philip Randolph Inst.*, 584  
13 U.S. 756, 761-62 (2018).

14  
15  
16 Here, the Attorney General failed to state the purpose for his request because he failed to  
17 explain why he needs access to driver’s license numbers and social security numbers to evaluate  
18 whether Washington’s general list-maintenance programs meet the standard of “reasonable effort.”  
19 Plaintiff argues that it needs this information to ensure “Washington’s statewide voter registration  
20 list is accurate.” *See* Br. at 2. But such a level of specificity falls outside the scope of the federal  
21 government’s duty to evaluate a state’s general list-maintenance procedures. It is an attempt to  
22 usurp the State’s role of deciding how to implement its general program, which cannot be a valid  
23 purpose under the CRA. Moreover, a static, unredacted copy of Washington’s voter registration  
24 list is not necessary to determine whether Washington is complying with HAVA’s and the

1 NVRA’s list maintenance requirements, because a static list does not explain the procedures by  
2 which Washington maintains the list. Therefore, Plaintiff’s stated purpose—to conduct its own list  
3 maintenance under the NVRA and HAVA—is not sufficient under the CRA.

4 Plaintiff cites only two instances from the last fifty years in which the DOJ used the CRA  
5 to seek states’ unredacted voter files. *See* ECF Nos. 30-4, 30-5, 30-6.<sup>5</sup> Neither of these  
6 approximately 20-year-old agreements helps its case. Both instances—a memorandum of  
7 understanding with Texas and a consent decree involving Georgia—are negotiated agreements  
8 between parties. Neither is helpful in determining the scope of Plaintiff’s authority under the CRA  
9 or whether DOJ followed proper procedure. The memorandum of understanding is the result of a  
10 state’s independent decision to turn over its voter rolls without any decision by a court. *See* ECF  
11 No. 30-4. Similarly, the consent decree “embodies an agreement of the parties[.]” *Frew ex rel.*  
12 *Frew v. Hawkins*, 540 U.S. 431, 437 (2004) (internal citation omitted). Although the decree  
13 involving Georgia reflects an expectation that the agreement “will be reflected in, and be  
14 enforceable as, a judicial decree,” *id.*, the court that issued that consent decree did not make any  
15 express finding as to the Attorney General’s power under the CRA or the processes DOJ must  
16 follow to obtain documents. *See* ECF Nos. 30-5, 30-6.

17 Moreover, both agreements provide much greater protection for the data than Plaintiff has  
18 indicated would occur here. For example, in its memorandum of understanding with Texas, DOJ  
19 agreed to give the state notice before disclosing any of the information received outside of DOJ  
20 and to destroy the information after its use. ECF No. 30-4 at 2. Similarly, in the Georgia consent  
21

22  
23  
24  
25 <sup>5</sup> *United States v. North Carolina State Board of Elections* was not brought under the CRA. ECF  
26 No. 30-3.

1 decree, the court limited DOJ's use of the data received and similarly prohibited its disclosure  
2 except to Congress, a court, or grand jury, and required DOJ to eventually destroy the records.  
3 ECF No. 30-6 at 4-5. Plaintiff provides no such assurances here, and its recent public statements  
4 indicate that it will not abide by such limitations and that its true purpose is something other than  
5 what is described in the Complaint. *See infra* Section III. That Plaintiff is only able to cite the  
6 Texas and Georgia examples demonstrates that Plaintiff's current use of the CRA to sweep up  
7 sensitive data from across the country is far outside normal bounds.  
8

9 **4. Plaintiff's stated basis and purpose are not legitimate.**

10 Plaintiff's purported justification for seeking this data is entirely pretextual. The executive  
11 branch's public statements and actions demonstrate that the true purpose of this request is not to  
12 assess a suspected violation of the NVRA or HAVA, or otherwise enforce federal law, but to amass  
13 the data of tens of millions of voters so it can expand its own role into election administration  
14 beyond constitutional limits. *See Oregon*, 2026 WL 318402, at \*13 ("Plaintiff's claims here  
15 represent an overreach and misuse of those limited constitutional exceptions designed to ensure  
16 decentralized election regulation" and could be used in "unprecedented ways . . . [and] may very  
17 well lead to an erosion of voting rights and voter participation."); *Weber*, 816 F. Supp. 3d at 1184  
18 ("It appears that the DOJ is on a nationwide quest to gather the sensitive, private information of  
19 millions of Americans for use in a centralized federal database."). In stark contrast to previous,  
20 targeted demands under the CRA, DOJ has made the same request for sensitive voter data to at  
21 least 48 states and Washington, D.C., and thus far sued 30 of those states and Washington, D.C.  
22 DOJ has not attempted to show that there is any reason to think that all of these jurisdictions may  
23 be violating the NVRA's and HAVA's list-maintenance provisions. Rather, documents obtained  
24

1 through Freedom of Information Act requests make clear that DOJ “mass produced” these letters  
2 without considering whether there was any potential violation of the NVRA or HAVA. *See infra*  
3 Section III.

4 The question of pretext goes directly to whether the requirements of the CRA were met—  
5 whether DOJ stated *the* basis and *the* purpose for its demand, as required by the statute. In this  
6 way, this case is very similar to a court’s decision to deny a subpoena after making “a pretext  
7 finding based on the record presented.” *See In re Subpoena Duces Tecum No. 25-1431-016*, 2026  
8 WL 1102159, at \*9. Like the subpoena power afforded to DOJ, the CRA’s particular language  
9 requiring Plaintiff to state the basis and the purpose is important. “[T]he DOJ’s administrative  
10 subpoena power is not a loophole for achieving policy goals not authorized by Congress. Congress  
11 sets the bounds of the DOJ’s administrative subpoena power—not the Administration or its policy  
12 goals.” *Id.* at \*8. Here, Plaintiff seeks to exceed the bounds Congress has set in the CRA. The  
13 pleadings and public record compel the conclusion that DOJ’s invocation of the NVRA and HAVA  
14 is pretextual and is not *the* purpose for the demand.  
15

16  
17 **II. Plaintiff’s motion to compel is a procedurally improper dispositive motion.**

18 As Plaintiff has not alleged—either in its demand nor in its Complaint—“the basis and the  
19 purpose” required by the CRA, the case should be dismissed and the Court need not address the  
20 motion to compel, which fails for the same reasons. Plaintiff’s motion is functionally dispositive,  
21 unlike a true motion to compel, which is a mechanism normally reserved for discovery disputes,  
22 not addressing the merits of the case. Plaintiff’s motion to compel does not afford either the Court  
23  
24  
25  
26

1 or the parties the opportunity to develop the legal and factual issues in this case.<sup>6</sup> Instead, Plaintiff's  
 2 motion asks the Court to forgo judicial review under the Federal Rules and merely rubber-stamp  
 3 its request. The CRA does not authorize this shortcut, but rather requires "appropriate process,"  
 4 which includes judicial review and application of the Federal Rules. Even if this Court were not to  
 5 dismiss the Complaint, it should deny Plaintiff's extraordinary request to forgo the protections of  
 6 judicial review and grant the entirety of the requested relief without the benefit of discovery or an  
 7 assessment of the sufficiency of its demand. *Cf.* Br. at 7.

