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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

CASE NO: 2:25-cv-09149-DOC-ADS

Plaintiff,

MOTION FOR ORDER TO
PRODUCE RECORDS PURSUANT
TO 52 U.S.C. § 20701, *et seq.*

V.

SHIRLEY WEBER, in her official capacity as Secretary of State of the State of California, and the STATE OF CALIFORNIA,

Hon. David O. Carter

Defendant(s).

Hearing Date:

Time: _____

Courtroom:

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

Plaintiff, UNITED STATES OF AMERICA, by and through the Attorney General, pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), 52 U.S.C. § 20701, et seq., hereby moves this Honorable Court for an Order to Produce Records requiring Defendants, the STATE OF CALIFORNIA and SHIRLEY WEBER, Secretary of State, to be compelled to produce the documents requested by Plaintiff.

1 The United States offers the attached Memorandum of Law, Declaration of Eric
2 Neff, and Exhibits, in Support of its Motion to Show Cause.

3 **Introduction**

4 The Attorney General has been tasked by Congress with enforcement
5 authority for both the National Voter Registration Act (“NVRA”) and the Help
6 America Vote Act (“HAVA”). *See 52 U.S.C. § 20510(a)* and *52 U.S.C. § 21111*.
7 Both statutes require Defendants to conduct specified maintenance of California’s
8 voter registration list. These requirements are an integral measure to ensure that
9 Defendants’ statewide voter registration lists (“SVRL”) are accurate. Ensuring the
10 accuracy of the list of eligible voters preserves the integrity of Defendants’ federal
11 election procedures.

12 Pursuant to Section 301 of the CRA, *52 U.S.C. § 20701*, “every officer of
13 election shall retain and preserve, for a period of twenty-two months from the date
14 of any general, special, or primary election of which candidates for the office of
15 President, Vice President, presidential elector, Member of the Senate, Member of
16 the House of Representatives, or Resident Commissioner from the Commonwealth
17 of Puerto Rico are voted for, all records and papers which come into his possession
18 relating to any *application, registration, payment of poll tax, or other act requisite*
19 *to voting in such election[.]*” (emphasis added).

20 Further, Section 303 of the CRA provides, “Any record or paper required by
21 section 301 to be retained and preserved shall, *upon demand in writing by the*
22 *Attorney General* or his representative directed to the person having custody,
23 possession, or control of such record or paper, be made available for inspection,
24 reproduction, and copying at the principal office of such custodian by the Attorney
25 General or his representative. This demand shall contain a statement of the basis and
26 the purpose therefor.” *52 U.S.C. § 20703* (emphasis added).

27 The United States has properly demanded records from Defendants pursuant
28 to these Federal statutes and Defendants have failed to comply as detailed in the

1 Memorandum of Law in Support of this Motion, and exhibits filed
2 contemporaneously herein. The United States brings this action and files this Motion
3 to compel Defendants to produce the requested records forthwith.

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

8

9

Prayer for Relief

10 For the foregoing reasons, Plaintiff requests that this Court enter an Order
11 directing Defendants to produce the demanded records. Plaintiff further requests this
12 Court:

- 13 A. Order Defendants to produce an electronic copy of the California statewide
14 Voter Registration List, to include each registrant's name, date of Birth,
15 address, and as required by HAVA, the last four digits of the registrant's
16 social security number, driver's license/state identification number or the
17 unique HAVA identifier;
- 18 B. Order Defendants to produce the other documents demanded by the
19 Attorney General to ascertain Defendants' compliance with federal law;
20 specifically, the National Voter Registration Act (“NVRA”), 52 U.S.C. §
21 20501, *et seq.*, and the Help America Vote Act of 2002 (“HAVA”), 52
22 U.S.C. § 20901, *et seq.*;
- 23 C. Order Defendants to submit electronically to the Attorney General, Civil
24 Rights Division Voting Section, within 5 (five) days of this order;
- 25 D. Order Defendants to produce all documents requested immediately; and
- 26 E. Grant such other and further relief as the Court may deem just and proper.

27

28

1 DATED: December 1, 2025

Respectfully submitted,

2
3 HARMEET K. DHILLON
4 Assistant Attorney General
Civil Rights Division

5
6 /s/ *Brittany Bennett*
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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Brittany E. Bennett

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

CASE NO: 2:25-cv-09149

Plaintiff,

V.

SHIRLEY WEBER, in her official capacity as Secretary of State of the State of California, and the STATE OF CALIFORNIA,

MEMORANDUM IN SUPPORT OF
THE REQUEST FOR ORDER TO
PRODUCE RECORDS PURSUANT
TO 52 U.S.C. § 20701, *et seq.*

Defendant(s).

MEMORANDUM OF LAW

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3	<i>Alabama ex rel. Gallion v. Rogers</i> , <u>187 F. Supp. 848</u> (M.D. Ala.
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19	<u>52 U.S.C. § 20501</u>8
20	<u>52 U.S.C. § 20507</u>8, 13, 15
21	<u>52 U.S.C. § 21083</u>passim
22	<u>5 U.S.C. § 522a</u>10

I. INTRODUCTION

Section 301 of Title III of the Civil Rights Act of 1960 (“CRA”) imposes a “sweeping” obligation on election officials, *Kennedy v. Lynd*, 306 F.2d 222, 226 (5th Cir. 1962).¹ It provides, “Every officer of election shall retain and preserve, for a period of twenty-two months from the date of [a federal election] *all* records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election...” 52 U.S.C. § 20701 (transferred from 42 U.S.C. § 1974)) (emphasis added).

Section 303 provides the Attorney General of the United States a correspondingly sweeping power to obtain Federal election records: “Any record or paper required by [52 U.S.C. § 20701] to be retained and preserved shall, upon demand in writing by the Attorney General or [her] representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying … by the Attorney General or [her] representative....” 52 U.S.C. § 20703. The written demand need only “contain a statement of the basis and the purpose therefor.” *Id.*; *Coleman v. Kennedy*, 313 F.2d 867, 868 (5th Cir. 1963) (per curiam).

On August 13, 2025, the Attorney General, through her representative, made a written demand to Secretary Weber to produce certain Federal election records covered by the CRA. *See* Compl. at ¶¶ 38-42, ECF 1. That written demand, which followed an earlier letter,² explained that the purpose was for enforcement of the list maintenance requirements of the National Voter Registration Act (“NVRA”) and the

¹ Caselaw addressing the CRA in any depth is confined to courts within the Fifth Circuit in the early years following the CRA's enactment. Since then, courts have not had occasion to revisit the issue. The United States is unaware of any courts disagreeing with the Fifth Circuit's approach to the CRA.

² See Section II.B., *infra*, for discussion of the previous letter.

1 Help America Vote Act (“HAVA”). *Id.* Secretary Weber refused to produce the
2 requested Federal election records. *Id.* at ¶¶ 43-44. This litigation followed. *Id.* at ¶
3 45.

Pursuant to Section 305 of the CRA, the United States moves for an order requiring Secretary Weber and California to produce the Federal election records identified in the written demand. *See Alabama ex rel. Gallion v. Rogers*, 187 F. Supp. 848, 855-56 (M.D. Ala. 1960), *aff'd and adopted in full sub nom. Dinkens v. Attorney General*, 285 F.2d 430 (5th Cir. 1961) (per curiam). The CRA displaces the Federal Rules of Civil Procedure by creating a “special statutory proceeding.” *Lynd*, 306 F.2d at 225. “All that is required is a simple statement by the Attorney General” after making a written demand for Federal election records and papers covered by the statute, explaining that the person against whom an order is sought has failed or refused to make the requested records “available for inspection, reproduction, and copying...” *Id.* at 226 (quoting 52 U.S.C. § 20703). The United States has satisfied those requirements. Accordingly, the United States respectfully requests that the Court issue an order requiring Defendants to produce the Federal election records described in its written demand.

II. BACKGROUND

A. Title III of the Civil Rights Act of 1960.

Under Section 301 of the CRA, every “officer of election” must “retain and preserve … all records and papers which come into his possession relating to any … act requisite to voting in [a Federal] election” for a period of twenty-two months from that election, 52 U.S.C. § 20701. Section 303 of the CRA provides, “Any record or paper required by section 301 to be retained and preserved shall, upon demand in writing by the Attorney General or [her] representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the

1 Attorney General or [her] representative....” 52 U.S.C. § 20703. The written demand
2 “shall contain a statement of the basis and the purpose therefor.” *Id.*

3 If an officer of election refuses to comply with the CRA’s command, the Act
4 requires “a special statutory proceeding in which the courts play a limited, albeit
5 vital, role” in assisting the Attorney General’s investigative powers. *Lynd*, 306 F.2d
6 at 225. The Attorney General or her representative may request a Federal court to
7 issue an order directing the officer of election to produce the demanded records, akin
8 to “a traditional order to show cause, or to produce in aid of an order of an
9 administrative agency.” *Id.*

10 The special proceeding is “summary” in “nature” and neither “plenary [n]or
11 adversary.” *In re Gordon*, 218 F. Supp. 826, 826-27 (S.D. Miss. 1963); *see Kennedy*
12 *v. Bruce*, 298 F.2d 860, 863 (5th Cir. 1962) (noting that this procedure “does not
13 amount to the filing of a suit of any kind”). “All that is required is a simple statement
14 by the Attorney General that after a ... written demand” for Federal election records
15 covered by Section 301 of the CRA (52 U.S.C. § 20701), “the person against whom
16 an order for production is sought ... has failed or refused to make such papers
17 ‘available for inspection, reproduction, and copying’” *Lynd*, 306 F.2d at 226
18 (quoting 52 U.S.C. § 20703). The court does not entertain “any other procedural
19 device or maneuver—either before or during any hearing of the application—to
20 ascertain the factual support for, or the sufficiency of, the Attorney General’s
21 ‘statement of the basis and the purpose therefor’ as set forth in the written demand.”
22 *Id.* (quoting 52 U.S.C. § 20703). Rather, “[t]he Court, with expedition, should grant
23 the relief sought or, if the respondent-custodian opposes the grant of such relief, the
24 matter should be set down without delay for suitable hearing on the matters open for
25 determination.” *Id.*

26 Those matters, though, are “severely limited.” *Id.* The court may adjudicate
27 only: (1) “whether the written demand has been made”; and (2) “whether the
28 custodians against whom orders are sought have been given reasonable notice of the

1 pendency of the proceeding.” *Id.* Neither “the factual foundation for, or the
2 sufficiency of, the Attorney General’s ‘statement of the basis and the purpose’
3 contained in the written demand” nor “the scope of the order to produce” is open for
4 review. *Id.*; *see Coleman*, 313 F.2d at 868. As the Fifth Circuit has explained, “No
5 showing even of a *prima facie* case of a violation of Federal law need be made.” *Id.*
6 (citation omitted). Instead, “[i]f, after issuance of an order to produce, a genuine
7 dispute subsequently arises as to whether or not any specified particular paper or
8 record comes within [52 U.S.C. § 20701’s] broad statutory classification,” that issue
9 may be decided by the court. *Lynd*, 306 F.2d at 226.

10 **B. The Attorney General is compelling Federal election records under
11 the CRA to assess California’s NVRA and HAVA compliance.**

12 On July 10, 2025, the Attorney General, acting through her representatives at
13 the Department of Justice (“Department”), sent a letter to Secretary Weber, an
14 officer of election, regarding California’s compliance with Federal list maintenance
15 requirements. Ex. 1, Dep’t Ltr. to Sec’y Weber dated July 10, 2025 (“July 10
16 Letter”). The NVRA and HAVA have list maintenance requirements “to protect the
17 integrity of the electoral process.” 52 U.S.C. § 20501(b)(3). The statutes impose
18 certain recordkeeping duties and require reasonable efforts to maintain lists of
19 eligible voters for Federal elections. *See* 52 U.S.C. §§ 20507(a)(4)(A)-(B),
20 20507(i)(1), 21083(a)(1)(A). The U.S. Election Assistance Commission’s biennial
21 Election Administration and Voting Survey (“EAVS”) report released in June 2025
22 (“2024 EAVS Report”) revealed several anomalies in California’s voter registration
23 data that are inconsistent with reasonable list maintenance efforts. *See* Compl. ¶¶ 32-
24 34, ECF 1 (summarizing California’s responses). The Department requested
25 information regarding those responses. *See* Ex. 1, July 10 Letter.

26 The July 10 Letter requested, among other information and documents, a list
27 of the election officials responsible for implementing California’s general program
28 of voter registration list maintenance from November 2022 through receipt of the

1 letter. It also asked for a description of the list maintenance steps taken and when
2 those steps were taken to assess compliance with the NVRA. Finally, pursuant to
3 Section 8(i) of the NVRA, the letter requested a current electronic copy of
4 California's computerized statewide voter registration list ("SVRL"), which is
5 required by HAVA. Ex. 1, July 10 Letter at 1.

6 On July 22, 2025, Defendants answered the July 10 Letter by requesting
7 ninety days to respond. Ex. 2. The Department replied that most of the requested
8 information should be readily available. Ex. 3. Nonetheless, the Department agreed
9 as a professional courtesy to give Secretary Weber until August 29, 2025 to respond
10 to all other requests and records that may not have been readily accessible. *Id.*

11 On August 8, 2025, Secretary Weber sent a letter to the Department refusing
12 to produce the SVRL, stating, "We are unable to comply with your request for an
13 electronic copy of an entirely 'unredacted statewide voter registration list...' California
14 law prohibits making available for public inspection or disclosing electronically an entirely 'unredacted' voter file." Ex. 4, Sec'y Weber Ltr. to the
15 Dep't dated Aug. 8, 2025 at 1. Instead, Secretary Weber wrote that the Department
16 "may inspect a copy of our *redacted* voter registration database during regular
17 business hours by making an appointment with [Secretary Weber's] office. Public
18 inspection satisfies our legal obligations under the NVRA and ensures that this office
19 complies with legal protections for voter registration data under California law." *Id.*
20 at 2 (emphasis added).

21 On August 13, 2025, the Department made a written demand for the Federal
22 election records in California's SVRL pursuant to Section 303 of the CRA. Ex. 5,
23 Dep't Ltr. to Sec'y Weber dated Aug. 13, 2025 ("August 13 Letter"). The demand
24 reiterated that the electronic SVRL must be produced within seven days and contain
25 "*all fields*, which includes either the registrant's full name, date of birth, residential
26 address, his or her state driver's license number or the last four digits of the
27 registrant's social security number as required by HAVA." *Id.* at 3 n.2 (emphasis in
28

1 original). It also demanded that Secretary Weber “provide all original and completed
2 voter registration applications submitted to the State of California from December
3 1, 2023, through July 1, 2025,” *id.* at 3, consistent with the CRA’s twenty-two month
4 period following each Federal election. *See 52 U.S.C. § 20701*. The August 13 Letter
5 stated the demand was made pursuant to the CRA to assess California’s compliance
6 with the list maintenance provisions of the NVRA and HAVA, given the concerns
7 that the Department had outlined in its July 10 Letter.

8 The Department made clear in the August 13 Letter that the Attorney General
9 and her representatives would comply with Federal privacy laws applicable to the
10 demanded Federal election records. For example, the Department pointed out that in
11 addition to the Privacy Act, the CRA provides:

12 Unless otherwise ordered by a court of the United States, neither the
13 Attorney General nor any employee of the Department of Justice, nor
14 any other representative of the Attorney General, shall disclose any
15 record or paper produced pursuant to this chapter, or any reproduction
16 or copy, except to Congress and any committee thereof, governmental
17 agencies, and in the presentation of any case or proceeding before any
court or grand jury.

