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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15
16 **UNITED STATES OF AMERICA,**

17 Plaintiff,

18 v.

19 **STATE OF CALIFORNIA,**
20 **SHIRLEY N. WEBER, in her official**
21 **capacity as the California Secretary**
22 **of State, and DEAN C. LOGAN, in**
his official capacity as the County of
Los Angeles Registrar-
Recorder/County Clerk,

23 Defendants.
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Case No. 2:26-cv-12025

STATE DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER

Date: Not Set
Time: Not Set
Courtroom: Not Set
Judge: Not Yet Assigned
Trial Date: Not Set
Action Filed: October 15, 2026

TABLE OF CONTENTS

	Page
Introduction.....	1
Background.....	1
I. Factual Background	1
II. Legal Background	3
Legal Standard	7
Argument	7
I. Plaintiff Lacks Standing.....	7
II. Plaintiff’s Claim Fails on the Merits.....	10
A. Plaintiff Fails to Show That Any Aspect of California’s Election Administration Unlawfully Impedes Federal Law Enforcement.....	11
B. <u>18 U.S.C. § 611</u> Does Not Authorize the Relief Plaintiff Seeks	17
C. Plaintiff’s Requested Relief Is Unlawful.....	19
III. The <i>Purcell</i> Principle and Equities Heavily Disfavor a Restraining Order.....	23
Conclusion	28

TABLE OF AUTHORITIES

	Page
CASES	
<i>Abbott v. Perez</i> <u>585 U.S. 579</u> (2018)	26
<i>Alexander v. Sandoval</i> <u>532 U.S. 275</u> (2001)	17
<i>Alfred L. Snapp & Son, Inc. v. Puerto Rico, ex rel., Barez</i> <u>458 U.S. 592</u> (1982)	25
<i>Allen v. Milligan</i> <u>608 U.S. 511</u> (2026)	23, 24
<i>Am. Encore v. Fontes</i> <u>152 F.4th 1097</u> (9th Cir. 2025).....	27
<i>Am. Fed’n of Gov’t Emps., AFL-CIO v. Trump</i> <u>178 F.4th 456</u> (9th Cir. 2026).....	7
<i>Andersen v. Celebrezze</i> <u>460 U.S. 780</u> (1983)	21
<i>Arcia v. Fla. Sec’y of State</i> <u>772 F.3d 1335</u> (11th Cir. 2014).....	19, 20
<i>Ariz. Dem. Party v. Hobbs</i> <u>18 F.4th 1179</u> (9th Cir. 2021).....	21
<i>Arizona v. Inter Tribal Council of Ariz., Inc.</i> <u>570 U.S. 1</u> (2013)	4, 12, 13
<i>Arizona v. United States</i> <u>567 U.S. 387</u> (2012)	8, 13
<i>Arizona v. Yellen</i> <u>34 F.4th 841, 852-853</u> (9th Cir. 2022)	8
<i>Armstrong v. Exceptional Child Center, Inc.</i> <u>575 U.S. 320</u> (2015)	17

TABLE OF AUTHORITIES
(continued)

	Page
<i>Beck v. Prupis</i> <u>529 U.S. 494</u> (2000)	18
<i>Bellitto v. Snipes</i> <u>935 F.3d 1192</u> (11th Cir. 2019)	6
<i>Bolbol v. Rowell Ranch Rodeo, Inc.</i> <u>673 F. Supp. 3d 1099</u> (N.D. Cal. 2023)	27
<i>Burdick v. Takushi</i> <u>504 U.S. 428</u> (1992)	20, 21
<i>California Dem. Party v. Jones</i> <u>530 U.S. 567</u> (2000)	22
<i>California v. United States Bureau of Alcohol Tobacco Firearms & Explosives</i> <u>188 F.4th 1160</u> (9th Cir. 2026)	10
<i>Chamber of Commerce of U.S. v. Whiting</i> <u>563 U.S. 582</u> (2011)	14, 16
<i>Clapper v. Amnesty Int’l USA</i> <u>568 U.S. 398</u> (2013)	10
<i>Coal. for Econ. Equity v. Wilson</i> <u>122 F.3d 718</u> (9th Cir. 1997)	26
<i>Common Cause, et al. v. Department of Justice, et al.</i> <u>2026 WL 3033772</u> (D.D.C. Oct. 9, 2026)	2
<i>Common Cause Indiana v. Lawson</i> <u>977 F.3d 663</u> (7th Cir. 2020)	24
<i>ConocoPhillips Alaska, Inc. v. Alaska Oil and Gas Conservation Commission</i> <u>177 F.4th 964</u> (9th Cir. 2026)	13
<i>Crawford v. Marion Cnty. Elec. Bd.</i> <u>553 U.S. 181</u> (2008)	21