8  
 9 **A. The CRA does not authorize a procedurally deficient motion to compel.**

10 The CRA does not permit a rushed motion to compel outside the bounds of judicial review  
 11 and the Federal Rules. The CRA provides that a district court "shall have jurisdiction by  
 12 *appropriate process* to compel the production of such record or paper." 52 U.S.C. § 20705  
 13 (emphasis added); *see also supra* Section I(A). "Appropriate process" does not include bypassing  
 14 the normal process of civil litigation through a motion to compel. *See Weber*, 816 F. Supp. 3d at  
 15 1182 ("Nothing in the text of Title III requires a special statutory proceeding or any abbreviated  
 16 procedures"); *Oregon*, 2026 WL 318402, at \*8 ("There is no current or binding authority for the  
 17 proposition that Title III precludes the Court from evaluating the sufficiency of Plaintiff's  
 18 allegations"); *Amore*, 2026 WL 1040637, at \*4 ("[T]he Federal Rules of Civil Procedure govern  
 19  
 20  
 21

22 <sup>6</sup> The motion is also internally inconsistent. While captioned as "United States' Motion for Order  
 23 to Compel Federal Election Records Demanded Pursuant to the Civil Rights Act of 1960 and  
 24 Memorandum in Support Thereof," the relief requested is an order to show cause. ECF No. 29 at  
 25 1. Plaintiff refers to a "Motion to Show Cause" on the same page. *Id.* This is not mere formalism—  
 the CRA requires appropriate process, but Plaintiff does not seem sure of what that process could  
 be.

1 this case, and [] DOJ is not entitled to any sort of summary or abbreviated procedures for obtaining  
2 the information it seeks.”). As the motion is not proper under the CRA, it should be denied.

3 **B. In analogous situations, courts engage in meaningful judicial review.**

4 As the Supreme Court has made clear, “[t]o protect against mistaken or arbitrary orders”  
5 by administrative officials, “judicial review is provided.” *United States v. Morton Salt Co.*, 338  
6 U.S. 632, 640 (1950). Following the established principle that judicial review applies to protect  
7 against arbitrary orders, courts have extended *Powell* to other prelitigation agency requests for  
8 data, regardless of the issuing agency. *See, e.g., Crystal*, 172 F.3d at 1143.

9  
10 Plaintiff’s attempts to put daylight between *Powell* and its own demands are unavailing. It  
11 claims that *Powell* is distinguishable because the statute at issue in that case explicitly “prohibited  
12 the Government from subjecting a taxpayer to unnecessary examination,” and the CRA contains  
13 no such prohibition. ECF No. 29 at 10 (internal quotations omitted). First, this is not the statutory  
14 language that the Supreme Court relied upon to conclude that the Federal Rules apply and judicial  
15 review attaches. Rather, the Court relied upon the “appropriate process” language common to both  
16 the CRA and the Internal Revenue Code. *Powell*, 379 U.S. at 58 n.18. Second, Plaintiff’s  
17 suggestion that the absence of a limiting statement implies that Congress meant to give the  
18 Department of Justice unbounded power to collect sensitive data from states with no review by a  
19 court is absurd on its face and flies in the face of ordinary judicial review.  
20

21  
22 To the contrary, in various contexts, courts engage in meaningful review of federal agency  
23 records demands, assessing whether the government has established a “legitimate purpose,” that  
24 the investigation is “relevant to that purpose,” and that the government followed the requisite  
25 process in seeking to access records. *See, e.g., Crystal*, 172 F.3d at 1143-44; *In re Subpoena Duces*

1 *Tecum No. 25-1431-016*, 2026 WL 1102159, at \*8. Such judicial review is consistent with other  
2 federal statutes allowing federal agencies to obtain records in service of investigations, where  
3 courts have found that the test of judicial enforcement of such subpoenas includes an evaluation  
4 of whether the investigation is “conducted for a legitimate purpose.” *Crystal*, 172 F.3d at 1143.

5 **C. Plaintiff’s reliance on *Lynd* and *Donaldson* is unavailing.**

6 Plaintiff asks the Court to overlook the case law requiring application of the FRCP and  
7 judicial review primarily based on its reading of *Kennedy v. Lynd*, a Fifth Circuit opinion from  
8 1962 that is not binding on this Court. *See* ECF No. 29 at 7-9. Courts have rejected Plaintiff’s  
9 reliance on *Lynd* in parallel cases. *See Weber*, 816 F. Supp. 3d at 1183; *Oregon*, 2026 WL 1040637,  
10 at \*8; *Galvin*, 2026 WL 972129, at \*5; *Amore*, 2026 WL 1040637, at \*5; *Fontes*, 2026 WL  
11 1177244, at \*5. And with good reason. *Lynd* contains a single line suggesting that the CRA  
12 authorizes a special statutory proceeding “comparable to the form of a traditional order to show  
13 cause, or to produce in aid of an order of an administrative agency.” 306 F.2d 222, 225 (5th Cir.  
14 1962) (emphasis added). But *Lynd* does not suggest that even such a “comparable” proceeding is  
15 warranted in all CRA cases, including where there is no administrative order. *See id.* And *Lynd*  
16 was the product of a different era, shortly after the enactment of the CRA, during which “States  
17 were utilizing literacy tests, arbitrary registration tactics, voter ID laws, and poll taxes to keep  
18 minorities away from the ballot,” and some “state officials destroyed the records of Black  
19 Americans who had registered to vote, as well as those denied the opportunity to register.” *Weber*,  
20 816 F.Supp.3d at 1173. In the intervening 60 years, the Supreme Court has clarified that typical  
21 procedure attaches when a federal agency seeks to compel the production of records. *See Becker*  
22 *v. United States*, 451 U.S. 1306, 1307-08 (1981); *Powell*, 379 U.S. at 57-58; *see also, e.g., United*  
23

1 *States v. Will*, 671 F.2d 963, 966 (6th Cir. 1982) (allowing summons recipient opportunity to rebut  
2 government’s prima facie case); *In re Subpoena Duces Tecum No. 25-1431-016*, 2026 WL  
3 1102159, at \*5 (holding “the DOJ must establish a prima facie case” to issue a subpoena and  
4 denying DOJ’s motion to alter or amend decision finding DOJ subpoenas unenforceable).