18 Ex. 5, August 13 Letter at 2–3. (*quoting 52 U.S.C. § 20704*).

19 The August 13 Letter further explained, “HAVA specifies that the ‘last 4
20 digits of a social security number . . . shall not be considered a social security number
21 for purposes of section 7 of the Privacy Act of 1974...’” *Id.* at 3 (citing note to 5
22 U.S.C. § 522(a) and 52 U.S.C. § 21083(c)). In addition, the letter noted that any
23 prohibition of disclosure of a motor vehicle record contained in the Driver’s License
24 Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure
25 is for use by a government agency, such as the Department, that is carrying out its
26 enforcement functions. *Id.* To facilitate Secretary Weber’s safe transmission of the
27 Federal election records, the Department provided instructions to use encrypted
28 email or to send via the Department’s secure file-sharing system. *Id.*

1 On August 21, 2025, Secretary Weber responded and refused to produce the
2 requested Federal election records. Ex. 6. On August 29, 2025, and September 12,
3 2025, Secretary Weber provided minimal responses to the Department's inquiries
4 about gaps in California's responses to the EAVS survey. Exs. 7-8. Secretary Weber
5 again refused to produce the Federal election records identified by the Department
6 in the July 10 Letter and the August 13 Letter. *See id.*

7

8

III. ARGUMENT

9 **A. The United States is entitled to an Order to Produce under the
10 CRA.**

11 An order for production of documents under the CRA is appropriate when the
12 United States files a “simple statement” describing its written demand for inspection,
13 reproduction, and copying, and explaining that the officer of election to whom it was
14 directed has “failed or refused to make such papers ‘available for inspection,
15 reproduction, and copying.’” *Lynd*, 306 F.2d at 226 (citation omitted). The written
16 demand must include “a statement of the basis and the purpose therefor.” 52 U.S.C.
17 § 20703.

18 The Department's July 10 Letter and August 13 Letter satisfy these
19 requirements by: (1) making a written demand for inspection, reproduction, and
20 copying of Federal election records, including the SVRL and records of voter
21 registration application within twenty-two months of a Federal election; (2) directing
22 that demand to Secretary Weber, an officer of election as defined by Section 306 of
23 the CRA;³ (3) stating that the purpose of the demand is “to assist in our determination

24

25 ³ Section 306 provides:

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As used in this title, the term “officer of election” means any person
who, under color of any Federal, State, Commonwealth, or local law,
statute, ordinance, regulation, authority, custom, or usage, performs or

1 of whether California's list maintenance program complies with the NVRA," Ex. 5,
2 August 13 Letter at 3; and (4) stating the basis for the request is data that California
3 reported in its response to the EAVS survey that was included in the biennial 2024
4 EAVS Report and was inconsistent with the reasonable list maintenance required by
5 HAVA and the NVRA. Ex. 1, July 10 Letter at 2; *see also* Ex. 5, August 13 at 3
6 (reaffirming the required CRA statement of the basis and the purpose "in this
7 correspondence").

8 Secretary Weber's attempt to limit the Attorney General to inspection of a
9 copy of California's "redacted voter registration database," Ex. 4 at 2, is insufficient
10 to meet the CRA's requirements. Officers of election have no discretion to limit the
11 Federal election records or papers or the content of those records made available to
12 the Attorney General. *See 52 U.S.C. § 20703; see also 52 U.S.C. § 20701* (referring
13 to "all records and papers"). Nor do they have discretion to limit the Attorney
14 General solely to inspection, contrary to the statutory requirement of "inspection,
15 reproduction, and copying." *52 U.S.C. § 20703; see also Gallion, 187 F. Supp. At*
16 *855-56* (granting "the application for an order to require the *production* of records
17 for inspection, reproduction, and copying") (emphasis added). The United States has
18 discussed this point at length previously. *See* United States' Opp. to Mot. to Dismiss
19 at 9-11, 14-17, ECF 63.

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23 is authorized to perform any function, duty, or task in connection with
24 any application, registration, payment of poll tax, or other act requisite
25 to voting in any general, special, or primary election at which votes are
26 cast for candidates for the office of President, Vice President,
presidential elector, Member of the Senate, Member of the House of
Representatives, or Resident Commissioner from the Commonwealth
27 of Puerto Rico.

28

52 U.S.C. § 20706.

1 Moreover, a redacted copy would undermine the investigative purposes of
2 Section 303 of the CRA. The Attorney General cannot assess compliance with
3 HAVA and the NVRA without the full, unredacted SVRL and other requested
4 Federal election records pertaining to California’s list maintenance efforts. HAVA
5 prohibits a state from processing a voter registration application without the
6 applicant’s driver’s license number, where an applicant has a current and valid
7 driver’s license, or, for other applicants, the last four digits of the applicant’s social
8 security number; for those lacking both identification numbers, the state must assign
9 a unique HAVA identifier. *See 52 U.S.C. §§ 21083(a)(5)(A)(i)-(ii).* Without the
10 unredacted data including those identification numbers, the United States cannot
11 evaluate the state’s compliance with HAVA.

12 Similarly, HAVA requires list maintenance to “be conducted in a manner that
13 ensures” the elimination of duplicate names from the statewide list. *52 U.S.C. §*
14 *21083(a)(2)(B)(iii).* Unredacted voter files, including the three identification
15 numbers described above, are needed to determine if the state has a reasonable
16 program of identifying and removing duplicate voter registrations. That is why
17 twenty-five states and the District of Columbia (not including California) participate
18 in the Electronic Registration Information Center (“ERIC”) and routinely share that
19 data with one another. *See* United States’ Opp. to Mot. to Dismiss at 16-17, 26, *ECF*
20 *63.*

21 The same unredacted Federal election records, including the SVRL, are
22 needed to assess California’s compliance with the NVRA. Section 8(a)(4) of the
23 NVRA requires each state to “conduct a general program that makes a reasonable
24 effort to remove the names of ineligible voters from the official lists of eligible
25 voters...” *52 U.S.C. § 20507(a)(4).* For example, use of unredacted voter data
26 ensures that matches to identify deceased voters are more accurate and complete.

27 Secretary Weber has rejected the United States’s written demand pursuant to
28 the CRA to produce California’s statewide VRL and other Federal election records.

1 Consequently, the United States respectfully requests that this Court issue an Order
2 requiring Secretary Weber and the State of California to immediately produce those
3 records through a secure method. *See Lynd*, 306 F.2d at 226; *Coleman*, 313 F.2d at
4 868.

5 **B. The CRA does not permit Defendants to withhold Federal elections
6 because of privacy concerns.**

7 Defendants have refused to produce the Federal election records demanded
8 by the Attorney General under the CRA because they contend that California's
9 privacy laws are controlling. The Supremacy Clause of the Constitution says
10 otherwise. It is a basic tenet of our Federal system that when Federal and state law
11 conflict, the federal law governs. *See U.S. Const. art. VI*. As this Circuit has
12 explained, if a Federal election law like the NVRA and state law "do not operate
13 harmoniously in a single procedural scheme for federal voter registration, then
14 Congress has exercised its power to 'alter' the state's regulation, and that regulation
15 is superseded." *Gonzalez v. Arizona*, 677 F.3d 383, 394 (9th Cir. 2012) (en banc),
16 *aff'd sub nom. Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013).

17 A South Carolina court recently confronted the same argument from an
18 individual voter seeking to enjoin state officials from cooperating with the
19 Department. Addressing Federal preemption over state statutes governing privacy,
20 the court explained, "Federal law likely requires the Election Commission to provide
21 the requested information to DOJ, and while DOJ has also pointed to the National
22 Voter Registration Act and the Help America Vote Act, Title III [of the Civil Rights
23 Act] alone is sufficient to reach that conclusion." *Crook v. S.C. Election Comm'n*,
24 No. 2025-CP-40-06539 (Richland Cty. Comm. Pleas Oct. 1, 2025), attached to the
25 Declaration of Maureen Riordon as Ex. 9, at 10. The court noted, "Title III requires
26 that, for 22 months after a federal election, a state election official 'retain and
27 preserve' 'all records and papers which come into his possession relating to any
28 application, registration, payment of poll tax, or other act requisite to voting in such

1 election.’ 52 U.S.C. § 20701.” *Id.* at 10-11. The court reasoned,

2 Title III has long been understood to “encompass[], among other things,
3 voting registration records,” *McIntyre v. Morgan*, 624 F. Supp. 658, 664
4 (S.D. Ind. 1985), which is not surprising given the scope of the statutory
5 text. And since HAVA’s enactment two decades ago, registration
6 records must include either “the applicant’s driver’s license number” or
7 “the last four digits of the applicant’s social security number.” 52 U.S.C.
8 § 21083(a)(5)(A). The Attorney General (or his representative) may
9 demand in writing “[a]ny record or paper” that a state election official
“contain a statement of the basis and the purpose therefor.” *Id.*

10 *Id.* at 11. As a result, the court found, “DOJ’s request for South Carolina’s voter
11 registration list fits comfortably within this legal framework” and denied the voter’s
12 request to enjoin the state’s production of its list to the Department. *Id.* at 11-12. For
13 those reasons, *id.*, and the reasons previously briefed by the United States, *see* United
14 States’ Opp. to Mot. to Dismiss at 23-29, ECF 63, any state-law privacy right to the
15 contrary is preempted by the CRA’s broad grant of access to the Attorney General.
16 *See* 52 U.S.C. § 20703; *Gonzalez*, 677 F.3d at 394. Consequently, the Attorney
17 General is entitled to the Federal election records she has demanded from California
18 under the CRA, notwithstanding any conflicting state privacy laws.

19 **C. The Attorney General is entitled to relief under the CRA’s
20 summary proceeding for obtaining Federal election records.**

21 The CRA displaces the Federal Rules of Civil Procedure and creates a “special
22 statutory proceeding” under which Secretary Weber, as an officer of election for
23 California, must produce the voter-registration lists and other Federal election
24 records demanded by the Attorney General.⁴ *Lynd*, 306 F.2d at 225. The court in

25
26 ⁴ Although this Motion for an Order to Show Cause is made under the CRA, the
27 United States notes that the NVRA includes a similar requirement for production of
28 Federal election records. *See* 52 U.S.C. §§ 20507, 20510(a). “[W]hen Congress uses

1 *Lynd* reasoned that a special proceeding was necessary to obtain Federal election
2 records because no other procedural device or maneuver was available:

3 There is no place for a motion for a bill of particulars or for a more
4 definite statement under F.R.Civ.P. 12(e), 28 U.S.C.A. There is no place
5 for any other procedural device or maneuver— either before or during
6 any hearing of the application—to ascertain the factual support for, or
7 the sufficiency of, the Attorney General's 'statement of the basis and
8 the purpose therefor' as set forth in the written demand. [52 U.S.C. §
9 20703]. Thus with respect to the reasons why the Attorney General
10 considers the records essential, there is no place, either as a part of
11 pleadings, discovery, or trial, for interrogatories under F.R.Civ.P. 33,
12 oral depositions of a party under F.R.Civ.P. 26(a), 30, production of
13 documents under F.R.Civ.P. 34, or request for admissions as to facts or
14 genuineness of documents or other things under F.R.Civ.P. 36, 37.

15 *Id.* at 226.

16 The "special statutory proceeding" of these statutes is "a summary
17 proceeding." *Id.* at 225-26. To institute this proceeding, the United States need only
18 file a "simple statement" describing its written demand for the Federal election
19 records and explaining that Secretary Weber, acting as an officer of election for
20 California, "failed or refused to make such papers 'available for inspection,
21 reproduction, and copying.'" *Id.* at 226 (citation omitted). Accordingly, the Court
22 "should grant the relief sought or, if the respondent-custodian opposes the grant of
23 such relief, the matter should be set down without delay for suitable hearing on the
24 matters open for determination." *Id.* The Attorney General's right to reproduction
25 and copying of Federal election records is not dependent upon any other showing.
26 *Id.* Therefore, the United States respectfully requests that this Court issue an Order

27 the same language in two statutes having similar purposes ... it is appropriate to
28 presume that Congress intended that text to have the same meaning in both statutes."
Smith v. City of Jackson, 544 U.S. 228, 233 (2005) (plurality opinion).

1 directing Secretary Weber and California to produce the Federal election records
2 described in the Attorney General's written demand.

3 **IV. CONCLUSION**

4 For the foregoing reasons, the United States requests that this Court enter an
5 Order directing Defendants to comply with the Attorney General's request for all
6 Federal election records described in its July 10 Letter and August 13 Letter. Those
7 records should be provided electronically to the United States within fifteen days, or
8 within such time as this Court deems reasonable. *See Gordon, 218 F. Supp. at 827*
9 (deeming "fifteen days [a]s a reasonable time"). For the Court's convenience, a
10 proposed form of order is provided along with this Motion.

11 Dated: December 1, 2025

Respectfully submitted,

12
13 HARMEET K. DHILLON
14 Assistant Attorney General
15 Civil Rights Division

16 /s/ Maureen Riordan
17 MAUREEN S. RIORDAN
18 Acting Chief, Voting Section
19 Civil Rights Division
20 BRITTANY E. BENNETT
21 ERIC NEFF
22 Trial Attorneys, Voting Section
23 Civil Rights Division
24 4 Constitution Square
25 150 M Street, Room 8.141
26 Washington, D.C. 20002
27 brittany.bennett@usdoj.gov
28 Tel. (202) 704-5430
Attorneys for the United States

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Brittany E. Bennett

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15 Attorneys for Plaintiff, UNITED STATES OF AMERICA

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

CASE NO: 2:25-cv-09149-DOC-ADS

Plaintiff,

V.

SHIRLEY WEBER, in her official capacity as Secretary of State of the State of California, and the STATE OF CALIFORNIA,

DECLARATION OF ERIC NEFF IN
SUPPORT OF THE REQUEST FOR
ORDER TO PRODUCE RECORDS
PURSUANT TO 52 U.S.C. § 20701, *et
seq.*

Hon. David O. Carter

Defendant(s).

DECLARATION

I, Eric V. Neff, declare, pursuant to 28 U.S.C. § 1746, that:

1. I am currently a Trial Attorney working under the Assistant Attorney General of the Civil Rights Division of the United States Department of Justice. I am fully and personally familiar with the facts stated herein. I make this declaration in support of the United States's request for an Order to Produce Records due to Defendants' refusal to produce election registration records, pursuant to the Civil Rights Act codified at 52 U.S.C. § 20701, *et seq.*

1 2. The National Voter Registration Act, 52 U.S.C. § 20501, *et seq.*, and
2 the Help America Vote Act (“HAVA”), 52 U.S.C. § 20901, *et seq.*, require each state
3 to perform voter-list maintenance to ensure that only eligible voters remain on the
4 statewide voter registration list. Under Section 11 of the NVRA and Section 401 of
5 HAVA, the Attorney General is charged with the responsibility for enforcement of
6 the list maintenance requirements of both statutes. *See* 52 U.S.C. § 20510(a) and 52
7 U.S.C. § 21111. This enforcement responsibility has been delegated to the Civil
8 Rights Division by Congress.