TABLE OF AUTHORITIES
(continued)

	Page
<i>Cruise Lines International Association, Inc. v. Suganuma</i> <u>825 F. Supp. 3d 1170, 1192</u> (D. Haw. 2025)	8
<i>Democratic Nat’l Comm. v. Wis. State Legislature</i> <u>592 U.S. 1039</u> (2020)	23
<i>Election Integrity Project Cal., Inc. v. Weber</i> <u>113 F.4th 1072</u> (9th Cir. 2024)	14, 17
<i>FDA v. Alliance For Hippocratic Med.</i> <u>602 U.S. 367</u> (2024)	10
<i>Garcia v. Google, Inc.</i> <u>786 F.3d 733</u> (9th Cir. 2015)	7
<i>Georgia v. Meadows</i> <u>88 F.4th 1331</u> (11th Cir. 2023)	12
<i>Golden State Transit Corp. v. City of Los Angeles</i> <u>475 U.S. 608</u> (1986)	11
<i>Gonzalez v. Arizona</i> <u>677 F.3d 383</u> (9th Cir. 2012)	12
<i>I.N.S. v. Pangilinan</i> <u>486 U.S. 875</u> (1988)	19
<i>In re Debs</i> <u>158 U.S. 564</u> (1895)	18
<i>Kansas v. United States</i> <u>249 F.3d 1213</u> (10th Cir. 2001)	26
<i>L.A. Alliance for Hum. Rts. v. Cnty. of Los Angeles</i> <u>14 F.4th 947</u> (9th Cir. 2021)	7
<i>La Union del Pueblo Entero v. Abbott (LUPE)</i> <u>604 F. Supp. 3d 512, 523</u> (W.D. Tex. 2022)	8
<i>League of Women Voters v. Trump</i> <u>2026 WL 2620871</u> (D. Mass. Sept. 4, 2026)	2

TABLE OF AUTHORITIES
(continued)

	Page
<i>League of Women Voters of the U.S. v. Newby</i> <u>838 F.3d 1</u> (D.C. Cir. 2016).....	28
<i>Lydo Enter's, Inc. v. City of Las Vegas</i> <u>745 F.2d 1211</u> (9th Cir. 1984).....	27
<i>Maryland v. King</i> <u>567 U.S. 1301</u> (2012)	26
<i>MetroPCS California, LLC v. Picker</i> <u>970 F.3d 1106</u> (9th Cir. 2020).....	16
<i>Mi Familia Vota v. Fontes</i> <u>129 F.4th 691</u> (9th Cir. 2025).....	20
<i>Montana Medical Ass'n v. Knudsen</i> <u>119 F.4th 618</u> (9th Cir. 2024).....	13, 14
<i>Murphy v. Nat'l Collegiate Athletic Ass'n</i> <u>584 U.S. 453</u> (2018)	11, 12, 15
<i>Nader v. Brewer</i> <u>531 F.3d 1028</u> (9th Cir. 2008).....	21, 22
<i>New Georgia Project v. Raffensperger</i> <u>976 F.3d 1278</u> (11th Cir. 2020).....	23
<i>New York v. United States</i> <u>505 U.S. 144</u> (1992)	11, 14, 15
<i>Nken v. Holder</i> <u>556 U.S. 418</u> (2009)	24
<i>Norwood v. Harrison</i> <u>413 U.S. 455</u> (1973)	15, 16
<i>Norwood, City of Richmond v. J.A. Croson Co.</i> <u>488 U.S. 469</u> (1989)	15, 16
<i>Novedades Y Servicios, Inc. v. Fin. Crimes Enf't Network</i> <u>181 F.4th 961</u> (9th Cir. 2026).....	24, 25