5 Plaintiff’s discussion of *Lynd* is tellingly selective. For example, Plaintiff never addresses  
6 the Court’s statement that “Title III provides ‘an effective means whereby preliminary  
7 investigations of registration practices can be made in order to determine whether or not such  
8 practices conform to constitutional principles.’” *Lynd*, 306 F.2d at 225 (emphasis added) (internal  
9 citation omitted). Plaintiff does not argue that it is attempting to use *Lynd*’s process to effectuate  
10 the Constitution’s guarantee of voting rights but, rather, that it needs the documents to engage in  
11 list maintenance required by federal statute.

12 Plaintiff’s reliance on *Donaldson v. United States*, 400 U.S. 517 (1971), is also misplaced.  
13 In *Donaldson*, the central issue was whether a third party could mandatorily intervene in a  
14 proceeding to enforce an IRS summons. The third party conceded that there were no constitutional  
15 issues at play and that the requests were not directed at his records. *Id.* at 522-23. Thus, no right  
16 of the third party who sought mandatory intervention was at issue. The Court in *Donaldson* simply  
17 held that an unharmed third party had no role in the proceeding. That is not the case here, where  
18 this Court is not considering a motion to intervene, but rather *Plaintiff*’s motion to compel. The  
19 motion raises the exact concern as in *Powell*: the process necessary to protect those subject to  
20 prelitigation information requests. *Powell*, 379 U.S. at 58 (“It is the court’s process which is  
21 invoked to enforce the administrative summons and a court may not permit its process to be  
22 abused.”).

1 Even if the Court were inclined to treat this matter differently than other civil cases, it  
 2 should exercise its judicial authority to ensure the demand is proper and legally supported. *Lynd*  
 3 recognized that under the CRA, a court “exercises judicial judgment. It does not confer or withhold  
 4 a favor.” 306 F.2d at 225 (quoting *Tutun v. United States*, 270 U.S. 568, 578 (1926)). That  
 5 judgment includes an analysis of whether the agency made the request for an improper purpose or  
 6 in bad faith. *See Matter of Does*, 688 F.2d 144, 147-48 (2d Cir. 1982) (holding in the IRS summons  
 7 context, Government must establish “legitimate purpose,” “relevan[ce] to that purpose,” and that  
 8 the Government followed the requisite process) (citation modified); *see also Sugarloaf Funding,*  
 9 *LLC v. U.S. Dep’t of the Treasury*, 584 F.3d 340, 345 (1st Cir. 2009) (explaining court’s role is to  
 10 ensure the government is using its authority “in good faith and in compliance with the law”)  
 11 (internal citation omitted); *United States v. Westinghouse Elec. Corp.*, 788 F.2d 164, 166-67 (3d  
 12 Cir. 1986) (“[I]f a subpoena is issued for an improper purpose . . . its enforcement constitutes an  
 13 abuse of the court’s process.”). Given the extraordinary nature and breadth of Plaintiff’s demands  
 14 in this case and across the country, the Court should exercise its judgment to ensure that Plaintiff  
 15 is complying with the law and that its requests are made in good faith.<sup>7</sup>

18 **D. Plaintiff’s request is pretextual.**

19 The widespread lack of justification demonstrates again that DOJ seeks to misuse the CRA  
 20 as an unlimited tool to compile and consolidate voter data, and to interfere with the states’ rights  
 21

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22  
 23 <sup>7</sup> *Lynd* also directs that “if the respondent-custodian opposes the grant of such relief,” the Court  
 24 should set a “suitable hearing” on the matter. 306 F.2d at 226. Thus, at minimum, this Court should  
 25 decline Plaintiff’s request to decide this matter based on Plaintiff’s motion to compel, without the  
 benefit of discovery, and set an evidentiary hearing for the motion. The Court should not wholly  
 dispense with the process otherwise applicable under the Federal Rules. *See Fed. R. Civ. P. 1.*

1 to administer their own elections, rather than to protect the right to vote. *See Weber*, 816 F. Supp.  
2 3d at 1186 (“If the DOJ wants to instead use these statutes for more than their stated purpose,  
3 circumventing the authority granted to them by Congress, it cannot do so under the guise of a  
4 pretextual investigative purpose.”); *In re Gordon*, 218 F. Supp. at 826-27 (“[T]his Act merely  
5 provides for a limited exploration and discovery as to the validity of the election processes  
6 employed and pursued in such Federal elections after May 6, 1960.”).

7  
8 Plaintiff’s plans for this sensitive data appear nowhere in the Complaint, but have emerged  
9 from other sources, including President Trump’s most recent Executive Order on elections, the  
10 memorandum of understanding that DOJ has signed with at least two states, and other DOJ  
11 statements and documents.<sup>8</sup> On March 31, 2026, President Trump issued Executive Order 14399,  
12 titled “Ensuring Citizenship Verification and Integrity in Federal Elections.” The Order purports  
13 to enforce federal laws “prohibit[ing] non-citizens from registering to vote or voting in Federal  
14 elections,” and to “enhance election integrity via the United States Mail.” The Order directs the  
15 creation of a “State Citizenship List,” which would require using Social Security records and other  
16 sensitive voter data—*i.e.*, the data that DOJ seeks through its unprecedented data-collection effort  
17 in Washington. In addition, the MOU describes DOJ’s attempted takeover of states’ exclusive  
18

19  
20 <sup>8</sup> *See* “Confidential Memorandum of Understanding” executed with Texas, [https://www.brennancenter.org/media/15082/download/texas\\_12.09.2025\\_executed-](https://www.brennancenter.org/media/15082/download/texas_12.09.2025_executed-mou.pdf?inline=1)  
21 [mou.pdf?inline=1](https://www.brennancenter.org/media/15064/download/alaska_12.22.2025_executed-mou.pdf?inline=1); “Confidential Memorandum of Understanding” executed with Alaska, [https://www.brennancenter.org/media/15064/download/alaska\\_12.22.2025\\_executed-](https://www.brennancenter.org/media/15064/download/alaska_12.22.2025_executed-mou.pdf?inline=1)  
22 [mou.pdf?inline=1](https://www.brennancenter.org/media/15064/download/alaska_12.22.2025_executed-mou.pdf?inline=1). DOJ has apparently asked other states to sign the same MOU. *See* Proposed  
23 “Confidential Memorandum of Understanding” sent to Colorado, <https://www.documentcloud.org/documents/26330926-vrldata-sharing-agreement-doj-co/>; *see*  
24 *also* Jonathan Shorman, *Trump’s DOJ Offers States Confidential Deal to Remove Voters Flagged*  
25 *by Feds*, Stateline (Dec. 18, 2025), [https://stateline.org/2025/12/18/trumps-doj-offers-states-](https://stateline.org/2025/12/18/trumps-doj-offers-states-confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/)  
[confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/](https://stateline.org/2025/12/18/trumps-doj-offers-states-confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/).