9 3. One of the Justice Department’s responsibilities is monitoring states’
10 compliance with the requirements of the NVRA and HAVA, including the filing of
11 enforcement actions for noncompliance.

12 4. On July 10, 2025, the Civil Rights Division sent a request pursuant to
13 52 U.S.C. § 20507 to Secretary of State Weber, requesting, *inter alia*, an electronic
14 copy of California’s statewide voter registration list (“VRL”), containing all fields.
15 The July 10, 2025, letter also asked for information from the Secretary pertaining to
16 answers that the State of California had provided to the Election Assistance
17 Commission regarding its list maintenance activities.

18 5. On July 22, 2025, the Secretary requested an extension of 90 days to
19 provide answers to the Attorney General.

20 6. On July 29, 2024, the Attorney General responded to the Secretary
21 informing her that an extension would be granted to August 8, 2025, for the Secretary
22 to provide the electronic copy of the statewide voter registration list. The Department
23 granted the Secretary an extension to August 29, 2025, for the remaining information
24 requested in the letter of July 10, 2025.

25 7. On August 8, 2025, the Secretary responded and denied the Attorney
26 General an electronic copy of the statewide VRL containing all fields.

27 8. On August 13, 2025, the Attorney General sent a response to the
28 Secretary’s August 8, 2025, refusal to provide her with a copy of the electronic

1 statewide VRL. In the August 13 letter the Attorney General demanded pursuant to
2 the Civil Rights Act, the electronic copy of the Statewide VRL specifically
3 demanding that it include registrant's Driver's License number or last four digits of
4 the social security number as required by HAVA for federal registration.

5 9. The letter further explained that HAVA specifies that "the last four
6 digits of a social security number...shall not be considered a social security number
7 for purposes of Section 7 of the Privacy Act of 1974 (5 U.S.C. § 522a note)." 52
8 U.S.C. § 21083. The demand also instructed that any prohibition of disclosure of a
9 motor vehicle record contained in the Driver's License Protection Act, codified at
10 18 U.S.C. §2721(b)(1), is exempted, when the disclosure is for use by a government
11 agency in carrying out the agency's enforcement authority, which the Department of
12 Justice is now endeavoring to do.

13 10. The letter also explained to Secretary Weber that the Attorney General
14 would keep all data received secure and treat it consistently with the Privacy Act.
15 The Justice Department's requests came with instructional information the statewide
16 VRLs should be transmitted securely to the Justice Department by way of
17 encryption.

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

21 12. The request specified a deadline for responses within 14 days of the
22 letter.

23 13. On August 21, 2025, Secretary of State Weber refused to provide the
24 Attorney General with an electronic copy of California's statewide VRL. On
25 September 12, 2025, the Secretary sent a follow-up letter in which she again refused
26 to remit an unredacted VRL to the United States as demanded pursuant to federal
27 law.

28

1 14. True and correct copies of the Justice Department letters dated July 10,
2 2025; July 29, 2025; August 13, 2025; and the reply letters by the Secretary dated
3 July 22, 2025; August 8, 2025; August 21, 2025; August 29, 2025; and September
4 12, 2025, are attached hereto as Exhibits 1 through 8.

5 15. A true and correct copy of the Order denying temporary injunction in
6 *Crook v. S.C. Election Comm'n*, No. 2025-CP-40-06539 (Richland Cty. Comm.
7 Pleas Oct. 1, 2025) as cited in the Memorandum of Support is attached hereto as
8 Exhibit 9.

9 16. At the November 19, 2025 hearing on the various Motions to Intervene,
10 as well as at earlier court dates, this court expressed concern to the parties about
11 excessive delay in the litigation. The United States shares this concern.

12 17. On December 4, 2025, the various Motions to Dismiss the Complaint
13 will be fully briefed and argued.

14 18. The United States' position is that, if the Motion to Dismiss is denied,
15 all dispositive disputes arising from the Civil Rights Act claim will have been
16 decided. This court, therefore, would be within its authority, under the Civil Rights
17 Act as well as the inherent power of the court to control its calendar, to issue a prompt
18 order enforcing the United States' Civil Rights Act claim.

19 19. The United States, while calling this motion a Motion to Produce,
20 believes that the Court could issue an order under other names or forms if it chooses.
21 The United States believes that the opposing parties have had enough time to prepare
22 to fully litigate the dispositive issues of the Civil Rights action – this case having
23 been filed in July.

24 20. The United States expressed this position to all parties in a pre-filing
25 conference on November 24, 2025, pursuant to Local Rule 7-3. At that conference,
26 counsel for the opposing parties stated their objection to any such order being issued
27 concurrently or close in time to the disposition of the Motions to Dismiss. Opposing
28 counsel believes a Motion To Produce or similar motion raises additional issues that

1 are separate from the Motions to Dismiss. Opposing counsel further believes that
2 issuing such an order would be procedurally improper. They further believe the
3 Local Rules entitling them to 7-days notice from the pre-filing conference and
4 subsequent 28-day hearing schedule should be honored in this case.

5

6 I declare under the penalty of perjury that the above statements are true and
7 correct. Executed on December 2, 2025.

8

9 Dated: December 1, 2025 at Washington, DC.

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/s/ *Eric V. Neff*

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Eric V. Neff

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Civil Rights Division

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

July 10, 2025

Via Mail and Email

The Honorable Shirley Weber
Secretary of State
1500 11th Street
Sacramento, CA 95814
secretary.weber@sos.ca.gov

Dear Secretary of State Weber:

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

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

The NVRA requires each state and the District of Columbia to make available for inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). Section 11 of the NVRA authorizes the Attorney General to bring NVRA enforcement actions. *See 52 U.S.C. § 20510.*

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

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

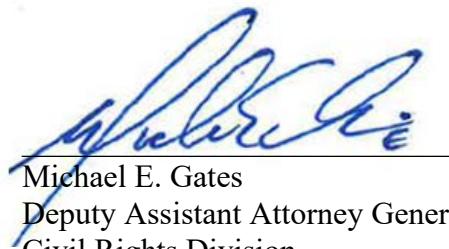
Additionally, please provide the following information in electronic form. The time period for these requests is close of registration for the November 2022 general election through the close of registration for the November 2024 general election, the same time period as the most recent report from the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

1. In the EAVS data for Question A3d, California had 2,178,551 voters (15.6 percent) with duplicate registrations. However, seven counties failed to provide data regarding duplicate registrations. Please provide a list of all duplicate registration records in Imperial, Los Angeles, Napa, Nevada, San Bernardino, Siskiyou, and Stanislaus counties.
2. No data was listed in the EAVS survey for Question A12h for California regarding duplicate registrants who were removed from the statewide voter registration database. Please provide a list of all duplicate registrants who were removed from the statewide voter registration list including the date(s) of removal. If they were merged or linked with another record, please provide that information. Please explain California's process for determining duplicates and what happens to the duplicate registrations.
3. In the EAVS data for Question QA12c, California had 378,349 voters (11.9 percent) removed because of death, which was well below the national average. Please provide a list of all registrations that were cancelled because of death. Please explain California's process for determining who is deceased and removing them from the voter roll and when that occurs.
4. Confirmation Notice data was missing in the EAVS survey for Questions A10a through A10f for several counties in California. Please provide the data for each county in California for Questions A10a through A10f.
5. The 2022 EAVS report contained 4,984,314 inactive voters, while the 2024 report contained 2,883,995. Please explain the reason for the change in the number of inactive registrations for these years.
6. A list of all registrations, including date of birth, driver's license number, and last four digits of Social Security Number, that were cancelled due to non-citizenship of the registrant.

Please provide this information within 14 days of the date of this letter. The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing (JEFS).

Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov. We look forward to your assistance in advance.

Sincerely,



Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division

Cc: Jana Lean
Chief of Elections
1500 11th Street, 5th Floor
Sacramento, CA 95814
jana.lean@sos.ca.gov



SHIRLEY N. WEBER, Ph.D. | SECRETARY OF STATE | STATE OF CALIFORNIA
LEGAL AFFAIRS OFFICE
1500 11th Street | Sacramento, CA 95814 | 916.695-1242 | www.sos.ca.gov

July 22, 2025

Via Mail and Email

Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave. NW -4CON
Washington, DC 20530

Maureen S. Riordan
Acting Chief, Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave. NW -4CON
Washington, DC 20530
maureen.riordan2@usdoj.gov

Dear Michael Gates and Maureen Riordan,

We are in receipt of your letter dated July 10, 2025, wherein you requested information regarding California's procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act.

Additionally, you requested additional information and posed six questions related to California responses to the Election Assistance Commission's Election Administration and Voting Survey (EAVS) report.

We are currently identifying information related to your request. We have determined we will require 90 days to provide a response, but will make every effort to respond sooner, if possible.

If you have any questions, please feel free to contact our office's Legal Affairs Division at legalsupport@sos.ca.gov.

Thank you for your understanding.

Respectfully,

/s/ Shirley N. Weber

Shirley N. Weber, Ph.D.
California Secretary of State



Civil Rights Division

Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

July 29, 2025

Via Mail and Email

The Honorable Shirley N. Weber
c/o Legal Affairs Office
Office of the Secretary of State
State of California
1500 11th Street
Sacramento, CA 95814
Secretary.weber@sos.ca.gov
legalsupport@sos.ca.gov

Dear Secretary Weber,

Please allow this letter to reply to your correspondence dated July 22, 2025, responding to the U.S. Department of Justice's July 10, 2025 letter, calling for a series of information and records disclosures pursuant to the NVRA.

The request for another 90 days to respond to the Justice Department with information that should already be readily available to the Secretary of State is not acceptable. For example, Question 5 regarding the EAVS Report, should be answerable now. Moreover, process questions such as in Question 2, "Please explain California's process for determining duplicates and what happens to the duplicate registrations," are also answerable now. Accordingly, please provide those responses by August 8, 2025.

Similarly, the electronic copy of the statewide voter registration list is readily available to you. Accordingly, we request an unredacted statewide voter registration list by August 8, 2025 as well. As you know, Section 8(i) of the NVRA requires states to make available "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i).

We recognize, however, that other responses may take more time. As such, we are willing to give the Secretary of State until Friday, August 29, 2025, to respond to the other requests. If you have any questions, please contact Tim Mellett, Deputy Chief, Voting Section, at 202-307-6262 or timothy.f.mellett@usdoj.gov.

Sincerely,



Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division

cc: Jana Lean
Chief of Elections
1500 11th Street, 5th Floor
Sacramento, CA 95814
jana.lean@sos.ca.gov



SHIRLEY N. WEBER, Ph.D. | SECRETARY OF STATE | STATE OF CALIFORNIA
LEGAL AFFAIRS OFFICE
1500 11th Street | Sacramento, CA 95814 | 916.695-1242 | www.sos.ca.gov

August 8, 2025

Via Mail and Email

Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave. NW-4CON
Washington, DC 20530

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave. NW-4CON
Washington, DC 20530
maureen.riordan2@usdoj.gov

Dear Mr. Gates and Ms. Riordan:

I write in response to the U.S. Department of Justice's ("DOJ") July 29, 2025, letter stating that 90 days is not an acceptable amount of time to respond to a series of information and record requests made by DOJ on July 10, 2025. Although we are not required by law to respond by a certain deadline, below is a response to your request for "an unredacted statewide voter registration list by August 8, 2025," as well as records responsive to questions two and five that you highlighted in your July 29 letter.

California's Voter Registration Database

We are unable to comply with your request for an electronic copy of an entirely "unredacted statewide voter registration list." First, California law prohibits making available for public inspection or disclosing electronically an entirely "unredacted" voter file. Second, the NVRA has never been interpreted to require total and unqualified access to all information contained in a voter registration record. *Pub. Int. Legal Found., Inc. v. Bellows*, [92 F.4th 36, 56](#) (1st Cir. 2024) ("[N]othing in the text of the NVRA prohibits the appropriate redaction of uniquely or highly sensitive personal information in the Voter File." (collecting cases)). And finally, there is no need to collect sensitive personally identifiable information of California voters to evaluate whether California is "conduct[ing] a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of" death and change in residence. [52 U.S.C. § 20507\(a\)\(4\)](#).

Nonetheless, and as required under section 8(i), my office has made available for DOJ's inspection a copy of California's voter registration database at my office located at 1500 11th Street, Sacramento, California 95814. 52 U.S.C. § 20507(i)(1) (requiring States to make the records "available for public inspection and, where available, photocopying at a reasonable cost"); *Greater Birmingham Ministries v. Sec'y of State for Alabama* 105 F.4th 1324, 1333 (11th Cir. 2024) ("'[P]ublic inspection' as used in the National Voter Registration Act does not include electronic disclosure."). DOJ may inspect a copy of our redacted voter registration database during regular business hours by making an appointment with my office. Public inspection satisfies our legal obligations under the NVRA and ensures that this office complies with legal protections for voter registration data under California law. These protections include prohibitions on transferring the data, along with detailed data security and storage requirements. Cal. Code Regs. tit. 2, §§ 19005, 19008(a)(8), 19012, 19013.

Please know that in accordance with California law, the following information has been redacted from all records made available for DOJ's public inspection: voters' driver's license numbers, California identification card numbers, social security numbers, other unique identifier numbers used by the State of California for purposes of voter identification, and voter signatures. Cal. Elec. Code § 2194(b)(1)–(2); see also Cal. Gov. Code § 7924.000(b).

Finally, to the extent that DOJ intends to make copies of any records made available for public inspection, we would require that DOJ enter into a Memorandum of Understanding with my office to ensure that the handling of our registered voters' sensitive information meets the data protection standards of California law. In addition, my office requests that you inform us whether DOJ believes data collected from California's voter registration database is subject to the Privacy Act of 1974, along with the legal explanation for your position. Please also 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 from California. And please describe how DOJ plans to store, maintain, and use the requested voter registration information.

California List Maintenance Processes – Response to Questions 2 and 5

DOJ's July 10, 2025, letter asked the following two questions:

2. No data was listed in the EAVS survey for Question A12h for California regarding duplicate registrants who were removed from the statewide voter registration database. Please provide a list of all duplicate registrants who were removed from the statewide voter registration list including the date(s) of removal. If they were merged or linked with another record, please provide that information. Please explain California's process for determining duplicates and what happens to the duplicate registrations.
5. The 2022 EAVS report contained 4,984,314 inactive voters, while the 2024 report contained 2,883,995. Please explain the reason for the change in the number of inactive registrations for these years.

While both questions request a narrative response, we are aware of no legal obligation to provide one. Rather, because California strives to have some of the most transparent election processes in

the country, the answer to your questions can be found in the following publicly available documents, which are available online.

In response to question two, please see the following documents:

1. [U.S. Election Administration Commission's \(EAC\) 2024 Election Administration Policy Survey](#), See page 154.

https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf

2. [Guidance: EMS Messages](#), See page 6, Section 2.2.

<https://elections.cdn.sos.ca.gov/votecal/guidance/ems-message.pdf>

3. [California 2022-2024 Election Administration and Voting Survey to EAC](#).

<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Felections.cdn.sos.ca.gov%2Fnvra%2Freports%2Fbiennial%2Feavs-2024.xlsm&wdOrigin=BROWSELINK>

In response to question five, please see the following documents:

1. [California's NVRA Manual, Ch. 4 entitled “Voter Registration Applications and Voter List Maintenance”](#), See Ch 4., page 20.