TABLE OF AUTHORITIES
(continued)

	Page
<i>Obama for Am. v. Husted</i> <u>697 F.3d 423</u> (6th Cir. 2012)	28
<i>Printz v. United States</i> <u>521 U.S. 898</u> (1997)	15
<i>Purcell v. Gonzalez</i> <u>549 U.S. 1</u> (2006)	20, 23, 24, 26, 27
<i>Rent-a-Center, Inc. v. Canyon Television and Appliance Rental, Inc.</i> <u>944 F.2d 597</u> (9th Cir. 1991)	26
<i>Republican Nat’l Comm. v. Democratic Nat’l Comm.</i> <u>589 U.S. 423</u> (2020)	23
<i>Reynolds v. Sims</i> <u>377 U.S. 553</u> (1964)	20
<i>Sanitary Dist. of Chi. v. United States</i> <u>266 U.S. 405</u> (1925)	18
<i>Ex parte Siebold</i> <u>100 U.S. 371</u> (1879)	12
<i>Silvers v. Sony Pictures Ent., Inc.</i> <u>402 F.3d 881</u> (9th Cir. 2005)	18
<i>Smiley v. Holm</i> <u>285 U.S. 355</u> (1932)	4, 12
<i>Smith v. Helzer</i> <u>614 F. Supp. 3d 668</u> (D. Alaska 2022)	27
<i>Soules v. Kauaians for Nukolii Campaign Comm.</i> <u>849 F.2d 1176</u> (9th Cir. 1988)	27
<i>Spokeo, Inc. v. Robins</i> <u>578 U.S. 330</u> (2016)	7
<i>Trump v. CASA, Inc.</i> <u>606 U.S. 831</u> (2025)	17

TABLE OF AUTHORITIES
(continued)

	Page
<i>United States Postal Serv. v. California</i> 2026 WL 2687160 (U.S. Sept. 14, 2026).....	2
<i>United States v. Alabama</i> 691 F.3d 1269 (11th Cir. 2012).....	8
<i>United States v. California</i> ___ F. Supp. 3d. ___, 2026 WL 2970902 (C.D. Cal. Oct. 2, 2026).....	8, 9
<i>United States v. California</i> 824 F. Supp. 3d 1079 (C.D. Cal. 2026).....	7, 8, 10
<i>United States v. California</i> 921 F.3d 865 (9th Cir. 2019).....	14, 25
<i>United States v. Chelsea Cox</i> 2026 WL 2948729 (S.D. Fla. Oct. 1, 2026).....	11
<i>United States v. Comstock</i> 560 U.S. 126 (2010)	17
<i>United States v. Idaho</i> 623 F. Supp. 3d 1096 (D. Idaho 2022).....	8
<i>United States v. Missouri</i> 114 F.4th 980 (8th Cir. 2024).....	8, 9
<i>United States v. Post</i> 297 F. Supp. 46 (W.D. La. 1969).....	5, 22
<i>United States v. Weber</i> 816 F. Supp. 3d 1168 (C.D. Cal. 2026).....	1
<i>Valle de Sol Inc. v. Whiting</i> 732 F.3d 1006 (9th Cir. 2013).....	25
<i>Vermont Agency of Natural Resources v. United States ex rel. Stevens</i> 529 U.S. 765 (2000)	8
<i>Voting Rights Coal. v. Wilson</i> 60 F.3d 1411 (9th Cir. 1995).....	15

TABLE OF AUTHORITIES
(continued)