1 authority to maintain their voter rolls and determine who should be removed from the rolls due to  
2 ineligibility. It provides that DOJ will conduct an analysis and assessment of the state’s voter rolls  
3 and instruct the state to remove voters DOJ identifies.<sup>9</sup> Exec. Order No. 14399, 91 Fed. Reg. 17125  
4 (Mar. 31, 2026).

5 DOJ’s public statements and documents obtained from DOJ through Freedom of  
6 Information Act requests confirm its goal was not to review list-maintenance procedures, but to  
7 expand federal control over elections and target voters for removal.<sup>10</sup> See Ex. A at 1220 (ordering  
8 that DOJ “mass produce” letters to states). From at least November 2025, Voting Section Chief  
9 Eric Neff instructed that DOJ should not provide information about its intended purpose for the  
10 data to the states, stating that neither HAVA, the NVRA, or the CRA “require [us] to give the  
11 states information about what we are going to do with the data.” Ex. B. In one email obtained  
12 through a Freedom of Information Act request, a DOJ official responded to Privacy Act concerns  
13 by stating that DOJ wanted to “conduct searches that assess the List Maintenance of voter  
14 registration lists.” Ex. C at 724. But this federal takeover of list maintenance would run contrary  
15 to the constitutional and the statutory frameworks for elections, which provide that Congress and  
16 the states make the law, and state and local governments run elections, including registering voters  
17  
18  
19

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20 <sup>9</sup> The MOU provides that removals must take place within 45 days of notification from DOJ,  
21 which—for any voters flagged for removal based on having moved—would violate Section 8(d)  
22 of the NVRA. 52 U.S.C. § 20507(d).

23 <sup>10</sup> These documents were obtained through Freedom of Information Act requests submitted by  
24 Citizens for Responsibility and Ethics in Washington (CREW), which are publicly available on  
25 CREW’s website. See *CREW sues DOJ for failing to produce records on voter data collection*,  
26 CREW (Dec. 19, 2025), <https://www.citizensforethics.org/legal-action/lawsuits/crew-sues-doj-for-failing-to-produce-records-on-voter-data-collection/>.

1 and maintaining voter rolls. 52 U.S.C. § 20507(a)(4); 52 U.S.C. § 21083(a)(1)(A); 52 U.S.C.  
 2 § 21085.<sup>11</sup> At the same time, DOJ intentionally limited the information it provided to the states  
 3 and to courts. Plaintiff disclosed to courts only recently that it was planning to run the lists through  
 4 SAVE, *see* Ex. D at 50:17-23, even though it has been planning to do so since 2025. *See* Ex. E at  
 5 756.

6 **E. Plaintiff’s request for unredacted voter rolls violates Washington law.**

7  
 8 Even if Plaintiff sufficiently stated a basis and purpose for seeking the unredacted voter  
 9 file under the CRA for potential violations of the NVRA’s or HAVA’s list-maintenance  
 10 requirements, Washington’s voter protection laws prevent disclosure of the personally identifying  
 11 information at issue, and nothing in federal law preempts those protections. Wash. Rev. Code.  
 12 §§ 29A.08.72(3)(A), .710. Washington law provides that a very limited set of voter information is  
 13 available for public inspection, and that information does not include full date of birth, driver’s  
 14 license number, and the last for digits of social security numbers. *Id.*

15  
 16 Secretary Hobbs specifically invoked Washington laws that protect voter information in  
 17 his response to Plaintiff’s September 8 letter, explaining that “many of the data fields you have  
 18 requested—including the registrant’s full date of birth, driver’s license number, and the last four  
 19 digits of their social security number—are protected from disclosure under Washington law.” ECF  
 20 No. 30-2 at 2-3. Secretary Hobbs asked “[w]hy highly sensitive information, including voters’  
 21 drivers’ license numbers and social security numbers, is necessary to assess Washington’s general  
 22 program for voter list maintenance, how precisely DOJ would use such information to assess the  
 23

24  
 25 <sup>11</sup> Further, the proposed MOU does not limit DOJ’s ability to use states’ data and expressly permits  
 DOJ to provide the data to contractors. MOU at 6-7; *but see* 52 U.S.C. § 20704.

1 State’s list maintenance processes, and why that evaluation cannot be accomplished with voter’s  
2 names, addresses, and years of birth.” ECF No. 30-2 at 4. Rather than respond, Plaintiff filed this  
3 lawsuit.

4 Plaintiff does not argue that HAVA preempts state privacy, nor could it: HAVA lacks a  
5 public disclosure provision. And courts have recognized that the NVRA and state privacy laws  
6 operate together where such state privacy laws require minimal redaction of sensitive personal  
7 identifiers, while still requiring disclosure of the underlying records. *See Weber*, 816 F. Supp. 3d  
8 at 1185-86. The NVRA’s coexistence with state privacy laws is another way that the law balances  
9 its objectives of encouraging participation and protecting the integrity of the electoral system.  
10 Instead of displacing state protections, those laws operate in concert with the NVRA as a “single  
11 procedural scheme,” ensuring that the Attorney General and private litigants have the data required  
12 to enforce the Act, while simultaneously protecting voters’ privacy interests. *See Gonzalez v.*  
13 *Arizona*, 677 F.3d 383, 394 (9th Cir. 2012). Finally, even *Lynd*, on which Plaintiff relies, indicates  
14 that the CRA compliance mechanism is not intended to reach private information: “We are, rather  
15 dealing with public records which ought ordinarily to be open to legitimate reasonable inspection.”  
16 306 F.2d at 231. Washington has made those records available to Plaintiff by providing its publicly  
17 available voter registration list.

18 Washington laws preventing disclosure of sensitive information do not frustrate the  
19 NVRA’s purpose. Instead, those privacy laws reinforce the boundaries of public inspection  
20 articulated by the courts and the Attorney General. *See id.*; Brief for the United States as Amicus  
21 Curiae, *Public Interest Legal Foundation, Inc. v. Bellows*, No. 23-1361, 2023 WL 4882397, at \*28  
22 (1st Cir. July 25, 2023) (arguing that state law limits on voter information are not preempted when  
23  
24  
25

1 they affect uses that “would not further the NVRA’s purposes,” including “bans on disseminating  
2 personal data”). Thus, Washington’s privacy laws are not preempted by the NVRA and, because  
3 Plaintiff’s purported need for the unredacted voter file is to assess NVRA compliance, Washington  
4 laws prevent Plaintiff from accessing the sensitive voter information it seeks through this litigation.  
5 *See Weber*, 816 F. Supp. 3d at 1189 (“The NVRA and California’s privacy protections can coexist  
6 because the latter does not obstruct the former. Nothing in the NVRA prevents redaction of  
7 sensitive voter information as California law requires.”).