<https://elections.cdn.sos.ca.gov/nvra/nvra-manual/chap-4.pdf>

2. [Legislative History of AB-504 \(Berman\), California Statutes of 2019, Ch. 262 § 6.](#)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB504

3. [Cal. Elec. Code, §§ 2222 through 2226.](#)

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=ELEC&division=2.&title=&part=&chapter=3.&article=2

4. [Husted v. A. Philip Randolph Inst. 584 U.S. 756 \(2018\).](#)

https://www.supremecourt.gov/opinions/17pdf/16-980_f2q3.pdf

The remaining four questions require compiling records from up to twelve different counties, which will require more time. As such, I cannot agree to your arbitrary deadline of August 29 to answer the remaining requests. Please accept my assurances that my office is looking into your questions and will inform you when the documents are available for inspection at my office.

Finally, I want to remind DOJ that the United States Constitution is clear about where the power to regulate elections is allocated in this country: as sovereigns closest to the people, the States have primary responsibility. Nowhere does the Constitution provide the President or the Executive Branch with *any* independent power to control or otherwise conscript States to carry out non-statutory policy priorities of the President. To the extent DOJ is utilizing the NVRA in a

manner not permitted to advance the President's policy objectives, my office is not obligated to follow along. To the contrary, my obligation is to support and defend the Constitution of the United States and the Constitution of the State of California, ensure election laws are being enforced, and protect California voters from unnecessary and illegitimate intrusions on their privacy.

Please do not hesitate to contact my office regarding when you plan to visit Sacramento to review the voter registration information.

Respectfully,

/s/ Shirley N. Weber

Dr. Shirley N. Weber
California Secretary of State



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 13, 2025

Via Mail and Email

The Honorable Shirley N. Weber
c/o Legal Affairs Office
Office of the Secretary of State
State of California
1500 11th Street
Sacramento, CA 95814
Secretary.weber@sos.ca.gov
legalsupport@sos.ca.gov

Re: California Voter Registration List and Other Disclosures

Secretary Weber:

This letter responds to your letter of August 8, 2025. This communication is limited to our request for the State of California's voter registration list ("VRL") and associated voter registration records and does not include the Justice Department's response to your partial answers to the inquiries about California's VRL maintenance processes. That response will come later.

Our July 10, 2025, letter requested California's VRL to assess the State's compliance with the statewide VRL maintenance provisions of the National Voter Registration Act ("NVRA"), [52 U.S.C. § 20501](#), *et seq.* Our request is pursuant to the Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* [52 U.S.C. § 20501\(a\)](#).

The Help America Vote Act ("HAVA"), [52 U.S.C. § 20501](#), *et seq.*, also provides authority for the Justice Department to seek the State's VRL via Section 401, which makes the Attorney General solely responsible for actions to enforce HAVA's computerized statewide Voter Registration List requirements. *See* [52 U.S.C. § 21111](#); *see also* *Brunner v. Ohio Republican Party*, [555 U.S. 5, 6](#) (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 ("CRA"), codified at [52 U.S.C.](#)

§ 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See 52 U.S.C. § 20701.*

Section 303 of the CRA provides, in pertinent part, “Any record or paper required by section 20701 to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative....” 52 U.S.C. § 20703.

As the plain language of the statute makes clear, California cannot limit the Justice Department’s access to mere inspection of the requested voter registration records; the Justice Department is entitled to a full and complete copy of those records in the form in which California maintains them, including in electronic form pursuant to HAVA.

As required by Section 303 of the CRA, our letter dated July 10, 2025, provided you with “a statement of the basis and the purpose therefore,” *id.*, namely, to assist in our determination of whether California’s list maintenance program complies with the NVRA. At your request, we have reaffirmed that statement in this correspondence.

When providing the electronic copy of the statewide VRL, California must ensure that it contains *all fields*, which includes the registrant’s full name, date of birth, residential address, his or her state driver’s license number, or the last four digits of the registrant’s social security number as required under the Help America Vote Act (“HAVA”)¹ to register individuals for federal elections. *See 52 U.S.C. § 21083(a)(5)(A)(i).*

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

Your letter dated August 8, 2025, also indicated concern regarding federal privacy protections of the VRL and other requested information by the Justice Department. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that Justice Department be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

52 U.S.C. § 20704. As you noted, other federal laws may be applicable, including the Privacy Act. California's privacy laws, to the extent they are inconsistent with federal law, are preempted.

HAVA specifies that the "last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974" (5 U.S.C. § 522(a) note); 52 U.S.C. § 21083(c)). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver's License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency's function to accomplish its enforcement authority as the Justice Department is now doing.

To that end, provide the requested electronic Voter Registration List² to the Justice Department within seven days or by August 21, 2025, and provide all original and completed voter registration applications submitted to the State of California from December 1, 2023, through July 1, 2025, to the Justice Department by September 12, 2025.

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

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Jana Lean
Chief of Elections
1500 11th Street, 5th Floor
Sacramento, CA 95814
jana.lean@sos.ca.gov

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



SHIRLEY N. WEBER, Ph.D. | SECRETARY OF STATE | STATE OF CALIFORNIA
LEGAL AFFAIRS OFFICE
1500 11th Street | Sacramento, CA 95814 | 916.695-1242 | www.sos.ca.gov

August 21, 2025

Via Mail and Email

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave. NW-4CON
Washington, DC 20530
Michael.Gates2@usdoj.gov
Maureen.Riordan2@usdoj.gov

Dear Ms. Dhillon:

I write in response to your August 13, 2025 letter regarding the U.S. Department of Justice's (DOJ) request for a copy of California's voter registration list and associated voter registration records.

DOJ's July 10 and July 29 letters both invoked the National Voter Registration Act's (NVRA) public inspection provision, 52 U.S.C. § 20507(i), in requesting that California provide a copy of its voter registration list. On August 8, I informed your office that we have made available for public inspection a copy of California's voter registration list at my office in Sacramento, with appropriate redactions of social security numbers, driver's license numbers, and similar protected personal identifying information as required under California law and allowed under the NVRA. Despite our invitation, you have not yet made an appointment for the inspection.

My office remains willing and available to facilitate your inspection of the redacted voter file; however, your letter fails to establish a sound legal basis to demand anything more.

1. DOJ Has Not Established Legal Authority to Request the Unredacted Voter File Containing Sensitive Personal Identifying Information of Millions of Californians.

Your August 13 letter—for the first time—references the Help America Vote Act (HAVA) and the Civil Rights Act of 1960 (CRA). But neither statute supports your office's sweeping request. HAVA gives the Attorney General authority to enforce the “uniform and nondiscriminatory election technology and administration requirements” set out in that Act. 52 U.S.C. § 21111. California carefully complies with every HAVA requirement and stands ready to demonstrate

this compliance through its documented policies and practices, should your office so request. Notably, your letter gives no basis for suspecting any shortcoming or failure in California's HAVA compliance, nor suggests that DOJ is actually investigating any alleged HAVA violation.

The CRA also does not authorize your office's sweeping request for all California voters' sensitive, personal identifying information linked to their voter registration. As you note, to validly request election records under the CRA, your office must provide "a statement of the basis and the purpose" of the request. 52 U.S.C. § 20703. Your August 13 letter asserts that the purpose of DOJ's request for the unredacted voter file is "to assist in [DOJ's] determination of whether California's list maintenance program complies with the NVRA." But demonstrating compliance with the NVRA's list maintenance requirements does not require production of sensitive and confidential records of millions of Californians. And your communications with my office articulate no basis for even suspecting a violation of the NVRA, much less a reason why DOJ needs access to confidential voter data to evaluate our list maintenance program.

As you know, the NVRA does not give DOJ general supervisory power over the accuracy of each record in the voter file. Rather, Congress deliberately left the primary responsibility to manage voter lists in the hands of the States, subject to protections against unjustified voter purges and the requirement that States "conduct a general program" to remove voters who become ineligible due to death or change in residence. 52 U.S.C. § 20507(a)(4). To satisfy the NVRA's list maintenance obligations, a State must simply "establish a program that makes a rational and sensible attempt to remove" registrants who have died or moved. *Pub. Int. Legal Found. v. Benson*, 136 F.4th 613, 625 (6th Cir. 2025) (rejecting the argument that the adequacy of a list maintenance program should be judged by statistical indicia).

Because the protected, sensitive data of millions of California voters is not facially germane to an investigation of the State's list maintenance practices, and your office has not provided any other basis or purpose for requesting this confidential data, the CRA does not require its production. *See* 52 U.S.C. § 20703.

DOJ's request to California also does not come in a vacuum. Our sister States have informed us, along with reporting by media outlets, that DOJ is seeking voter registration lists from all 50 States. I understand that many States received letters nearly identical to the August 13 letter sent to my office, each demanding substantially identical data. This nationwide effort undermines DOJ's claim that its data request is necessary for an investigation of California's NVRA compliance. Thus, it appears that your requests are not part of any good faith investigation into California's—or any State's—compliance with the NVRA, but rather some undisclosed purpose.

2. California Law Protecting Voters' Sensitive Identifying Information is Not Preempted in these Circumstances.

As I informed your office in my August 8, 2025 letter, the Secretary of State is required under California law to redact certain information from the copy of the voter registration list which has

been made available for inspection, including social security numbers, driver's license numbers, and contact information of confidential voters like victims of domestic violence. Cal. Elec. Code § 2194; Cal. Gov. Code § 7924.000(b); Cal. Elec. Code §§ 2166, 2166.5, 2166.7, 2166.8; *see also* Cal. Const. art. I, § 1.

These legal protections are not preempted by the NVRA, which does not require the disclosure of sensitive personal identifying information. *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024) (collecting cases). Nor are they preempted by HAVA, which does not contain any inspection provision and thus does not obligate California to make any records available to DOJ. *See 52 U.S.C. § 21111*. Finally, these legal protections are not displaced by DOJ's mere citation to the CRA, particularly when DOJ has not stated a valid purpose and basis for accessing this sensitive and confidential personal data. *See 52 U.S.C. § 20703*.

3. DOJ Has Not Demonstrated that Its Data Request Complies with the Privacy Act.

Finally, from DOJ's correspondence, we understand that DOJ is creating a system of records of California voters (and, apparently, all voters nationwide), which is subject to the Privacy Act of 1974. As I requested in my August 8 letter—but so far have received no response—please explain in detail how DOJ's request complies with the Privacy Act. Specifically, please explain:

- 1) DOJ's purpose for creating this system of records, including a citation to the notice published in the Federal Register, as required under 5 U.S.C. § 552a(e)(4);
- 2) Any currently planned or foreseen transfer of the records outside of DOJ's Voting Rights Section and your basis for believing that such a transfer complies with the Privacy Act;
- 3) How California's voter registration list is necessary and relevant to the reason DOJ is compiling this system of records;
- 4) How the system of records DOJ is establishing complies with the prohibition in 5 U.S.C. § 552a(e)(7) on maintaining records “describing how any individual exercises rights guaranteed by the First Amendment,” considering that voter registration lists include party affiliation and voter participation history, *see id.*; and
- 5) What, if any, measures DOJ is taking to ensure the new system of records will be maintained with “such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.” 5 U.S.C. § 552a(e)(5).

Before my office allows DOJ to make a copy of any part of the voter registration list, we must confirm that DOJ's collection of this data is permitted under the Privacy Act. Additionally, as I informed your office in my August 8 letter, prior to DOJ making copies of any voter file records, we require that DOJ enter into a Memorandum of Understanding with my office to ensure that

the handling of the data meets the standards of California law, the Privacy Act, and any other applicable protections.¹

Please do not hesitate to contact my office regarding when you plan to visit Sacramento to review the voter registration information.

Respectfully,

/s/ Shirley N. Weber

Shirley N. Weber, Ph.D.
California Secretary of State

¹ There is no legal basis for your claim that DOJ is entitled to receive the records in electronic form. The NVRA and the CRA require States to allow inspection and copying of the records, but no more than that. 52 U.S.C. § 20507(i)(1) (requiring States to make covered records “available for public inspection and, where available, photocopying at a reasonable cost”); *id.* § 20703 (requiring the records custodian to make covered records “available for inspection, reproduction, and copying at the principal office of such custodian”). Permitting your inspection satisfies our legal obligations under these statutes and ensures that my office complies with legal protections for voter registration data under California and federal law.



SHIRLEY N. WEBER, Ph.D. | SECRETARY OF STATE | STATE OF CALIFORNIA
LEGAL AFFAIRS OFFICE
1500 11th Street | Sacramento, CA 95814 | 916.695-1242 | www.sos.ca.gov

August 29, 2025

Via Mail and Email

Harmeet K. Dhillon, Assistant Attorney General
Michael E. Gates, Deputy Assistant Attorney General
Maureen S. Riordan, Acting Chief, Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave. NW-4CON
Washington, DC 20530
Michael.Gates2@usdoj.gov
Maureen.Riordan2@usdoj.gov

Ms. Dhillon, Mr. Gates, and Ms. Riordan:

We write in response to your letters dated July 10 and 29, 2025, wherein you requested information regarding California's procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act. Additionally, you requested other county-specific information and posed six questions related to California's responses to the Election Assistance Commission's Election Administration and Voting Survey (EAVS) report. On August 8, 2025, we responded to two of those six questions.

In your July 29 letter, the Department of Justice (DOJ) requested that my office provide responses to the remaining requests in the July 10 letter by August 29, 2025. Since then, DOJ sent a subsequent letter on August 13, 2025, requesting additional voluminous documents and unredacted sensitive data.

In this letter, my office is providing a response to the following request from DOJ's July 10 letter: "Please provide a list of the election officials who are responsible for implementing California's general program of voter registration list maintenance from November 2022 through receipt of this letter, including those responsible officials not employed by your office (such as local election officials) who are also involved in that effort." Attached to this letter is a current list of all county elections officials with their contact information. Secretary of State employees may be reached through my Legal Affairs Office at: legalsupport@sos.ca.gov.

As to the remaining information requests from DOJ's original July 10 letter, I am writing to inform you that we anticipate providing a response by September 12, 2025. This will provide my

office with the necessary time to communicate with local elections officials regarding the county-specific information requested. To the extent my office can provide rolling responses sooner than September 12, we will do so.