	Page
<i>Weinberger v. Romero-Barcelo</i> <u>456 U.S. 305</u> (1982)	27
<i>Winter v. Nat. Res. Def. Council, Inc.</i> <u>555 U.S. 7</u> (2008)	25, 27
<i>Xuyue Zhang v. Barr</i> <u>612 F. Supp. 3d 1005</u> (C.D. Cal. 2020).....	7
CONSTITUTIONAL PROVISIONS	
<u>U.S. Const. art. I</u>	
<u>§ 2, cl. 1</u>	4
<u>§ 4, cl. 1</u>	4, 16
<u>U.S. Const. art. II, § 1, cl. 2</u>	4
<u>U.S. Const. art. III</u>	7
<u>U.S. Const. art. VI, cl. 2</u>	15
<u>U.S. Const. amend. XVII</u>	4
<u>Cal. Const. art. II</u>	
<u>§ 2</u>	4
<u>§ 2(a)</u>	4
<u>§ 2.5</u>	4
STATUTES	
<u>18 U.S.C.</u>	
<u>§ 611</u>	.passim
<u>28 U.S.C.</u>	
<u>§ 1292(b)</u>	8

TABLE OF AUTHORITIES
(continued)

	Page
<u>52 U.S.C.</u>	
§ 10307	23
§ 10307(a).....	5, 22
§§ 10308(a)-(d).....	18
§ 10502	16
§ 20301	16
§ 20302	16
§ 20503(a).....	6
§ 20505(a)(1)	6
§ 20506(a)(6)(A).....	6
§ 20507(a)(3)	6
§ 20507(a)(4)	6, 16
§ 20507(a)(5)	6
§ 20507(c)(2)	19, 20
§ 20507(c)(2)(A).....	6
§ 20507(d)(1).....	6
§ 20508(b)(2).....	6, 16
§ 20510(a).....	18
§ 20511	18
§ 21083	6
§ 21083(b)(4).....	16
<u>Cal. Elec. Code</u>	
§ 2000(a).....	4
§ 2100	4
§ 2101	4, 6, 16
§ 2102(c).....	4, 6, 16
§ 2111	4, 6, 16
§ 2150(a)(1)	4, 6, 16
§ 2155	6, 16
§ 2155.3	6, 16
§§ 2200 <i>et seq.</i>	16

TABLE OF AUTHORITIES
(continued)

	Page
§ 2201	6
§ 2201(a)(8)	4, 26
§ 2201(c)	4
§ 2213	4
§ 2220	6
§§ 2221-2227	6
§ 2262(a)	6
§ 2264(a)(3)	4, 16
§ 2264(b)	4, 16
§ 2300(a)(1)(A)	4
§ 3000.5	4, 16
§ 3003	4, 16
§ 3010	4, 16
§ 3010(a)(2)	5
§§ 3011(a)(1)-(2)	5
§ 3019	5
§ 3019(b)	5
§ 3019(c)	5
§ 3019(d)(4)	5
§ 3019(e)(1)	5
§ 3102	4, 16
§ 14240	4, 24
§ 14240(a)(3)	26
§ 14247	26
§ 15101	5
§ 15102	5
§ 15105	4, 5, 24, 26
§ 15108	5
§ 15109	5
§§ 15600 <i>et seq.</i>	24
§ 18100	4
§ 18500	4
§ 18543	4
§ 18560	4
§ 18561	4
Voting Rights Act § 11(a)	5, 22

TABLE OF AUTHORITIES
(continued)

Page

REGULATIONS

Cal. Code Regs. tit. 2

§§ 19060-62	16
§ 19079	16
§§ 19080-81	16
§ 20070	16
§ 20075	16
§ 20076	16
§ 20282	5
§ 20363	5, 24
§ 20879	24

OTHER AUTHORITIES

11A Fed. Prac. & Proc. Civ. § 2942 & n. 73 (3d ed.)	18
Lucas Waldron & Peter Elkind, “ <i>Devoid of Any Factual Basis</i> ”: <i>Again and Again, Judges Have Dismissed Trump's Voter Data Lawsuits</i> , ProPublica (Oct. 16, 2016)	1
Nick Corasaniti, <i>From 16,000 to 185 to Zero: Trump’s Claims of Illegal Voting in Nevada Fizzle</i> , N.Y. Times (Sept. 24, 2026)	2