8  
9 **CONCLUSION**

10 For the foregoing reasons, Intervenor-Defendants Common Cause and Washington  
11 Conservation Action Education Fund respectfully request that this Court dismiss Plaintiff’s  
12 Complaint and deny Plaintiff’s motion to compel as moot.

13 For the reasons stated above, Proposed-Intervenor Defendants Common Cause and  
14 WCAEF respectfully request that this Court accepts for filing the attached Proposed Motion to  
15 Dismiss and Response in Opposition to the Motion to Compel.  
16

17  
18 Respectfully Submitted,  
19 /s/Amanda Beane

20 Amanda Beane  
21 Law Office of Amanda Beane  
22 7724 35th Ave NE, P.O. Box 15526  
23 Seattle, WA 98115  
24 Tel: (206) 531-0224  
25 amanda@amandabeanelaw.com

26 Brent Ferguson\*  
Daniel S. Lenz\*  
Sejal Jhaveri\*

1 Renata O'Donnell\*  
2 Kate Hamilton\*  
3 Alexis Grady\*

4 Campaign Legal Center  
5 1101 14th St. NW, Suite 400  
6 Washington, DC 20005  
7 Tel: (202) 736-2200  
8 Fax: (202) 736-2222  
9 bferguson@campaignlegalcenter.org  
dlenz@campaignlegalcenter.org  
sjhaveri@campaignlegalcenter.org  
rodonnell@campaignlegalcenter.org  
khamilton@campaignlegalcenter.org  
agrady@campaignlegalcenter.org

10 Maura Eileen O'Connor\*  
11 Brennan Center for Justice  
12 at NYU School of Law  
13 777 6th St. NW, Ste. 1100  
14 Washington, DC 20001  
15 Tel: (202) 249-7190  
16 oconnore@brennan.law.nyu.edu

17 Patrick Berry\*  
18 Brennan Center for Justice  
19 at NYU School of Law  
20 120 Broadway, Suite 1750  
21 New York, NY 10271  
22 Tel: (646) 292-8310  
23 Fax: (212) 463-7308  
24 berry@brennan.law.nyu.edu  
25 \*Admitted Pro Hac Vice

26 Counsel for Proposed Intervenor-Defendants  
Common Cause and Washington  
Conservation Action Education Fund

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MOTION TO DISMISS AND  
OPPOSITION TO MOTION TO COMPEL  
No. 3:25-cv-06078-KKE

LAW OFFICE OF AMANDA BEANE  
7724 35<sup>th</sup> Ave. NE, P.O. Box 15526  
Seattle Washington, 98115  
(206) 531-0224

**CERTIFICATE OF SERVICE**

I, Amanda Beane, do hereby certify that on this 11th day of May, 2026, I caused a true and correct copy of the foregoing document to be served upon all counsel of record registered with the Court's ECF system, by electronic service via the Court's ECF transmission facilities.

Date: May 11, 2026

Signature : /s/ Amanda Beane

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# **EXHIBIT A**

For both of these letters, I propose (b)(5)  
(b)(5) Let me know if you have any concerns with my proposed edits. Thanks,

Tim

---

**From:** Gates, Michael (CRT) <(b)(6)>  
**Sent:** Wednesday, August 13, 2025 5:07 PM  
**To:** Mellett, Timothy F (CRT) <(b)(6)>  
**Cc:** Riordan, Maureen (CRT) <(b)(6)> Cumbee, Deborah (CRT) <(b)(6)>  
**Subject:** RE: Letters

One more time... who knew the footnote margins did not track the body margins 😊 All set now. I think this is my final answer.

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

---

**From:** Gates, Michael (CRT)  
**Sent:** Wednesday, August 13, 2025 5:02 PM  
**To:** Mellett, Timothy F (CRT) <(b)(6)>  
**Cc:** Riordan, Maureen (CRT) <(b)(6)> Cumbee, Deborah (CRT) <(b)(6)>  
**Subject:** RE: Letters

Tim, let's try this again – attached has the proper letterhead!!!

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

---

**From:** Gates, Michael (CRT)  
**Sent:** Wednesday, August 13, 2025 4:53 PM  
**To:** Mellett, Timothy F (CRT) <(b)(6)>  
**Cc:** Riordan, Maureen (CRT) <(b)(6)> Cumbee, Deborah (CRT) <(b)(6)>  
**Subject:** RE: Letters

By the way, we can never check our citations and references too much. So if anyone has time to check them again, that would be great. I did earlier today and found some bad references. Just FYI

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

---

**From:** Gates, Michael (CRT)  
**Sent:** Wednesday, August 13, 2025 4:51 PM  
**To:** Mellett, Timothy F (CRT) <(b)(6)>

Cc: Riordan, Maureen (CRT) [REDACTED]; Cumbee, Deborah (CRT) [REDACTED]

**Subject:** Letters

**Importance:** High

Tim, the attached templates are approved and ready to go. Please mass produce these tomorrow AM as early as possible and send to me the letters for each state. I will then review, make any final edits, and then send to Deborah for signature. Once she sends back PDFs with signatures, I will send out to each state. So, plan to frontload your day tomorrow, unless you are able to get some done tonight. In any event, we will get these done.

BTW, letters to CA and MN are approved and Deborah will send to me shortly and I will get those out. I have included those letters here to in case upon another review, you find any nits that could be fixed. If there are, we can send CA and MN out tomorrow too. THANK YOU!!!!

**Michael E. Gates**

Deputy Assistant Attorney General

Civil Rights Division, U.S. Department of Justice

Cell: [REDACTED]

# **EXHIBIT B**

**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.

**duplicate in**

**CREW v. DOJ - CRT - 001155-001158**

# **EXHIBIT C**

**To:** Bryce, Amanda (CRT) (b)(6)  
**CC:** Okwesa, Carolyn (CRT) (b)(6)  
**Subject:** RE: Voting Section -- Privacy Act Questions  
**Attachments:** Template for States Privacy Act 2025 08 27 1030am draft.docx

Hi Amanda,

I have attached a draft template for our letter to states that have raised the issues I mentioned below. I pulled this information from our website and the Privacy Impact Assessment for JEFS. We want to make sure what we are including here is accurate, so any guidance or edits that you have would be appreciated. Thanks,

Tim

---

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

Hi Amanda,

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

Tim

---

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

Tim,

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

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

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

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



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

Hi Amanda,

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

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

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

Tim Mellett  
Deputy Chief, Voting Section  
(b)(6)

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

**Sent:** 8/25/2025 8:32:51 PM  
**To:** Bryce, Amanda (CRT) [A (b)(6)]  
**Subject:** Voting Section -- Privacy Act Questions

Hi Amanda,

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

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

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

Tim Mellett  
Deputy Chief, Voting Section

**Sent:** 8/26/2025 9:04:43 PM  
**To:** Bryce, Amanda (CRT); (b)(6)  
**CC:** Okwesa, Carolyn (CRT); (b)(6)  
**Subject:** RE: Voting Section -- Privacy Act Questions

Hi Amanda,

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

Tim

---

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

Tim,

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

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

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

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



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

Hi Amanda,

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

1. Please provide a citation within the Federal Register to the system of records under which DOJ intends to collect and maintain the records it has requested.