Respectfully,

/s/ Shirley N. Weber

Shirley N. Weber, Ph.D.
California Secretary of State

Alameda

Tim Dupuis, Registrar of Voters
1225 Fallon Street, Room G-1
Oakland, CA 94612
(510) 272-6933
(510) 272-6982 Fax
Hours: 8:30 a.m. - 5:00 p.m.
<https://www.acvote.org>

Alpine

Teola L. Tremayne, County Clerk
99 Water Street
Markleeville, CA 96120
Mailing Address:
P.O. Box 158
Markleeville, CA 96120
(530) 694-2281
(530) 694-2491 Fax
Hours: 8:30 a.m. - 12:00 p.m. / 1:00 p.m. - 5:00 p.m.
<https://www.alpinecountyca.gov>
E-Mail: ttremayne@alpinecountyca.gov

Amador

Kimberly L. Grady, County Clerk
810 Court Street
Jackson, CA 95642-2132
(209) 223-6465
(209) 223-6467 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.amadorgov.org/government/elections>
E-Mail: Elections@amadorgov.org

Butte

Keaton Denlay, County Clerk-Recorder/Registrar of Voters
155 Nelson Ave
Oroville, CA 95965-3411
(530) 552-3400, option 1
(800) 894-7761 (Domestic)
(530) 538-6853 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://buttevotes.net/35/Elections>
E-Mail: elections@buttecounty.net

Calaveras

Rebecca Turner, County Clerk/Recorder
Elections Department
891 Mountain Ranch Road
San Andreas, CA 95249
(209) 754-6376
(209) 754-6733 Fax
Hours: 8:00 a.m. - 4:00 p.m.
<http://elections.calaverasgov.us>
E-Mail: electionsweb@co.calaveras.ca.us

Colusa

Cristy Jayne Edwards, County Clerk/Recorder/Registrar of Voters
546 Jay Street, Suite 200
Colusa, CA 95932
(530) 458-0500
(530) 458-0512 Fax
Hours: 8:30 a.m. - 4:00 p.m.
<http://www.countyofcolusa.org>
E-Mail: clerkinfo@countyofcolusa.org

Contra Costa

Kristin Braun Connelly, County Clerk, Recorder and Registrar of Voters
555 Escobar Street
Mailing Address:
P.O. Box 271
Martinez, CA 94553
(925) 335-7800
(925) 335-7838 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.contracostavote.gov/>
E-Mail: voter.services@vote.cccounty.us

Del Norte

Alissia Northrup, County Clerk-Recorder
981 H Street, Room 160
Crescent City, CA 95531
(707) 464-7216
(707) 465-0321 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.co.del-norte.ca.us/departments/Elections>
E-Mail: anorthrup@co.del-norte.ca.us

El Dorado

Linda Webster, Registrar of Voters
3883 Ponderosa Road
Shingle Springs, CA 95682
Mailing Address:
P.O. Box 678001
Placerville, CA 95667
(530) 621-7480
(530) 677-1014 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.eldoradocounty.ca.gov/County-Government/Elections>
E-Mail: elections@edcgov.us

Fresno

James Kus, County Clerk/Registrar of Voters
2221 Kern Street
Fresno, CA 93721
(559) 600-8683
(559) 488-3279 Fax
Hours: 8:30 a.m. - 5:00 p.m.
<https://www.fresnocountyca.gov/Departments/County-ClerkRegistrar-of-Voters>
E-Mail: clerk-elections@fresnocountyca.gov

Glenn

Sendy Perez, County Assessor/Clerk-Recorder/Elections
516 W. Sycamore Street, 2nd Floor
Willows, CA 95988
(530) 934-6414
(530) 934-6571 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.countyofglenn.net/dept/elections/welcome>
E-Mail: elections@countyofglenn.net

Humboldt

Juan Pablo Cervantes, County Clerk, Recorder and Registrar of Voters
2426 6th Street
Eureka, CA 95501
(707) 445-7481
(707) 445-7204 Fax
Hours: 8:30 a.m. - 12:00 p.m. / 1:00 p.m. - 5:00 p.m.
<https://humboldtgov.org/890/Elections-Voter-Registration>
E-Mail: humboldt_elections@co.humboldt.ca.us

Imperial

Linsey J. Dale, Registrar of Voters
940 W. Main Street, Suite 206
El Centro, CA 92243
(442) 265-1060
(442) 265-1062 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://elections.imperialcounty.org/>
E-Mail: linseydale@co.imperial.ca.us

Inyo

Danielle Sexton, Clerk/Recorder & Registrar of Voters
168 N. Edwards Street
Independence, CA 93526
Mailing Address:
P.O. Drawer F
Independence, CA 93526
(760) 878-0224
(760) 878-1805 Fax
Hours: 8:00 a.m. - 12:00 p.m. / 1:00 p.m. - 5:00 p.m.
<https://elections.inyocounty.us>
E-Mail: dsexton@inyocounty.us

Kern

Aimee X. Espinoza, Auditor-Controller/County Clerk/Registrar of Voters
1115 Truxtun Avenue, First Floor
Bakersfield, CA 93301
(661) 868-3590
(800) 452-8683
(661) 868-3768 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.kernvote.com>
E-Mail: elections@kerncounty.com

Kings

Lupe Villa, Registrar of Voters
1400 W. Lacey Blvd. Bldg. #7
Hanford, CA 93230
(559) 852-4401
(559) 585-8453 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.countyofkings.com/departments/administration/elections>
E-Mail: Elections@Countyofkings.com

Lake

Maria Valadez, Registrar of Voters
325 N. Forbes Street
Lakeport, CA 95453
(707) 263-2372
(707) 263-2742 Fax
Hours: Monday - Friday: 8:00 a.m. - 5:00 p.m.
<https://www.lakecountyca.gov/818/Registrar-of-Voters>
E-Mail: elections@lakecountyca.gov

Lassen

Julie Bustamante, County Clerk-Recorder
220 S. Lassen Street, Suite 5
Susanville, CA 96130
(530) 251-8217
(530) 257-3480 Fax
Hours: 9:00 a.m. - 12:00 p.m. / 1:00 p.m. - 4:00 p.m.
<http://www.lassencounty.org/dept/county-clerk-recorder/elections/>
E-Mail: lcclerk@co.lassen.ca.us

Los Angeles

Dean Logan, Registrar - Recorder/County Clerk
12400 Imperial Hwy.
Norwalk, CA 90650
Mailing Address:
P.O. Box 1024
Norwalk, CA 90651-1024
(800) 815-2666
(562) 929-4790 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.lavote.gov/home/voting-elections>
E-Mail: voterinfo@rrcc.lacounty.gov

Madera

Rebecca Martinez, Clerk/Recorder/ROV
Elections Division
200 W. 4th Street
Madera, CA 93637
(559) 675-7720
(559) 675-7870 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://votemadera.com>
E-Mail: electionsinfo@maderacounty.com

Marin

Natalie Adona, Registrar of Voters
3501 Civic Center Drive, Room 121
San Rafael, CA 94903
Mailing Address:
P.O. Box E
San Rafael, CA 94913-3904
(415) 473-6456
(415) 473-6447 Fax
Hours: 8:00 a.m. - 4:30 p.m.
<https://www.marincounty.gov/departments/elections>
E-Mail: elections@marincounty.gov

Mariposa

Courtney Progner Morrow, Registrar of Voters
Hall of Records
4982 10th Street
Mariposa, CA 95338
Mailing Address:
P.O. Box 247
Mariposa, CA 95338
(209) 966-2007
(209) 966-6496 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<http://www.mariposacounty.org/87/Elections>
E-Mail: cmorrow@mariposacounty.org

Mendocino

Katrina Bartolomie, Assessor-County Clerk-Recorder
Elections Department
501 Low Gap Road, Room 1020
Ukiah, CA 95482
(707) 234-6819
(707) 463-6597 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.mendocinocounty.org/government/assessor-county-clerk-recorder-elections/elections>
E-Mail: acr@co.mendocino.ca.us

Merced

Melvin E. Levey, Registrar of Voters
2222 M Street
Merced, CA 95340
(209) 385-7541
(209) 385-7387 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.countyofmerced.com/3878/Elections>
E-Mail: mcvotes@mendocinocounty.gov

Modoc

Stephanie Wellemeyer, County Auditor/Clerk/Recorder
108 E. Modoc Street
Alturas, CA 96101
(530) 233-6200
(530) 233-6666 Fax
Hours: 8:30 a.m. - 12:00 p.m. / 1:00 p.m. - 5:00 p.m.
<http://www.co.modoc.ca.us/departments/elections>
E-Mail: clerkelections@co.modoc.ca.us

Mono

Queenie Barnard, Clerk – Recorder – Registrar
(Library Building)
74 N. School Street, Annex I
Bridgeport, CA 93517
Mailing Address:
P.O. Box 237
Bridgeport, CA 93517
(760) 932-5537
(760) 932-5531 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://monocounty.ca.gov/elections>
E-Mail: elections@mono.ca.gov

Monterey

Gina Martinez, Registrar of Voters
1441 Schilling Place - North Building
Salinas, CA 93901
Mailing Address:
P.O. Box 4400
Salinas, CA 93912
(831) 796-1499
(831) 755-5485 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.montereycountyelections.us>
E-Mail: elections@co.monterey.ca.us

Napa

John Tuteur, Assessor-Recorder-County Clerk
Napa County Registrar of Voters
1127 First St. Ste. E
Napa, CA 94559
(707) 253-4321
(707) 253-4390 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.countyofnapa.org/396/Elections>
E-Mail: elections@countyofnapa.org

Nevada

Corey O'Hayre, Acting Clerk-Recorder, Registrar of Voters
950 Maidu Avenue, Suite 210
Nevada City, CA 95959
(530) 265-1298
(530) 265-9829 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.nevadacountyca.gov/3446/Elections>
E-Mail: elections.mail@nevadacountyca.gov

Orange

Bob Page, Registrar of Voters
1300 South Grand Avenue, Bldg. C
Santa Ana, CA 92705
Mailing Address:
P.O. Box 11298
Santa Ana, CA 92711
(714) 567-7600
(714) 567-7556 Fax
Hours: 8:00 a.m. - 5:00 p.m.
ocvote.gov
E-Mail: ocvoter@ocgov.com

Placer

Ryan Ronco, County Clerk-Recorder-Registrar
3715 Atherton Road Suite #2
Rocklin, CA 95765
(530) 886-5650
(800) 824-8683
(530) 886-5688 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<http://www.placercountyelections.gov>
E-Mail: election@placer.ca.gov

Plumas

Marcy DeMartile, County Clerk-Recorder-Registrar of Voters
520 Main Street, Room 102, Courthouse
Quincy, CA 95971
(530) 283-6256
(530) 283-6155 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<http://www.countyofplumas.com/142/Elections-Division-Home>
E-Mail: elections@countyofplumas.com

Riverside

Art Tinoco, Registrar of Voters
2724 Gateway Drive
Riverside, CA 92507-0918
(951) 486-7200
(951) 486-7272 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.voteinfo.net>
E-Mail: rovweb@rivco.org

Sacramento

Hang Nguyen, Registrar of Voters
7000 65th Street, Suite A
Sacramento, CA 95823
(916) 875-6451
(916) 875-6516 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://elections.saccounty.gov/Pages/default.aspx>
E-Mail: voterinfo@saccounty.gov

San Benito

Francisco Diaz, County Clerk-Auditor-Recorder
1601 Lana Way
Hollister, CA 95023
Mailing Address:
PO Box 1150
Hollister, CA 95024
(831) 636-4016
(831) 636-2939 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.sanbenitocounty-ca-cre.gov/>
E-Mail: sbcvote@sanbenitocountyca.gov

San Bernardino

Joani Finwall, Registrar of Voters
777 E. Rialto Avenue
San Bernardino, CA 92415-0770
(909) 387-8300
(909) 387-2022 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://elections.sbccounty.gov/>
E-Mail: communications@rov.sbccounty.gov

San Diego

Cynthia Paes, Registrar of Voters

5600 Overland Avenue

San Diego, CA 92123

Mailing Address:

P.O. Box 85656

San Diego, CA 92186-5656

(858) 565-5800

(800) 696-0136

(858) 505-7294 Fax

Hours: 8:00 a.m. - 5:00 p.m.

<https://www.sdvote.com>

E-Mail: rovmail@sdcounty.ca.gov

San Francisco

John Arntz, Director of Elections

1 Dr. Carlton B Goodlett Place

City Hall, Room 48

San Francisco, CA 94102-4635

(415) 554-4375

(415) 554-7344 Fax

Hours: 8:00 a.m. - 5:00 p.m.

<https://sf.gov/departments/department-elections>

E-Mail: sfvote@sfgov.org

San Joaquin

Olivia Hale, Registrar of Voters

44 N. San Joaquin Street, Third Floor, Suite 350

Stockton, CA 95202

Mailing Address:

P.O. Box 810

Stockton, CA 95201

(209) 468-8683

(209) 468-2889 Fax

Hours: 8:00 a.m. - 5:00 p.m.

<https://www.sjgov.org/department/rov/>

E-Mail: vbm@sjgov.org

San Luis Obispo

Elaina Cano, Clerk-Recorder-Registrar
1055 Monterey Street, Suite D-120
San Luis Obispo, CA 93408
(805) 781-5228
(805) 781-1111 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.slocounty.ca.gov/Departments/Clerk-Recorder>
E-Mail: elections@co.slo.ca.us

San Mateo

Mark Church, Chief Elections Officer & Assessor-County Clerk-Recorder
Registration-Elections Division
40 Tower Road
San Mateo, CA 94402
(650) 312-5222
(650) 312-5348 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://smcacre.gov/elections>
E-Mail: registrar@smcacre.gov

Santa Barbara

Joseph E. Holland, Clerk/Recorder/Assessor and Registrar of Voters
4440-A Calle Real
Santa Barbara, CA 93110
Mailing Address:
P.O. Box 61510
Santa Barbara, CA 93160-1510
(805) 568-2200
(800) 722-8683
(805) 568-2209 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.countyofsb.org/164/Elections>
E-Mail: electionssupport@co.santa-barbara.ca.us

Santa Clara

Matt Moreles, ROV
1555 Berger Drive, Bldg. 2
San Jose, CA 95112
Mailing Address:
P.O. Box 611360
San Jose, CA 95161-1360
(408) 299-8683
(866) 430-8683
(408) 998-7314 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://vote.santaclaracounty.gov/home>
E-Mail: registrar@rov.sccgov.org

Santa Cruz

Tricia Webber, County Clerk
701 Ocean Street, Room 310
Santa Cruz, CA 95060
(831) 454-2060
(831) 454-2445 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://votescount.santacruzcountyca.gov/>
E-Mail: tricia.webber@santacruzcountyca.gov

Shasta

Clint Curtis, Clerk & Registrar of Voters
1643 Market Street
Redding, CA 96001
Mailing Address:
P.O. Box 990880
Redding, CA 96099-0880
(530) 225-5730
(530) 225-5454 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://elections.shastacounty.gov/>
E-Mail: countyclerk@co.shasta.ca.us

Sierra

Heather Foster, County Clerk-Recorder
100 Courthouse Square, Room 11
P.O. Drawer D
Downieville, CA 95936-0398
(530) 289-3295
(530) 289-2830 Fax
Hours: 9:00 a.m. - 12:00 p.m. / 1:00 p.m. - 4:00 p.m.
<https://www.sierracounty.ca.gov/214/Elections>
E-Mail: hfoster@sierracounty.ca.gov

Siskiyou

Laura Bynum, County Clerk
311 Fourth Street, Room 201
Yreka, CA 96097
(530) 842-8084
(530) 841-4110 Fax
Hours: 9:00 a.m. - 12:00 p.m. / 1:00 p.m. - 4:00 p.m.
<https://www.co.siskiyou.ca.us/elections>
E-Mail: laura@sisqvotes.org

Solano

Timothy Flanagan, Registrar of Voters
675 Texas Street, Suite 2600
Fairfield, CA 94533
(707) 784-6675
(888) 933-8683
(707) 784-6678 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<http://www.solanocounty.com/depts/rov/default.asp>
E-Mail: elections@solanocounty.com

Sonoma

Evelyn Mendez, Registrar of Voters

435 Fiscal Drive

Santa Rosa, CA 95403

Mailing Address:

P.O. Box 11485

Santa Rosa, CA 95406-1485

(707) 565-6800

(800) 750-8683

(707) 565-6843 Fax

Hours: 8:00 a.m. - 5:00 p.m.