INTRODUCTION

With the November 3, 2026 General Election well underway, the United States demands that California’s elections officials refuse to count votes cast by as many as 20,000 voters duly registered under state and federal law. This demand rests on mere suspicion, aroused by suspect data that the Department of Justice (“DOJ”) failed to provide state officials. Instead, the California Secretary of State received a letter from DOJ demanding that she work to identify the citizenship of an unspecified list of individuals, or else direct elections officials to refuse to tabulate their ballots. This lawsuit followed less than 48 hours later.

At best, this litigation is a reckless political stunt. At worst, it threatens to disenfranchise thousands of Californians this election. Plaintiff’s sole claim—that a federal criminal prohibition on *individual noncitizen voting* preempts large swaths of California’s election administration—borders on the absurd. The relief Plaintiff seeks is as unlawful as it is untenable. And the stakes could not be higher; with thousands of ballots being cast every day across California, the election must proceed in accordance with the long-settled laws that govern its administration. The Court should deny Plaintiff’s application.

BACKGROUND

I. FACTUAL BACKGROUND

In the run-up to the November 2026 election, the federal government has engaged in a comprehensive effort to interfere in state elections based on unsupported claims of voter fraud. The government has sued thirty states plus the District of Columbia to attempt to obtain unredacted voter rolls, and federal courts have rejected those efforts in *all* of the 26 cases to have reached a final decision (including in California).¹ The government has also sought to impose onerous new

¹ Lucas Waldron & Peter Elkind, “*Devoid of Any Factual Basis*”: Again and Again, Judges Have Dismissed Trump’s Voter Data Lawsuits, ProPublica (Oct. 16, 2016), <https://projects.propublica.org/trump-doj-voter-data-lawsuits>; see also *United States v. Weber*, 816 F. Supp. 3d 1168 (C.D. Cal. 2026).

1 rules on mail voting just weeks before the election—an effort that federal courts
2 rejected at every level. *See League of Women Voters v. Trump*, [2026 WL 2620871](#)
3 (D. Mass. Sept. 4, 2026); *United States Postal Serv. v. California*, [2026 WL](#)
4 [2687160](#) (U.S. Sept. 14, 2026). And the government has lobbed allegations of
5 widespread voter fraud at the States, only for those allegations to crumble under
6 scrutiny.² As one court recently noted, the federal government’s citizenship records
7 are “known to be unreliable.” *Common Cause, et al. v. Department of Justice, et al.*,
8 [2026 WL 3033772](#), at *8 (D.D.C. Oct. 9, 2026).

9 This case arises out of this campaign. On July 16, 2026, Department of
10 Homeland Security (“DHS”) Secretary Markwayne Mullin sent a letter to Secretary
11 Weber alleging that approximately 190,000 voters registered in California “may be”
12 noncitizens, with almost no further detail. [ECF No. 1-1](#). Secretary Weber responded
13 expressing “serious doubts about the reliability of [DHS’s] data and accuracy of
14 [DHS’s] claims,” and asking for a detailed description of the methodology utilized
15 to identify the allegedly ineligible voters. [ECF No. 1-2](#). In a subsequent email
16 exchange, DHS requested a virtual meeting, and the Secretary’s Office requested
17 instead that information needed to effectively evaluate the claims be sent via email.
18 Evans Decl. Exh. 1. To date, DHS has not provided evidence, documentation, or
19 any other information to the Secretary’s Office in support of its assertions that there
20 “may be” noncitizens registered to vote in California. Evans Decl. ¶ 8.

21 Since August 2026, the Secretary’s Office has received federal grand jury
22 subpoenas for voter records for approximately 300 individuals and has provided, or
23 is in the process of providing, responsive records to each of those subpoenas. Evans
24 Decl. ¶ 7.