(We are thinking that it would be CRT-1, but we wanted to be sure, and we did not know if there would be others).

2. Please describe how DOJ plans to store, maintain, and use the requested voter registration information. (We can answer the “use” question but we don’t know what we should say about store and maintain. Lit Support has this on the P Drive.)
3. Please explain who will have access to the information contained in the Voter Registration List. (Lit Support has permissions limited to managers and those attorneys and analysts working on the matters. I did not know how big of scope there could be while complying with the Privacy Act. Voting only? CRT only? DOJ only?)

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

Tim Mellett  
Deputy Chief, Voting Section

(b)(6)

**Sent:** 1/13/2026 4:30:38 PM  
**To:** Neff, Eric (CRT) <[REDACTED] (b)(6)>; Gupta, Kamran (CRT) <[REDACTED] (b)(6)>; Wake, Brittany (CRT) <[REDACTED] (b)(6)>  
**Subject:** RE: Virginia rolls

1. I'll check VA periodically and update EOD.
2. Kam should handle
3. We received downloads from Mississippi, South Dakota and Tennessee (saved to network). Leaving Louisiana and Ohio.

---

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

Fantastic. That leaves:

1. keep as close an eye on VA upload as we can so we have EOD updates every day for the rest of the week.

[REDACTED] (b)(5)

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

---

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

[REDACTED] (b)(5)

Best,  
Kam

---

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

Probably easier Kam for me to just [REDACTED] (b)(5)

[REDACTED] (b)(5)

---

**From:** Hayes, Chris (CRT) <[REDACTED] (b)(6)>  
**Sent:** Tuesday, January 13, 2026 10:12 AM

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

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

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

Thanks,  
Chris

---

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

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

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

---

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

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

-Chris

---

From: Neff, Eric (CRT) <(b)(6)>  
Sent: Monday, January 12, 2026 1:47 PM  
To: Hayes, Chris (CRT) (b)(6); Wake, Brittany (CRT) (b)(6)  
Cc: Gupta, Kamran (CRT) (b)(6)  
Subject: RE: Virginia rolls

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

---

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

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

Thanks,  
Chris

---

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

Yes let's start that way thanks for clarifying.

---

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

Hi Eric,

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

Brittany

---

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

All,

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

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

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

Thanks,

Eric

**Eric Neff**

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

(b)(6)

Cell: (b)(6)



# **EXHIBIT D**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

* * * * *	*25-CV-639-MSM
UNITED STATES OF AMERICA,	*
	*
Plaintiff,	*
	*
vs.	*MARCH 26, 2026
	*
GREGG M. AMORE, in his official	*
capacity as Secretary of State	*
for the State of Rhode Island,	*
	*
Defendant.	*Courtroom 2
	*PROVIDENCE, RI
* * * * *	*

BEFORE THE HONORABLE MARY S. McELROY  
DISTRICT JUDGE

(Motion to Compel)  
(Motions to Dismiss)

**APPEARANCES:**

FOR THE PLAINTIFF:	ERIC NEFF DOJ-Crt Civil Rights Division 150 M St. NE, Ste 8-1807 Washington, DC 20002
--------------------	---

FOR THE DEFENDANT:	JAMES J. ARGUIN
Gregg Amore	RI Department of Attorney General 150 South Main Street Providence, RI 02903

1 MR. NEFF: What we are saying is that we don't  
2 need to allege that. We -- as the *Lynd* court said, the  
3 Attorney General's, quote, right to records does not  
4 require that the A.G. show that the A.G. could win  
5 without them. We do not need to allege a violation of  
6 a specific statute.

7 I was only raising the lack of a particular  
8 audit and, again, this was self-reported by Rhode  
9 Island as a concern that the Voting Section had.

10 There are also certain numbers that raise  
11 concerns with the Voting Section, as Rhode Island  
12 self-reported having 60,000 inactive registrations.  
13 They reported having 60,000 duplicate registrations.  
14 This is out of about 800,000 registered voters. That's  
15 also a 90 percent registration rate of the adult age  
16 voting population.

17 THE COURT: I believe it's 700-and something  
18 thousand voters; but your point is taken.

19 But I guess what's the DOJ's, what horse do you  
20 have in this race? Is it that you're trying to  
21 double-check the work of all of the states, or is it  
22 that you're trying to assert an outsized role for the  
23 federal government in the running of elections?

24 MR. NEFF: Certainly not outsized role, your  
25 Honor.

1 THE COURT: It seems that way from your filings  
2 in all of these states. So what's your purpose?

3 MR. NEFF: The United States is in a trust but  
4 verify mode as it relates to voter list maintenance  
5 countrywide. It is --

6 THE COURT: So let me ask a question then  
7 because I think 11 -- well, originally three  
8 jurisdictions just provided the list to DOJ: Texas; I  
9 don't know, North or South Carolina; somebody else.  
10 What did you do with those lists?

11 MR. NEFF: So we kept all the lists that we  
12 received -- at this point it's been 17 states have been  
13 kept in separate compartmentalized files that only very  
14 limited people have any access to.

15 THE COURT: And what did you do to verify those  
16 lists?

17 MR. NEFF: We've not done anything yet because  
18 we've not --

19 THE COURT: Why not? If you need to verify  
20 those lists, if you have an oversight role why haven't  
21 you taken -- some states have said here, here's all our  
22 data. And you've gotten it, and by my understanding  
23 you got some of it back in the summer of last year.  
24 Why haven't you done anything with those states' data?

25 MR. NEFF: Well, we're talking as to the

1 non-public lists; correct?

2 THE COURT: Right.

3 MR. NEFF: Okay. The United States is taking  
4 extra concern to make sure that we're complying with  
5 the Privacy Act in every conceivable way, and there are  
6 still a couple steps we have to go through before the  
7 United States is comfortable proceeding and comfortable  
8 representing to this Court that we're in full  
9 compliance with the Privacy Act.

10 THE COURT: What steps have you taken and what  
11 steps need to be taken with those states that have  
12 complied? Because to me, the states that have complied  
13 are traditionally more conservative states. Texas just  
14 gave you their list, let's say. Why not go through  
15 Texas's list to make sure that only eligible voters are  
16 on their list?