<https://sonomacounty.ca.gov/administrative-support-and-fiscal-services/clerk-recorder-assessor-registrar-of-voters/registrar-of-voters>

E-Mail: rov-info@sonomacounty.gov

Stanislaus

Donna Linder, County Clerk-Recorder

1021 I Street, Suite 101

Modesto, CA 95354-2331

(209) 525-5200

(209) 525-5802 Fax

Hours: 8:00 a.m. - 4:00 p.m.

<http://stanvote.gov>

E-Mail: stanvote@stancounty.com

Sutter

Donna M. Johnston, County Clerk-Recorder

1435 Veterans Memorial Circle

Yuba City, CA 95993

(530) 822-7122

(530) 822-7587 Fax

Hours: 8:00 a.m. - 5:00 p.m.

https://www.suttercounty.org/doc/government/depts/cr/elections/cr_elections_home

Tehama

Sean Houghtby, Registrar of Voters
633 Washington Street, Room 17
Red Bluff, CA 96080
Mailing Address:
P.O. Box 250
Red Bluff, CA 96080-0250
(530) 527-8190
(530) 527-1140 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.co.tehama.ca.us/government/departments/elections/>
E-Mail: elections@tehama.gov

Trinity

Shanna White, Registrar of Voters
11 Court Street
Weaverville, CA 96093
Mailing Address:
P.O. Box 1215
Weaverville, CA 96093-1215
(530) 623-1220
(530) 623-8398 Fax
Hours: 9:00 a.m. - 1:00 p.m, 2:00 p.m. - 4:00 p.m.
<https://www.trinitycounty.org/214/Elections>
E-Mail: elections@trinitycounty.org

Tulare

Michelle Baldwin, Registrar of Voters
5300 West Tulare Avenue, Suite 105
Visalia, CA 93277
(559) 839-2100
(559) 615-3019 Fax
Hours: M-Th 7:30 a.m. - 5:30 p.m., F 8:00 a.m. - 12:00 p.m.
<https://tularecolections.org/elections>
E-Mail: absentee@co.tulare.ca.us

Tuolumne

Donny McNair, Clerk & Auditor-Controller
Elections Department
2 S. Green Street
Sonora, CA 95370-4618
(209) 533-5570
(209) 694-8931 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.tuolumnecounty.ca.gov/194/Election-Information>
E-Mail: clerk@tuolumnecounty.ca.gov

Ventura

Michelle Ascencion, County Clerk-Recorder-Registrar of Voters
800 S. Victoria Avenue
Hall of Administration, Lower Plaza
Ventura, CA 93009-1200
(805) 654-2664
(805) 648-9200 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://clerkrecorder.venturacounty.gov/elections/elections/>
E-Mail: elections@venturacounty.gov

Yolo

Jesse Salinas, Yolo County Assessor/Clerk-Recorder/Registrar of Voters
625 Court Street, Room B-05
Woodland, CA 95695
Mailing Address:
P.O. Box 1820
Woodland, CA 95776-1820
(530) 666-8133
(916) 375-6490
(530) 666-8123 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://elections.yolocounty.gov/>
E-Mail: elections@yolocounty.gov

Yuba

Donna Hillegass, County Clerk-Recorder-Registrar of Voters
915 8th Street, Suite 107
Marysville, CA 95901-5273
(530) 749-7855
(530) 749-7854 Fax
Hours: 8:00 a.m. - 5:00 p.m.
<https://www.yuba.org/departments/elections/index.php>
E-Mail: elections@co.yuba.ca.us



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LEGAL AFFAIRS OFFICE
1500 11th Street | Sacramento, CA 95814 | 916.695-1242 | www.sos.ca.gov

September 12, 2025

Via Mail and Email

Harmeet K. Dhillon, Assistant Attorney General
Michael E. Gates, Deputy Assistant Attorney General
Maureen S. Riordan, Acting Chief, Voting Section
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave. NW-4CON
Washington, DC 20530
Michael.Gates2@usdoj.gov
Maureen.Riordan2@usdoj.gov

Dear Ms. Dhillon, Mr. Gates, and Ms. Riordan:

This letter responds to the outstanding requests from your letters dated July 10 and August 13, 2025. It also supplements the response I provided in my August 8, 2025, letter.

Your July 10 letter requested that I provide “a description of the steps that you have taken, and when those steps were taken, to ensure that the state’s list maintenance program has been properly carried out in full compliance with the NVRA,” including “both the actions taken by California officials as well as county officials.” The letter also requested “a list of the election officials who are responsible for implementing California’s general program of voter registration list maintenance from November 2022 through receipt of this letter” and posed six questions, five of which concerned the U.S. Election Assistance Commission’s 2024 Election Administration and Voting Survey (EAVS). On August 8, I responded to questions two and five by producing documents responsive to those questions. On August 29, I responded to your request for “a list of the election officials who are responsible for implementing California’s general program of voter registration list maintenance from November 2022 through receipt of this letter.”

On August 13, I received another letter from your office requesting, among other things, that I “provide all original and completed voter registration applications submitted to the State of California from December 1, 2023, through July 1, 2025.”

Below are my responses to the U.S. Department of Justice's (DOJ) outstanding request.

I. California's List Maintenance Program

California has established a comprehensive list maintenance program that draws from multiple sources of data to identify voter registrations that may need updating or canceling while protecting eligible voters' access to the ballot. This list maintenance complies with every requirement of the NVRA.

Under California's system for administering elections, each county has primary responsibility for carrying out its list maintenance practices in accordance with California and federal law. California law requires counties to engage in numerous list maintenance activities, as detailed below. My office has also issued detailed written guidance and conducted in-person and webinar trainings for county elections officials on various list maintenance subjects, including six trainings since 2022.¹ Together, these California laws and the related guidance and training offered by my office constitute a general program that makes a reasonable effort to maintain accurate lists of eligible voters, and thus comports fully with Section 8(a)(4) of the NVRA.

As you know, the NVRA does not mandate that a State follow any particular method of identifying ineligible voters when it conducts its general program to make a reasonable effort to remove the names of ineligible voters from its rolls. In California, elections officials must follow the procedures for confirming registrants' addresses set forth in sections 2220 through 2226 of the Elections Code. These procedures are described in detail in Chapter 4 of California's NVRA Manual, entitled "Voter Registration Applications and Voter List Maintenance," which was linked in my August 8 letter, and again here:

<https://elections.cdn.sos.ca.gov/nvra/nvra-manual/chap-4.pdf>. These procedures include:

- Sending voter notification cards to notify voters that they are registered and confirm the voters' address and information ([Cal. Elec. Code §§ 2155, 2155.3](#));
- Confirming voters' residence prior to elections with pre-election residency confirmation postcards ([Cal. Elec. Code § 2220](#)) or an alternative procedure, such as:
 - the use of national change-of-address data from the U.S. Postal Service ([Cal. Elec. Code § 2222](#));
 - the mailing of county voter information guides with address correction requests ([Cal. Elec. Code § 2223](#)); or
 - obtaining change-of-address data from a consumer credit reporting agency ([Cal. Elec. Code § 2227](#));
- Sending address confirmation notices in response to information indicating that a registrant has moved ([Cal. Elec. Code §§ 2155, 2225, 2226](#));

¹ Here is a limited sample of the materials my office generates as guidance and training materials: (1) VoteCal Guidance Documents (<https://www.sos.ca.gov/elections/voter-registration/votecal-project/votecal-guidance-documents>); (2) Training Resources for County Elections Officials (<https://www.sos.ca.gov/elections/voter-registration/votecal-project/votecal-guidance-documents>); and (3) General Publications and Resources (<https://www.sos.ca.gov/elections/publications-and-resources>).

- Intra- or inter-county transfer of voter registrations, when appropriate (Cal. Elec. Code § 2155);
- Placing voter registration records on inactive status, when appropriate (Cal. Elec. Code §§ 2221, 2225); and
- Canceling voter registrations when all requirements of Section 8(d) of the NVRA (52 U.S.C. § 20507(d)(2)) have been satisfied (Cal. Elec. Code §§ 2225, 2226).

As required by California law, county elections officials check new and updated registrations against a number of data points to determine their accuracy. This process includes steps to reconcile voter-to-voter duplicates, as discussed more fully in response to question two below. Voter registration records are also reviewed and updated regularly based on data from the California Department of Corrections and Rehabilitation (CDCR), California Department of Public Health (CDPH), Department of Motor Vehicles (DMV), and Employment Development Department (EDD). The process for canceling voter registrations due to death is also further discussed below in response to question three.

With respect to changes of address, my office provides the full voter registration database to the EDD on a monthly basis to compare against its National Change of Address (NCOA) database. EDD is the sole licensed provider of the NCOA database for the State. In return, EDD marks the voters that may have moved and provides this data to my office, which is processed into VoteCal, the federally mandated and compliant statewide voter registration database. Notices of potential address changes are then sent to county election officials for final determination. My office also receives daily change of address notifications from the DMV from registrants who update their address records with DMV about changes of address made at DMV. VoteCal identifies potential changes of address and automatically sends notices to county election officials for final determination.

In its recent correspondence, your office has cited its authority to enforce the NVRA in connection with its document and data requests. However, your office has not identified any aspect of California's list maintenance program that fails to comply with the NVRA, nor is there any basis for such an allegation. California's robust list maintenance program fully complies with the requirements of federal law.

II. Response to Specific Inquiries

This section responds to the six questions raised in your July 10 letter, including supplementing the responses I provided in response to questions two and five in my August 8 letter.

a. Question 1 – EAVS Question A3d

Question one from your July 10 letter states:

In the EAVS data for Question A3d, California had 2,178,551 voters (15.6 percent) with duplicate registrations. However, seven counties failed to provide

data regarding duplicate registrations. Please provide a list of all duplicate registration records in Imperial, Los Angeles, Napa, Nevada, San Bernardino, Siskiyou, and Stanislaus counties.

As an initial matter, Napa responded to EAVS Question A3d with 9,760. The remaining six counties responded with “data not available.”

As the EAC makes clear in their guidance on completing the survey, “[i]f your state or jurisdiction does not track data for an item, then you may select ‘Data not available’ as your response. There are instructions throughout the survey that provide helpful advice and examples for when to use the ‘Does not apply’ and ‘Data not available’ responses.” *Guide to Using the Data Collection Templates*, 2024 Election Administration and Voting Survey (Nov. 5, 2024), available at

<https://eavsportal.com/Downloads/2024/2024%20EAVS%20Data%20Template%20User%20Guide.pdf>. Accordingly, I understand that these six counties did not provide data in response to these questions because they did not track that information during the EAVS reporting period.

b. Question 2 – EAVS Question A12h

Question two from your July 10 letter stated:

No data was listed in the EAVS survey for Question A12h for California regarding duplicate registrants who were removed from the statewide voter registration database. Please provide a list of all duplicate registrants who were removed from the statewide voter registration list including the date(s) of removal. If they were merged or linked with another record, please provide that information. Please explain California’s process for determining duplicates and what happens to the duplicate registrations.

In my August 8 letter, my office produced various documents that were responsive to your question regarding duplicates. As those documents reflect, California has no list of duplicate registrants that were removed because all duplicates were merged. California provided this information in response to Question 21 of the EAC’s 2024 Election Administration Policy Survey. This practice of merging duplicates is consistent with almost three quarters of the Nation’s states, as found in the 2024 EAVS Comprehensive Report (EAVS Report). EAVS Report, at 154 (“In response to a 2024 Policy Survey item that covered this topic, 73.2% of states reported merging records when a duplicate is found in their system.”).

The merging process occurs as follows: VoteCal, California’s federally compliant statewide voter registration database, automatically runs voter-to-voter duplicate checks on new registrations and updates to existing voter registrations. If a potential match (for example, the same registrant, registered twice with different addresses) is determined, VoteCal notifies relevant county elections officials for a potential match final determination. If the county elections official determines that the records are a match based upon a variety of data points, the

records are merged, and the most recent information is applied to the voter's record. These steps are outlined in Section 2.2 in the Guidance: EMS Messages linked in my August 8 letter.

c. Question 3 – EAVS Question QA12c

Question three from your July 10 letter stated:

In the EAVS data for Question QA12c, California had 378,349 voters (11.9 percent) removed because of death, which was well below the national average. Please provide a list of all registrations that were canceled because of death. Please explain California's process for determining who is deceased and removing them from the voter roll and when that occurs.

As required by California law, county elections official must cancel a voter's registration record upon their death. Cal. Elec. Code §§ 2201(a)(5), 2205. This requirement is implemented through our VoteCal database. My office receives a weekly data file from CDPH, which is processed through VoteCal and generates "Potential Deceased Match" messages. These messages are then automatically sent to the county's Election Management System (EMS) where the potential deceased voter's record resides.

Upon receipt of the "Potential Deceased Match" message, the county must review the voter record and the associated deceased record and compare date of birth, name, and any other information included to help verify a match. If the county verifies the match, a new EMS message, "Deceased to Voter Pre-Cancellation," is sent to the county to start the pre-cancellation process. This process requires county elections officials to notify the possibly deceased individuals 15 to 30 days before canceling their registration. That action triggers VoteCal to send another message to the EMS, "Deceased Voter Cancellation." If no response is received within 15 days of sending the pre-cancellation notice, the county must respond to the "Deceased Voter Cancellation" message on or after the 16th day of the pre-cancellation period and confirm the cancellation.

In regard to your request for a list of all registrations that were canceled due to death, my office can make this list available for public inspection, consistent with Section 8(i) of the NVRA, at my office during regular business hours whenever DOJ makes an appointment.

d. Question 4 – EAVS Questions A10a-A10f

Question four from your July 10 letter stated: "Confirmation Notice data was missing in the EAVS survey for Questions A10a through A10f for several counties in California. Please provide the data for each county in California for Questions A10a through A10f."

Twelve counties answered "data not available" or "valid skip" in response to A10a through A10f. These questions concern specific data related to confirmation notices mailed to registered voters, such as whether a notice was returned along with the specific reason it was returned.

As the EAC makes clear in their guidance on completing the survey, “[i]f your state or jurisdiction does not track data for an item, then you may select ‘Data not available’ as your response. There are instructions throughout the survey that provide helpful advice and examples for when to use the ‘Does not apply’ and ‘Data not available’ responses.” *Guide to Using the Data Collection Templates*, 2024 Election Administration and Voting Survey (Nov. 5, 2024), available at

<https://eavspotal.com/Downloads/2024/2024%20EAVS%20Data%20Template%20User%20Guide.pdf>. Accordingly, I understand that these 12 counties did not provide data in response to these questions because they did not track that information during the EAVS reporting period.

e. Question 5 – EAVS Report Change In Inactive Voters

Question five from your July 10 letter stated that “[t]he 2022 EAVS report contained 4,984,314 inactive voters, while the 2024 report contained 2,883,995. Please explain the reason for the change in the number of inactive registrations for these years.”

In my August 8 letter, my office produced various documents that were responsive to your question regarding the change in the number of inactive registrations between the 2022 EAVS report and the 2024 EAVS report.

A change in the number of inactive voters may have various causes, including increased participation in elections resulting in voters being removed from the inactive list, reregistration by voters with updated address information, or the cancellation of previously-inactive registrations. Additionally, another possible explanation is that the decrease in the number of inactive voters between 2022 and 2024 resulted from amendments to state law made to conform to the United States Supreme Court’s 2018 decision regarding the cancellation of voter registrations under the NVRA, *Husted v. A. Philip Randolph Inst.*, [584 U.S. 756](#) (2018).