25
26 ² *See, e.g.*, Nick Corasaniti, *From 16,000 to 185 to Zero: Trump’s Claims of Illegal*
27 *Voting in Nevada Fizzle*, N.Y. Times (Sept. 24, 2026),
28 <https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html>.

1 On the afternoon of October 13, the U.S. Department of Justice (“DOJ”) sent a
2 letter to Secretary Weber informing her that DOJ provided a thumb drive to the Los
3 Angeles County Registrar-Recorder/County Clerk containing “a list of names the
4 Federal Government believes are likely noncitizens who were sent a . . . ballot” for
5 the 2026 General Election.³ ECF No. 1-3. DOJ demanded that Secretary Weber
6 “review the list within 48 hours to determine whether any citizens are listed.” *Id.* If
7 her office could not “independently confirm citizenship” for any listed individuals,
8 the letter demanded that she instruct elections officials to (1) segregate and not
9 process or tabulate that individual’s mail ballot “until their citizenship status can be
10 determined” and (2) take immediate steps to prevent sending mail ballots to any
11 listed individuals who have not already received them “until [the federal
12 government] can confirm citizenship.” *Id.*

13 On the morning of October 15, Secretary Weber responded rejecting DOJ’s
14 demands, explaining that “voting is well underway,” that California fully complies
15 with federal law, and that the requested procedures would be unlawful. Evans Decl.
16 Exh. 2. She further explained that her office would “welcome the opportunity to
17 review” any “proof that certain registered voters in California are ineligible.” *Id.* at
18 3. That same morning, Plaintiff filed this suit.

19 **II. LEGAL BACKGROUND**

20 The California Secretary of State, Dr. Shirley N. Weber, is the state’s Chief
21 Officer of Elections. Lean Decl. ¶ 5. California’s 58 counties are primarily
22 responsible for administering elections in the state. *Id.* ¶ 4. Each county is
23 responsible for registering voters, maintaining voter rolls, issuing ballots to
24 registered voters, and tabulating and certifying election results. *Id.*

25
26
27 ³ While Plaintiff has submitted a declaration asserting that a federal official
28 “understand[s]” that the Secretary’s Office was “provided that list on October 13,”
ECF No. 22-4 (“Bartell Decl.”) ¶ 22, they are mistaken, Evans Decl. ¶ 8.

1 States hold primary responsibility for federal elections under the United States
2 Constitution, including their “Times, Places and Manner,” subject to laws enacted
3 by Congress. U.S. Const. art. I, § 4, cl. 1; *see also id.* art. II, § 1, cl. 2. Unless
4 Congress provides otherwise, States therefore have the authority “to provide a
5 complete code for [federal] elections.” *Smiley v. Holm*, 285 U.S. 355, 366 (1932);
6 *see also Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 8–9 (2013)
7 (“*ITCA*”). States also have sole authority to set voter qualifications, or “*who* may
8 vote.” *ITCA*, 570 U.S. at 16; *see also U.S. Const. art. I, § 2, cl. 1; *id.* amend. XVII.*

9 United States citizenship is one of several requirements to vote in California
10 elections, and the State enforces this obligation in several ways. *See Cal. Const. art.*
11 *II, § 2(a)*; *Cal. Elec. Code §§ 2100, 2101*. California requires all voter registration
12 applicants to attest to citizenship under oath, under penalty of perjury and by
13 signature. *Cal. Elec. Code §§ 2101, 2102(c), 2111, 2150(a)(1), 2264(a)(3), (b)*.
14 Elections officials must cancel the registration of any voter “[u]pon proof that the
15 person is . . . ineligible to vote,” subject to procedural safeguards. *Cal. Elec. Code*
16 *§§ 2201(a)(8), (c), 2213*. State law permits challenges to mail ballots related to “the
17 voter’s qualifications to vote,” including citizenship. *Id.* §§ 14240, 15105, 15106.
18 Finally, state law also penalizes numerous related offenses, including fraud in voter
19 registration and voting, *id.* §§ 18100, 18500, 18560, and assisting ineligible voters
20 to vote, *id.* § 18561. *See also id.* § 18543 (criminalizing fraudulent or spurious mass
21 voter challenges for improper purposes).