17 MR. NEFF: I can only go into the United States  
18 delivery of process so much, you Honor, but what I can  
19 say is that the United States is evaluating, for one,  
20 an opinion out of the D.C. Circuit that analyzed DHS's  
21 SORN, and also the United States is -- we are certainly  
22 going to be proceeding with running this, our intention  
23 is to run this against DHS's SAVE database.

24 THE COURT: Which database?

25 MR. NEFF: The SAVE database that runs, that

1 essentially is a, it's called like a fetching system  
2 that seeks information from other databases to  
3 cross-check whether the data set on a roll is either a  
4 deceased person or a noncitizen.

5 THE COURT: And what's the accuracy rate of data  
6 that you've run against that system?

7 MR. NEFF: The accuracy rate we've been told --

8 THE COURT: By whom?

9 MR. NEFF: -- by DHS, and it's particularly the  
10 SAVE personnel that run the system is that it is in  
11 effect 100 percent accurate.

12 THE COURT: That's not the reporting; right? I  
13 mean isn't the reporting that people have been run  
14 through that SAVE Act and not for voting but for other  
15 things have been kicked out as noncitizens when they  
16 were, in fact, citizens?

17 MR. NEFF: There's an important note that the  
18 SAVE database has been around, the SAVE Act,  
19 essentially states have been able to submit their  
20 information to SAVE for about 30 years. But SAVE has  
21 also changed drastically in the last few months. It's  
22 been I would call upgraded and the process they go  
23 through, we can go into that if your Honor wants to,  
24 but essentially when any flagged voter comes back, it's  
25 then run through a very comprehensive confirmation

1 process to make sure that the, quote, like problematic  
2 registration is, in fact, not just --

3 THE COURT: What's the process?

4 MR. NEFF: DHS has about 200-odd employees who  
5 are trained for a minimum of six months each and know  
6 various databases that are accessible to the federal  
7 government through use and shared agreements to be able  
8 to essentially access important naturalization files  
9 and other data that can establish whether the person is  
10 a citizen, because there are holes in the process.

11 THE COURT: What are the holes?

12 MR. NEFF: The holes, the most common hole would  
13 be when someone is -- someone who came to the United  
14 States is a parent and has children who are U.S.  
15 citizens and then naturalized; like the most common  
16 hole of that is that it's actually rather expensive to  
17 go through the full, quote, documentation process. A  
18 common, cheaper shortcut that people will just do is  
19 just go get a passport.

20 THE COURT: By "people," do you mean the  
21 children or the parent?

22 MR. NEFF: The parents, your Honor.

23 THE COURT: Because the children are derivative  
24 citizens under that scenario, so even if the children  
25 are born outside of the United States; correct?

# **EXHIBIT E**

Office of Public Affairs

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## DHS, USCIS, DOGE Overhaul Systematic Alien Verification for Entitlements Database

WASHINGTON – Homeland Security Secretary Kristi Noem, alongside USCIS and the Department of Government Efficiency (DOGE), announced a comprehensive optimization of the Systematic Alien Verification for Entitlements (SAVE) database to ensure a single, reliable source for verifying non-citizen status nationwide.

This overhaul eliminates fees for database searches, breaks down silos for accurate results, streamlines mass status checks, and integrates criminal records, immigration timelines, and addresses. Automatic status updates and a user-friendly interface will empower federal, state, local, territorial, and tribal agencies to prevent non-citizens from exploiting taxpayer benefits or voting illegally.

*“Illegal aliens have exploited outdated systems to defraud Americans and taint our elections,” said a spokesperson for DHS. “Under Secretary Noem’s leadership, this revamped SAVE system will ensure government officials can swiftly verify legal status, halting entitlements and voter fraud.”*

DHS will provide ongoing updates to stakeholders as the SAVE Optimization Plan progresses.

# # #

Rosemary Jenks  
Policy Director  
Immigration Accountability Project  
Cell: (b)(6)

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To view this discussion visit

<https://groups.google.com/a/cpio.org/d/msgid/electionintegrityleaders/425A1F5B-6FC3-4950-8E69-438B49EEAAA5%40iaproject.org>.

**DUPLICATE.**

**F0000455**

**From:** [REDACTED] [REDACTED]  
**Sent:** 6/5/2025 5:37:33 PM  
**To:** Gates, Michael (CRT) [REDACTED]  
**Subject:** Re: Request for access to DHS data base.

Ok  
Maureen Riordan  
Senior Counsel  
Acting Chief, Voting Section, Civil Rights Division  
Maureen.riordan2@usdoj.gov  
[REDACTED]

On Jun 5, 2025, at 1:26 PM, Gates, Michael (CRT) <[REDACTED]> wrote:

As expected, need a fully-developed ask. Send when you can.

**Michael E. Gates**  
Deputy Assistant Attorney General  
U.S. Department of Justice, Civil Rights Division

---

**From:** Dhillon, Harmeet K. (CRT) <[REDACTED]>  
**Sent:** Thursday, June 5, 2025 1:24 PM  
**To:** Gates, Michael (CRT) <[REDACTED]>  
**Cc:** Zandi, Matt (CRT) <[REDACTED]>  
**Subject:** Re: Request for access to DHS data base.

Write it up for me in a paragraph including any statutory restrictions on its sharing and I'll ask high up.

Matt can you find out who the GC is and what their contact info is ?

**Harmeet K. Dhillon**  
Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice

[REDACTED]  
Cell: [REDACTED]  
Desk: [REDACTED]

On Jun 5, 2025, at 11:01 AM, Gates, Michael (CRT) <(b)(6)> wrote:

Harmeet, we would like to contact DHS to see if we can get access to the SAVE database. We look to you for your recommendation on how to go about this.

**Michael E. Gates**

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

---

**From:** Riordan, Maureen (CRT) <(b)(6)>  
**Sent:** Thursday, June 5, 2025 10:59 AM  
**To:** Gates, Michael (CRT) <(b)(6)>  
**Subject:** Request for access to DHS data base.

According to the DHS website, the SAVE database has been updated and integrated to optimize stakeholders to determine the citizenship of voters and federal program recipients.

The Voting Section at CRT would like access to this database. Additionally, we should advise states of its availability and inform them that their voter lists should be run against the database when available to them as part of their list maintenance responsibilities under the NVRA and HAVA

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

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

**From:** Zandi, Matt (CRT) [redacted (b)(6)]  
**Sent:** 6/5/2025 5:26:56 PM  
**To:** Dhillon, Harmeet K. (CRT) [redacted (b)(6)]  
**CC:** Gates, Michael (CRT) [redacted (b)(6)]  
**Subject:** Re: Request for access to DHS data base.