As you know, the NVRA prohibits canceling a voter’s registration for failing to vote but allows removal if a registrant has changed residences, albeit only after a qualifying notice has been sent and certain conditions are thereafter satisfied. [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\)](#). A qualifying notice can be sent in response to information indicating that the registrant has moved out of state or has moved and left no forwarding address. [Cal. Elec. Code §§ 2221\(a\)\(1\), 2225\(c\)](#). In addition, the voter registration status for these registrants is updated to inactive. [Cal. Elec. Code §§ 2221\(a\)\(1\), 2225\(f\)](#). At that point, if an inactive registrant fails to return the address confirmation notice, does not offer or appear to vote in any election within the next two federal general election cycles following the mailing of that notice, and does not notify a county elections official of continued residency within California, the county elections official must cancel the voter’s registration record. [Elec. Code §§ 2225\(c\), 2226\(b\); 52 U.S.C. §§ 21083\(a\)\(4\)\(A\), 20507\(a\)\(4\), \(d\)\(3\); Husted, 584 U.S. at 767](#). These procedures, codified in Elections Code sections 2222 through 2226, are described in greater detail in the previously

mentioned Chapter 4 of California’s NVRA Manual, entitled “Voter Registration Applications and Voter List Maintenance.”

Previously, Elections Code section 2226 was permissive, allowing—but not requiring—removal once section 8(d)(1)(B) requirements had been met. This reflects the California Legislature’s prior understanding that such removals were permitted, but not mandatory, under the NVRA. In *Husted*, the Supreme Court clarified that cancellation is mandatory under federal law. [584 U.S. at 767](#). As of January 1, 2020, Elections Code section 2226, as amended, requires the cancellation of registrations once all section 8(d)(1)(B) prerequisites have been satisfied. Cal Stats. 2019, ch. 262, § 6. Thus, the difference in inactive voters between the 2022 and 2024 EAVS may reflect an increase in removal of inactive voters pursuant to changes in state law to comply with the United States Supreme Court’s *Husted* decision.

f. Question 6 – Non-Citizenship Cancellations

Question six from your July 10 letter requested “[a] list of all registrations, including date of birth, driver’s license number, and last four digits of Social Security Number, that were canceled due to non-citizenship of the registrant.”

Under California law, local elections officials shall cancel a voter’s registration “[u]pon proof that the person is otherwise ineligible to vote.” [Cal. Elec. Code § 2201\(a\)\(8\)](#). VoteCal does not track whether a cancellation of a registrant’s record by county elections officials was specifically due to their finding that the registrant was not a citizen. Accordingly, my office has no responsive records to this request.

III. DOJ Has Not Established Its Legal Authority to Request All Original and Completed Voter Registration Applications

In your August 13 letter, you requested that I “provide all original and completed voter registration applications submitted to the State of California from December 1, 2023, through July 1, 2025, to the Justice Department by September 12, 2025.” Your letter does not identify any authority for this sweeping request. To the extent you are relying on the Civil Rights Act of 1960 (CRA), that statute fails to support this request.

To make a valid request, the CRA requires that the Attorney General provide “a statement of the basis and the purpose” of the demand. [52 U.S.C. § 20703](#). The only asserted *purpose* in your August 13 letter is “to assist in [DOJ’s] determination of whether California’s list maintenance program complies with the NVRA.” But evaluating California’s compliance with the NVRA’s requirement that each State conduct a general program that makes a reasonable effort at removing ineligible voters due to a change in address or death is far afield from the CRA’s aim. The CRA was enacted to facilitate civil rights investigations related to the denial of the right to vote, but you readily admit that you are not seeking voter registration applications for this reason. You have also failed to state any *basis* for your demand. And you have not identified any suspected violation of the NVRA or HAVA, much less one to which the requested voter

registration applications would be relevant. No legitimate purpose is apparent for this burdensome and voluminous request. Accordingly, your purported reliance on the CRA does not establish the legal authority to demand the requested voter registration records, and my office will not be making them available for your inspection.

Your request for further documents containing sensitive information of Californians suggests that your aim is to create a system of records of California voters, which is subject to the Privacy Act of 1974. I note that your office still has not answered the questions that I posed in my August 21 letter to ensure that DOJ is following federal law and that the data of California voters receives the full protections entitled by law.

In addition, it appears that your request for voter registration applications (and for the California voter file) is governed by the e-Government Act of 2002, which requires the DOJ to complete a privacy impact assessment prior to collecting this type of information about individuals. *See* Pub. L. 107-347, 116 Stat. 2899, § 208. If you contend that your request complies with this Act, please explain the basis for that position.

As California's Chief Elections Officer, I am committed to complying with both state and federal law to ensure that eligible voters' rights to register and vote are protected. Hopefully, the thorough explanation of our list maintenance practices and detailed responses to your questions provided in this letter assuage any concerns your office may have about California's list maintenance program.

Respectfully,

/s/ Shirley N. Weber

Shirley N. Weber, Ph.D.
California Secretary of State

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT
) Civil Action No. 2025-CP-40-06539
ANNE CROOK,)
)
Plaintiff,)
vs.)
)
SOUTH CAROLINA ELECTION)
COMMISSION A/K/A STATE)
ELECTION COMMISSION,)
)
Defendant,)
)
)
HENRY DARGAN MCMASTER, IN HIS)
OFFICIAL CAPACITY AS GOVERNOR)
OF THE STATE OF SOUTH)
CAROLINA,)
)
Intervenor-Defendant.)

ORDER

This matter is before the Court on a Motion for Temporary Injunction filed by Plaintiff, Anne Crook. The motion seeks to prevent or limit the Election Commission's dissemination to DOJ of certain information from the South Carolina statewide voter registration list (VRL), containing Plaintiff's personal information. The Court heard this matter on September 26, 2025, and took the matter under advisement. For the reasons stated below, the Motion is **DENIED**.

Introduction

Plaintiff is requesting an injunction to prevent the South Carolina Election Commission (Election Commission) from releasing any protected election data to the Department of Justice (DOJ) until there is a memorandum of understanding (MOU) between the two parties. Additionally, Plaintiff requests that this Court review any MOU. In the Election Commission's memorandum in opposition, as well as at oral arguments by their counsel, they have stated point-

blank that they will not release the data to the DOJ without an MOU between the two government agencies. Additionally, counsel stated that the contents of the MOU would be discussed and voted on in open session by the commissioners. This Court denies the drastic remedy of granting injunction for several reasons.

First, Plaintiff has failed to prove she will suffer an irreparable harm because the Election Commission has stated it will not release the data without an MOU containing necessary security safeguards to ensure the proper and confidential use of that data and its transmission.

Second, Plaintiff has failed to prove there are no adequate remedies at law because she could avail herself to the state and federal tort claims acts if any data is negligently handled in the future.

Finally, Plaintiff is not likely to succeed on the merits for several reasons. **1.** The Election Commission is statutorily authorized to engage in the conduct she seeks to enjoin; specifically, South Carolina law vests the Election Commission with the authority to enter data sharing agreements to disclose securely certain voter registration data. **2.** The “right to privacy” constitutional provision does not encompass the sharing of data between the State and the federal government to secure federal elections. **3.** Requesting this Court to mandate an MOU and to assess its adequacy would improperly entangle the judiciary in the routine operations of the Election Commission, which would offend foundational separation of powers principles. **4.** Federal law likely requires the Election Commission to provide the requested information to DOJ.

Factual Background

On August 6 and 14, 2025, the Department of Justice Civil Rights Division (DOJ) sent letters to the Election Commission, requesting, in sum, South Carolina’s VRL. Specifically, in the second letter, DOJ requested “an electronic copy of the statewide voter VRL[, which] should contain *all fields*, which means, [the] state’s VRL must include the registrant’s full name, date of birth, residential address, [and] his or her state driver’s license number or the last four digits of the registrant’s social security number” *See* Compl. at 7–11 (Letter from Harmeet K. Dhillon, Assistant Attorney General Civil Rights Division to Howard Knapp, then-Executive Director, State Election Commission).

On August 27, 2025, the Election Commission met to address DOJ's requests. Wooten Aff. ¶ 4. Specifically, the Election Commission directed its staff to confer with DOJ about the prospect of entering into a data sharing agreement as authorized by section 7-5-186(C) of the South Carolina Code of Laws. *Id.* After additional communications with DOJ, on September 3, 2025, the Election Commission and DOJ held a conference call to discuss a possible data sharing agreement. *Id.* ¶ 5. Based on that conference call, the Election Commission understands that DOJ is currently developing a Memorandum of Understanding (MOU) that identifies the requested information and addresses the security and privacy concerns raised by the Election Commission. *Id.* ¶ 6. The Election Commission has not yet received the MOU. *Id.* The Election Commission has stated that it will not share any data without a proper MOU in place.

Contesting dissemination of the VRL to DOJ, Plaintiff filed a complaint with a request for injunctive relief and a declaratory judgment in Calhoun County. Ultimately, the case was transferred to Richland County and assigned to the Honorable Daniel M. Coble. The Election Commission filed its Answer on September 25, 2025.

Legal Standard

An injunction is a “drastic” remedy that “ought to be applied with caution.” *Strategic Res. Co. v. BCS Life Ins. Co.*, 367 S.C. 540, 544, 627 S.E.2d 687, 689 (2006). A plaintiff “must establish three elements” to obtain a preliminary injunction: (1) irreparable harm, (2) likelihood of success on the merits, and (3) no adequate remedy at law. *Compton v. S.C. Dep’t of Corr.*, 392 S.C. 361, 366, 709 S.E.2d 639, 642 (2011).

1. Irreparable harm

Plaintiff submits to the Court that she would suffer irreparable harm “if either 1) more of her [personal information] is shared than is permissible under the law or 2) the information is shared without adequate protection.” Motion for Temporary Injunction at 11 (Sept. 23, 2025). Transmitting her personal information within the defined confines of an MOU protects against either scenario. Therefore, Plaintiff has failed to identify any sufficient harm—let alone an irreparable harm—she would suffer absent an injunction.

The Election Commission stated in court and in the filings with this Court that they will enter into an MOU with the DOJ that complies with all state law and ensure the protection of any

personal information. Additionally, the Election Commission stated that the contents of the MOU would be discussed and voted on at an open hearing. The Election Commission stated in their Memorandum in Opposition to Plaintiff's Motion for a Temporary Injunction:

Specifically, in recognition of the significant privacy concerns involved, the Election Commission will fulfill its statutory obligations to protect private information and share voter information with DOJ only pursuant to an MOU containing necessary security safeguards to ensure the proper and confidential use of that data and its transmission. Indeed, this explains why the Election Commission has not transmitted the requested information since DOJ first inquired in early August. To appease her concerns, Plaintiff need not look any further than to the MOUs into which the Election Commission routinely perfects when exercising its statutory authority to share voter registration data to carry out its obligation "to maintain accurate voter registration records." *See Wooten Aff.* ¶ 4; S.C. Code Ann. §§ 7-3-20(D)(11), 7-5-186(A). As is standard practice, those MOUs outline the limited purpose for which the shared voter information will be used and the steps taken to protect the confidentiality of that data upon disclosure. For example, such documents ordinarily set forth data use limitations and provide secure transmission protocols and storage and destruction procedures. Any perfected MOU with DOJ should be no different.

Memorandum in Opposition to Plaintiff's Motion for a Temporary Injunction at 5 (Sept. 26, 2025).

Further, Plaintiff's alleged irreparable harm rests on the premise that the Election Commission will not act in good faith or properly carry out the law. Public officials are, absent evidence to the contrary, presumed to act in good faith and follow the laws. *S.C. Jurisprudence*, Evidence § 29 (1999); *see also Toporek v. S.C. State Election Comm'n*, 362 F. Supp. 613 (D.S.C. 1973) (stating that without an evidentiary basis, courts will not assume that state election officials will act arbitrarily in the future). The only evidence in this case is that the Election Commission has acted in good faith in enacting the MOUs with other states to fulfill its statutory duty to maintain accurate voter lists—that is, to prevent voter fraud. Plaintiff has not alleged, and the Court cannot assume, that the Election Commission will do anything other than adhere to state law in any negotiations with DOJ.

2. Adequate remedies

Actions for injunctive relief are equitable in nature. *Grosshuesch v. Cramer*, 367 S.C. 1, 4, 623 S.E.2d 833, 834 (2005) (citation omitted). Generally, equitable relief is available only where there is no adequate remedy at law. *Santee Cooper Resort, Inc. v. S.C. Pub. Serv. Comm'n*, 298

S.C. 179, 185, 379 S.E.2d 119, 123 (1989). Specifically, “An ‘adequate’ remedy at law is one which is as certain, practical, complete and efficient to attain the ends of justice and its administration as the remedy in equity.” *Id.* In the unlikely event that Plaintiff’s private information somehow falls in the hands of a “bad actor” as a result of the Election Commission’s fulfillment of its statutory obligations under S.C. Code Ann. § 7-5-186(C) as she hypothesizes, she could avail herself to the state and federal tort claims acts. Such claims are more than adequate vehicles for relief such that an injunction is improper.

3. Success on the Merits

Statutory Authorization

Because the Election Commission is statutorily authorized to engage in the conduct she seeks to enjoin, Plaintiff cannot possibly establish she is likely to succeed on the merits. More specifically, South Carolina law vests the Election Commission with the authority to enter data sharing agreements to disclose securely certain voter registration data.

The South Carolina Constitution mandates the General Assembly to enact legislation providing for the regulation of elections (article II, section 1), the registration of voters (article II, section 8), and “the fulfillment and integrity of the election process” (article II, section 10). Pursuant to that authority, the General Assembly enacted Title 7 of the South Carolina Code of Laws, in turn establishing the Election Commission to oversee the administration of elections and to maintain fair and fraud-free elections. *See S.C. Code Ann. § 7-3-10(F)* (charging the Election Commission with “promulgat[ing] regulations to establish standardized processes for the administration of elections and voter registration that must be followed by the county boards of voter registration and elections”).

To that end, relevant here, section 7-5-186(A) requires the Election Commission to establish and maintain a statewide voter registration database and to “conduct an annual general registration list maintenance program to maintain accurate voter registration records in the statewide voter registration system.” S.C. Code Ann. § 7-5-186(A). Included in that list is the information the Election Commission collects pursuant to its statutory mandate for contents of voter registration applications. In particular, the application (and therefore the VRL) must contain a registrant’s name, sex, race, social security number, date of birth, residential address and may

also include driver's license numbers, state-issued identification numbers, telephone numbers, email addresses, mailing addresses, location of prior voter registrations, voter registration agencies, and other data incident to voter registrations. S.C. Code Ann. § 7-5-170(2); *see also* S.C. Code Ann. § 7-5-185(B)(5) (requiring the same information for electronic applications for voter registration).

Furthermore, section 7-5-186(C) expressly provides,

The State Election Commission may enter into agreements to share information or data with other states or groups of states, as the commission considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in this subsection, the commission shall ensure that any information or data provided to the commission that is confidential in the possession of the state providing the data remains confidential while in the possession of the commission. The commission may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database.