22 For those who are eligible to vote, California’s Constitution guarantees a right
23 to vote and “have that vote counted.” *Cal. Const. art. II, §§ 2, 2.5*. State law further
24 affirms that Californians “have the right to cast a ballot if [they] are a valid
25 registered voter.” *Cal. Elec. Code, § 2300(a)(1)(A)*; *see also id.* § 2000(a).

26 California sends each active registered voter a mail ballot. *Cal. Elec. Code*
27 *§§ 3000.5, 3003, 3010*; *see also id.* § 3102. After voting their ballot, a voter places
28 it in an envelope that is signed under penalty of perjury to establish the validity of

1 the vote. *Id.* §§ 3010(a)(2), 3011(a)(1)–(2). Once elections officials receive a mail
2 ballot, they compare the signature on the ballot envelope to the signature on file for
3 the voter. *Id.* § 3019. When the signatures compare and the ballot is otherwise valid
4 (e.g., the voter has not already cast a ballot), the ballot is tabulated. *Id.* §§ 3019(b),
5 15101, 15109; Cal. Code Regs. tit. 2, §§ 20282. And if they do not compare (and
6 the voter does not correct any signature deficiencies during the correction period),
7 the ballot must be rejected. Cal. Elec. Code § 3019(c), (d)(4), (e)(1).

8 Each county establishes “special counting boards” to process and count mail
9 ballots, which tabulate mail ballots as they are returned. Cal. Elec. Code §§ 15101,
10 15102. Special counting boards also adjudicate challenges to mail ballots in the
11 same manner as other local officials on Election Day. *Id.* §§ 15105, 15108. Absent
12 a successful challenge, all returned mail ballots that bear a valid signature must be
13 counted. *Id.* §§ 3019, 15101, 15109; Cal. Code Regs. tit. 2, §§ 20282, 20363.

14 Congress exercised its Elections Clause authority to establish limited baseline
15 requirements for federal elections, with which California law conforms. These
16 requirements touch on the ability to cast a ballot, voter registration, voter roll
17 maintenance, and certain mail voting procedures.

18 Congress enacted the Voting Rights Act of 1965 to safeguard the right to vote.
19 In Section 11(a) of the Act, Congress provided that “[n]o person acting under color
20 of law shall fail or refuse to permit any person to vote who is entitled to vote under
21 [the Act] or is otherwise qualified to vote, or willfully fail or refuse to tabulate,
22 count, and report such person’s vote.” 52 U.S.C. § 10307(a). This provision
23 prohibits public officials from denying any qualified person the right to vote.
24 *United States v. Post*, 297 F. Supp. 46, 50 (W.D. La. 1969).

25 Congress enacted the National Voter Registration Act (“NVRA”) in 1993 to
26 reduce barriers to voter registration, protect the integrity of federal elections, and
27 improve the accuracy of voter registration rolls. The NVRA expressly recognizes
28 “method[s] of voter registration provided for under State law,” and builds atop that

1 foundation by requiring certain additional methods be made available to those
2 seeking “to register to vote in elections for Federal office.” 52 U.S.C. § 20503(a).
3 Under the NVRA, States must inform applicants of the applicable voter eligibility
4 requirements and penalties associated with submitting false information on an
5 application. *Id.* § 20507(a)(5). The NVRA requires States to accept and use
6 particular forms for voter registration. *See id.* §§ 20505(a)(1), 20506(a)(6)(A). That
7 form must include an attestation of the applicant, under penalty of perjury, that they
8 meet every eligibility requirement to vote. *Id.* § 20508(b)(2). California implements
9 that procedure. Cal. Elec. Code §§ 2101, 2102(c), 2111, 2150(a)(1), 2262(a).