Will do  
Sent from my iPhone

**duplicate in**

**CREW v. DOJ - CRT - 000751-000752**

**duplicate in**

**CREW v. DOJ - CRT - 000751-000752**

**From:** Riordan, Maureen (CRT) [redacted] (b)(6)  
[redacted] (b)(6)  
**Sent:** 6/5/2025 3:43:05 PM  
**To:** Gates, Michael (CRT) [redacted] (b)(6)  
**Subject:** FW: Request for access to DHS data base.

I meant to add this below.

[DHS, USCIS, DOGE Overhaul Systematic Alien Verification for Entitlements Database | Homeland Security](#)

**From:** Riordan, Maureen (CRT)  
**Sent:** Thursday, June 5, 2025 10:59 AM  
**To:** Gates, Michael (CRT) <[redacted] (b)(6)>  
**Subject:** Request for access to DHS data base.

According to the DHS website, the SAVE database has been updated and integrated to optimize stakeholders to determine the citizenship of voters and federal program recipients. The Voting Section at CRT would like access to this database. Additionally, we should advise states of its availability and inform them that their voter lists should be run against the database when available to them as part of their list maintenance responsibilities under the NVRA and HAVA

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

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

**From:** Dhillon, Harmeet K. (CRT) <[REDACTED] (b)(6)>  
**Sent:** 6/16/2025 2:58:37 PM  
**To:** Osete, Jesus (CRT) <[REDACTED] (b)(6)>  
**Subject:** FW: Access to the SAVE database as requested

**Harmeet K. Dhillon**  
Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice

**Email:** [REDACTED] (b)(6)  
**Cell:** [REDACTED] (b)(6)  
**Desk:** [REDACTED] (b)(6)

---

**From:** Gates, Michael (CRT) <[REDACTED] (b)(6)>  
**Sent:** Monday, June 16, 2025 10:43 AM  
**To:** Dhillon, Harmeet K. (CRT) <[REDACTED] (b)(6)>  
**Cc:** Riordan, Maureen (CRT) <[REDACTED] (b)(6)>  
**Subject:** FW: Access to the SAVE database as requested

Harmeet, this is our request of DHS...

**We are requesting of DHS to give us (CRT/VOT) access to the SAVE database.** The Systematic Alien Verification for Entitlements (SAVE) database is an alien database. SAVE ensures a single, reliable source for verifying non-citizen status nationwide; the SAVE breaks down silos for accurate results, streamlines mass status checks, and integrates criminal records, immigration timelines, and addresses. This will be helpful to us because it will allow us to compare this SAVE database against states' voter rolls, which we will get directly from states under the NVRA. [REDACTED] (b)(5)

**(b)(5)**

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

---

**From:** Riordan, Maureen (CRT) <[REDACTED] (b)(6)>  
**Sent:** Monday, June 16, 2025 10:32 AM  
**To:** Gates, Michael (CRT) <[REDACTED] (b)(6)>  
**Subject:** Access to the SAVE database as requested

Homeland Security Secretary Kristi Noem, alongside USCIS and the Department of Government Efficiency (DOGE), have completed a comprehensive optimization of the Systematic Alien Verification for Entitlements (SAVE) database to ensure a single, reliable source for verifying non-citizen status nationwide. This overhaul eliminates fees for database searches, breaks down silos for accurate results, streamlines mass status checks, and integrates criminal records, immigration timelines, and addresses. Automatic status

updates and a user-friendly interface will empower federal, state, local, territorial, and tribal agencies to prevent non-citizens from exploiting taxpayer benefits or voting illegally.

Access to the new database is available to all states. My understanding is only Texas has utilized the new database. There is nothing in wither the NVRA or HAVA that requires states to specifically remove noncitizens from their voter rolls. But, they are required to remove non eligible voters, which obviously, noncitizens are non-eligible.

There are specific states that we intend to request their statewide voter rolls after the release of the EAC data on list maintenance. If we had access to this database, we could run their voter rolls against the database and notify them of noncitizens who appear to be improperly listed as eligible voters.

**(b)(5)**

**From:** Mellett, Timothy F (CRT) <[REDACTED]>  
**Sent:** 6/24/2025 8:46:01 PM  
**To:** Lott, Jasmin (CRT) <[REDACTED]>  
**Subject:** RE: HAVA Letters

Thanks!

---

**From:** Lott, Jasmin (CRT) <[REDACTED]>  
**Sent:** Tuesday, June 24, 2025 4:40 PM  
**To:** Mellett, Timothy F (CRT) <[REDACTED]>  
**Subject:** RE: HAVA Letters

Updated draft attached, adding language about secure transmission methods.

(b)(5)

Jasmin

---

**From:** Lott, Jasmin (CRT)  
**Sent:** Tuesday, June 24, 2025 1:59 PM  
**To:** Mellett, Timothy F (CRT) <[REDACTED]>  
**Subject:** RE: HAVA Letters

Thanks, Tim. [REDACTED]

(b)(5)

(b)(5)

Jasmin

---

**From:** Mellett, Timothy F (CRT) <(b)(6)>  
**Sent:** Tuesday, June 24, 2025 1:50 PM  
**To:** Rameres, Jewel (CRT) <(b)(6)>; Lott, Jasmin (CRT) <(b)(6)>  
**Cc:** Wake, Brittany (CRT) <(b)(6)>  
**Subject:** RE: HAVA Letters

I have attached the revised letter.

---

**From:** Rameres, Jewel (CRT) <(b)(6)>  
**Sent:** Tuesday, June 24, 2025 1:33 PM  
**To:** Mellett, Timothy F (CRT) <(b)(6)>; Lott, Jasmin (CRT) <(b)(6)>  
**Cc:** Wake, Brittany (CRT) <(b)(6)>  
**Subject:** RE: HAVA Letters

Noted, thanks!

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**From:** Mellett, Timothy F (CRT) <(b)(6)>  
**Sent:** Tuesday, June 24, 2025 1:32 PM  
**To:** Lott, Jasmin (CRT) <(b)(6)>; Rameres, Jewel (CRT) <(b)(6)>  
**Cc:** Wake, Brittany (CRT) <(b)(6)>  
**Subject:** RE: HAVA Letters

Stop printing letters if you are. Maureen has a change. Back to you shortly.

---

**From:** Mellett, Timothy F (CRT)  
**Sent:** Tuesday, June 24, 2025 12:25 PM  
**To:** Lott, Jasmin (CRT) <(b)(6)>; Rameres, Jewel (CRT) <(b)(6)>  
**Cc:** Wake, Brittany (CRT) <(b)(6)>  
**Subject:** HAVA Letters

All,

I have attached the draft HAVA letter that Maureen just approved. Please assemble the letter for the following states to go out today:

Idaho  
Minnesota  
Nevada  
New Hampshire  
New York  
Wyoming

Please let me know if you have any questions. Thanks,

Tim