S.C. Code Ann. § 7-5-186(C) (Emphasis added). The plain language of the statute permits the Election Commission to share the requested information with "organizations" such as DOJ. Before perfecting the agreement, the Election Commission determines whether the DOJ MOU meets the state's statutory requirements for disclosure of voter personal information. If it does not, the Election Commission will not enter the agreement or share the VRL.

Much of the Family and Personal Identifying Information Privacy Protection Act is not relevant to this action. For instance, it requires state agencies to have privacy policies and to inform people that collected information might be disclosed, and it prohibits anyone from using personal information obtained from a government agency from using that information for commercial solicitation. *See S.C. Code Ann. §§ 30-2-20, -40, -50(A)*. Specific to the section Crook cites in the heading of her motion, section 30-2-20 permits agencies to share personal information to "fulfill a legitimate public purpose." *Id.* § 30-2-20. Surely protecting the voter rolls fits that description. *See id.* § 7-3-10(G) (Commission must "comply with applicable state and federal election law").

Put simply, the statute's plain text authorizes the Election Commission to engage in the conduct Plaintiff hopes to enjoin. *See Hodes v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000) ("Under the plain meaning rule, it is not the province of the court to change the meaning of a clear and unambiguous statute.").

Right to Privacy

A statute gives a plaintiff the right to sue only if the General Assembly intended to create that right. *Denson v. Nat'l Cas. Co.*, 439 S.C. 142, 151, 886 S.E.2d 228, 233 (2023). “Generally, when a statute does not expressly create civil liability, a duty will not be implied unless the statute was enacted for the special benefit of a private party.” *Id.* at 151–52, 886 S.E.2d at 233. Nothing in section 7-5-170 (or section 7-5-186) is for any special benefit of an individual. Instead, these statutes provide the framework how voters register and how the Election Commission handles the voter registration database. Bolstering this conclusion are other parts of Title 7, which expressly provide a person the right to challenge certain Election Commission actions. *See, e.g.*, S.C. Code Ann. §§ 7-5-230(C), 7-5-240.

Because there is no private cause of action conferred under these election statutes, the Plaintiff’s standing hinges on whether or not her “right to privacy” has been implicated under South Carolina’s Constitution. Article I, section 10 prohibits “unreasonable invasions of privacy.” S.C. Const. art. I, § 10. That provision was intended “to take care of the invasion of privacy through modern electronic devices.” Committee to Make a Study of the Constitution of South Carolina, 1895, *Minutes of Committee Meeting* 6 (Sept. 15, 1967). It sought “to protect the citizen from improper use of electronic devices, computer data banks, etc.” Committee to Make a Study of the Constitution of South Carolina, 1895, *Final Report of the Committee to Make a Study of the South Carolina Constitution of 1895*, at 15 (1969). As originally understood then, this provision has nothing to do with the sharing of data between the State and the federal government to secure federal elections.

This constitutional provision’s current jurisprudence is not precisely clear, and there is limited case law on the issue. Therefore, this Court must look to several recent cases to ascertain and interpret the provision in light of the facts of this case. In *Planned Parenthood I*, the South Carolina Supreme Court interpreted the right to privacy as more than merely a search or seizure related protection. However, *Planned Parenthood I* was not directly overruled, but it was clearly supplanted by *Planned Parenthood II*. The first case’s two dissenting opinions viewed the right to privacy in a more limited fashion, with Justice James’ opinion keeping the provision within the search and seizure framework. *Planned Parenthood II* made it clear that while the majority

opinion ruled that the right to privacy encompassed more than the search and seizure context, it did so only for the purposes of that opinion.

Second, *Planned Parenthood I* is a highly fragmented decision with five separate opinions. ...we likewise decline to revisit the fragmented decision regarding the proper scope of the privacy provision. Rather, in the interest of unity, we will assume only for purposes of our analysis and decision **today** that the privacy provision reaches beyond the search and seizure context to include bodily autonomy. Accordingly, we go no further **today** than referencing *Singleton v. State*, which held that the interests protected by the privacy clause extend to bodily autonomy and integrity.

Planned Parenthood S. Atl. v. State, 440 S.C. 465, 481, 892 S.E.2d 121, 130 (2023), *reh'g denied* (Aug. 29, 2023) (emphasis added). The Supreme Court made clear that in that case they were not making a definitive ruling as to the interpretation of the history and meaning of the constitutional provision in question. *Id.* at 481 n.9 (“We elect not to address those threshold differences: for purposes of our analysis and decision today, we will cast aside a review of the history and relevance of the 1971 amendments to the state constitution that included the privacy provision, including the work of the West Committee.”).

Courts will attempt to avoid making legal interpretations when they are unwarranted and superfluous to the ultimate decision. The judiciary is not in the business of creating business but rather tasked with the simple job of making decisions related to past conduct and stating rules for predictability of future conduct. It is often not necessary – and usually unproductive – to create more rules, more interpretations, and more disagreements on issues that are not directly impacted by the ultimate decision. However, because the standing of this Plaintiff hinges on whether or not her right to privacy could be violated, this Court must draw an interpretation as to what the constitutional provision means.

This trial court will never say what the law is or what it ought to be – but it will say what it believes the law is as promulgated by the South Carolina Supreme Court and the South Carolina General Assembly. Following along the lines of the several opinions in *Planned Parenthood I*, in conjunction with prior precedent, this Court does not believe that this provision is implicated with the sharing of election data. In his well-reasoned and thoroughly analyzed opinion, Justice James walks through the history and times of the constitutional amendments during the 1960s and 1970s, and particularly, how the right to privacy provision came about. Without quoting verbatim the

opinion, this Court notes several passages to explain why it believes the right to privacy does not encompass the voter election data at issue in this case.

First, in a letter from the attorney general to West Committee Staff Consultant Robert H. Stoudemire, the attorney general explains the reason why the right to privacy needed to be added to the constitutional protections:

In the first paragraph, General McLeod acknowledged that the proposed privacy provision “relate[d] to interception of communication which is generally done by electronic means.” Letter from Daniel R. McLeod, S.C. Att'y Gen., to Robert H. Stoudemire, Staff Consultant, Comm. to Make a Study of the S.C. Const. (Oct. 2, 1967), 1967 WL 12658, at *1. He then noted an “additional factor [that] may be taken into consideration” is the “protection of privacy in areas such as information gotten through data processing.” *Id.* The letter as a whole speaks solely in terms of “securing individual privacy in the field of data processing” and in terms of protecting against intrusions into privacy occasioned by (1) interception of communication and information by electronic means, (2) mass collection of data, (3) unguarded income tax and health information, and (4) unguarded information stored in computers. *Id.*

Planned Parenthood S. Atl. v. State, 438 S.C. 188, 339–40, 882 S.E.2d 770, 851–52 (2023), *reh'g denied* (Feb. 8, 2023). Second, the final report related to this constitutional provision discusses the purpose of the added language:

Section J. Searches and seizures. The Committee recommends that the historic provision on searches and seizures be retained. In addition, the Committee recommends that the citizen be given constitutional protection from an unreasonable invasion of privacy by the State. This additional statement is designed to protect the citizen from improper use of electronic devices, computer databanks, etc. Since it is almost impossible to describe all of the devices which exist or which may be perfected in the future, the Committee recommends only a broad statement on policy, leaving the details to be regulated by law and court decisions.

Planned Parenthood S. Atl. v. State, 438 S.C. 188, 338, 882 S.E.2d 770, 850–51 (2023), *reh'g denied* (Feb. 8, 2023).

But even as expanded in *Singleton v. State*, 313 S.C. 75, 89, 437 S.E.2d 53, 61 (1993), article I, section 10 still does not reach the sharing of the voter registration list. That case holds no more than that this provision might extend to “bodily autonomy and integrity.” *Planned Parenthood S. Atl. v. State*, 440 S.C. 465, 481, 892 S.E.2d 121, 130 (2023). This Court would thus break new ground by applying article I, section 10 to the voter registration list—and with no way

to reconcile that conclusion with the “intent of [article I, section 10’s] framers and the people who adopted it.” *State v. Long*, 406 S.C. 511, 514, 753 S.E.2d 425, 426 (2014).

And of course, article I, section 10 “draws the line at *unreasonable* invasions of privacy.” *Planned Parenthood S. Atl.*, 440 S.C. at 482, 892 S.E.2d at 131 (emphasis added). So even if this provision were implicated by the sharing of voter registration lists, this provision would be violated only if the Commission would act unreasonably to provide information to the federal government. This Court does not believe there would be an unreasonable invasion of privacy for the Election Commission to turn over its data to the DOJ.

Separation of Powers

Plaintiff seeks an injunction preventing the Election Commission from sharing any such information absent an “adequate” MOU, subject to review by this Court. This Court cannot supersede the Election Commission’s discretion to enter such agreements specifically conferred by statute. In a similar vein, in the first instance, the Election Commission alone is charged with ensuring that an MOU “adequately protects” the rights of the South Carolina electorate, including Plaintiff. Requesting this Court to mandate an MOU and to assess its adequacy would improperly entangle the judiciary in the routine operations of the Election Commission. Such involvement would offend foundational separation of powers principles (article 1, section 8 of the South Carolina Constitution) and undermine the independence of the executive agency by inserting judicial oversight into the Election Commission’s discharge of its statutory duties and responsibilities. *State ex rel. McLeod v. McInnis*, 278 S.C. 307, 312, 295 S.E.2d 633, 636 (1982) (“One of the prime reasons for separation of powers is the desirability of spreading out the authority for the operation of the government. It prevents the concentration of power in the hands of too few, and provides a system of checks and balances. The legislative department makes the laws; the executive department carries the laws into effect; and the judicial department interprets and declares the laws.”).

Federal law

Federal law likely requires the Election Commission to provide the requested information to DOJ, and while DOJ has also pointed to the National Voter Registration Act and the Help America Vote Act, Title III alone is sufficient to reach that conclusion. Title III requires that, for

22 months after a federal election, a state election official “retain and preserve” “all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.” 52 U.S.C. § 20701. Title III has long been understood to “encompass[], among other things, voting registration records,” *McIntyre v. Morgan*, 624 F. Supp. 658, 664 (S.D. Ind. 1985), which is not surprising given the scope of the statutory text. And since HAVA’s enactment two decades ago, registration records must include either “the applicant’s driver’s license number” or “the last four digits of the applicant’s social security number.” 52 U.S.C. § 21083(a)(5)(A). The Attorney General (or his representative) may demand in writing “[a]ny record or paper” that a state election official must keep under § 20701. *Id.* § 20703. That demand must simply “contain a statement of the basis and the purpose therefor.” *Id.*

DOJ’s request for South Carolina’s voter registration list fits comfortably within this legal framework. For starters, the voter registration list from the 2024 election is a “record” in a state election official’s possession “relating to” the “registration” of voters for the 2024 election. *Id.* § 20701. And that registration now includes either a driver’s license number or the last four digits of a Social Security number. *Id.* § 21083(a)(5)(A). DOJ made this request “in writing” and explained its “basis” and “purpose” of ensuring that the State was complying with HAVA and the NVRA. *Id.* § 20703; *see* Compl. Exs. 1 & 2 (DOJ letters).

Conclusion

State Sovereignty

This Court finds that federal law likely preempts state law in this area simply because of how this Court has to frame the issue. This case is about whether a citizen can likely succeed on the merits of challenging a State action in compliance with its own interpretation of federal law. And the State at this point has interpreted the law as requiring compliance with the federal request. It is not framed as the State *challenging* the federal request to a state agency. This Court has grave concerns about federal overreach and encroachment over this State’s sovereignty. However, because this Court rules on the issue at hand, it does not discuss this issue further. As stated by Chief Justice John Roberts of the United States Supreme Court:

Outside the strictures of the Supremacy Clause, States retain broad autonomy in structuring their governments and pursuing legislative objectives. Indeed, the

Constitution provides that all powers not specifically granted to the Federal Government are reserved to the States or citizens. Amdt. 10. This “allocation of powers in our federal system preserves the integrity, dignity, and residual sovereignty of the States.” *Bond v. United States*, 564 U.S. ___, ___, 131 S.Ct. 2355, 2364, 180 L.Ed.2d 269 (2011). But the federal balance “is not just an end in itself: Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power.” *Ibid.* (internal quotation marks omitted). More specifically, “ ‘the Framers of the Constitution intended the States to keep for themselves, as provided in the Tenth Amendment, the power to regulate elections.’ ” *Gregory v. Ashcroft*, 501 U.S. 452, 461–462, 111 S.Ct. 2395, 115 L.Ed.2d 410 (1991)

Shelby Cnty., Ala. v. Holder, 570 U.S. 529, 543, 133 S. Ct. 2612, 2623, 186 L. Ed. 2d 651 (2013).

For the reasons stated above, the Motion for Temporary Injunction is **DENIED**. The Governor’s Motion to Dismiss is continued.

AND IT IS SO ORDERED.

The Honorable Daniel McLeod Coble

October 1, 2025



Richland Common Pleas

Case Caption: Anne Crook vs South Carolina Election Commission , defendant, et al

Case Number: 2025CP4006539

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774

Electronically signed on 2025-10-01 11:10:17 page 13 of 13

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

CASE NO: 2:25-cv-09149-DOC-ADS

Plaintiff,

V.

SHIRLEY WEBER, in her official capacity as Secretary of State of the State of California, and the STATE OF CALIFORNIA,

[PROPOSED] ORDER TO
PRODUCE RECORDS PURSUANT
TO 52 U.S.C. § 20701, *et seq.*

Hon. David O. Carter

Defendant(s).

ORDER TO PRODUCE RECORDS

Upon the Request by the United States of America, the supporting Memorandum of Law, the supporting Declaration, and the arguments presented by counsel at hearing, it is hereby ORDERED:

1. That the above-named Defendants shall show cause before this Court on _____
_____, 2025, at _____ o'clock, in Department _____ of the
Courthouse located at _____

1 _____, California _____ as to why an order
2 should not be issued pursuant to 52 U.S.C § 20701, *et seq.*:

3 a) ordering Defendants to produce an electronic copy of the California
4 statewide Voter Registration List, and
5 b) ordering Defendants to produce the other documents demanded by
6 the Attorney General to ascertain Defendants' compliance with
7 federal law; specifically, the National Voter Registration Act
8 ("NVRA"), 52 U.S.C. § 20501, *et seq.*, and the Help America Vote
9 Act of 2002 ("HAVA"), 52 U.S.C § 20901, *et seq.*, and
10 c) requiring Defendants to submit electronically to the Attorney
11 General, Civil Rights Division Voting Section, within 5 (five) days
12 of this order, and for such other and further relief as may be just and
13 proper; and

14 2. That a copy of this Order be served upon Defendant Shirley Weber, California
15 Secretary of State by email and U.S. mail to 1500 11th Street, Sacramento,
16 California 95814 and Attorney General, Rob Bonta, 1300 I Street,
17 Sacramento, CA, 95814-2919; and
18 3. That Defendants, having been served by the Clerk of Court with Plaintiff's
19 Request, Memorandum of Law, attachments, and Declaration via certified
20 mail at the time of service of Summons and Complaint, shall file with this
21 Court and serve any response addressing the issues raised in the Request seven
22 (7) days prior to the hearing date; and
23 4. That Plaintiff shall serve and file any reply thereto, one (1) day prior to the
24 hearing date.

25 Entered this _____ day of _____, 2025.

26 BY THE COURT:
27

28

UNITED STATES DISTRICT COURT