10 The NVRA provides a framework for the removal of voters from voter rolls,
11 ensuring that the process is fair and protects eligible voters. That framework
12 addresses removals at the voter’s request, or due to death, change of residence, or
13 the voter becoming ineligible under state law “by reason of criminal conviction or
14 mental incapacity.” 52 U.S.C. §§ 20507(a)(3)–(4), (d)(1). The NVRA requires
15 States to complete systematic removals from the official list of eligible voters no
16 later than 90 days before a federal primary or general election. *Id.*
17 § 20507(c)(2)(A). This window of time is known as the “quiet period.” Overall, the
18 NVRA requires only that States “conduct a general program that makes a
19 reasonable effort to remove the names of voters who have become ineligible on
20 account of death or change of address.” *Bellitto v. Snipes*, 935 F.3d 1192, 1199
21 (11th Cir. 2019); *see also* 52 U.S.C. § 20507(a)(4). California has enacted a
22 comprehensive list maintenance program to implement the NVRA’s requirements.
23 *See* Cal. Elec. Code §§ 2155, 2155.3, 2201, 2220, 2221–2227.

24 Congress enacted the Help America Vote Act (“HAVA”) in 2002 to help
25 upgrade the States’ voting infrastructure. Among other things, HAVA set standards
26 for applicants to verify their identity upon registration. *See* 52 U.S.C. § 21083.

LEGAL STANDARD

The same factors and considerations that govern issuance of a preliminary injunction control whether a temporary restraining order is proper. *See Xuyue Zhang v. Barr*, [612 F. Supp. 3d 1005, 1012](#) (C.D. Cal. 2020). A restraining order is “an extraordinary remedy never awarded as of right.” *Am. Fed’n of Gov’t Emps., AFL-CIO v. Trump*, [178 F.4th 456, 465](#) (9th Cir. 2026) (citation omitted). A plaintiff is entitled to a restraining order “if it establishes a likelihood of success on the merits, irreparable harm in the absence of preliminary relief, that the balance of equities tips in its favor, and that an injunction is in the public interest.” *Id.* Mandatory injunctions such as the one Plaintiff seeks here are “particularly disfavored” and must be denied “unless the facts and law clearly favor the moving party.” *Garcia v. Google, Inc.*, [786 F.3d 733, 740](#) (9th Cir. 2015).

ARGUMENT

I. PLAINTIFF LACKS STANDING

To obtain preliminary relief, a plaintiff “must make a clear showing of each element of standing.” *L.A. Alliance for Hum. Rts. v. Cnty. of Los Angeles*, [14 F.4th 947, 956–957](#) (9th Cir. 2021) (citation omitted). Here, Plaintiff cannot establish “injury in fact,” one of the three elements of Article III standing. *Spokeo, Inc. v. Robins*, [578 U.S. 330, 338](#) (2016).

Plaintiff asserts that it has suffered a “sovereign injury” based on an alleged conflict between [18 U.S.C. § 611](#), a misdemeanor criminal prohibition on individual noncitizen voting, and California’s election administration activity. [ECF No. 22-2](#) (“TRO”) at 15. In *United States v. California*, however, a Central District court recently rejected the theory that “the mere *existence* of a preempted state law creates a sovereign injury to the federal government.” [824 F. Supp. 3d 1079, 1083](#) (C.D. Cal. 2026) (emphasis in original). Here, Plaintiff’s claim to standing is even weaker because Plaintiff does not identify any state law that conflicts with [18 U.S.C. § 611](#). Plaintiff instead alleges that it is the State’s “action” that has caused

1 sovereign injury. TRO at 17.

2 Even if that were true, Plaintiff's cases do not demonstrate that an alleged
3 Supremacy Clause violation alone establishes injury in fact. *Vermont Agency of*
4 *Natural Resources v. United States ex rel. Stevens*, 529 U.S. 765 (2000) is
5 inapposite because "the Supremacy Clause does not itself conjure a substantive
6 right" to "vindicate through suit." See *United States v. California*, 824 F. Supp. 3d
7 at 1083 (discussing *Stevens*). *Arizona v. United States*, 567 U.S. 387 (2012) and
8 *United States v. Alabama*, 691 F.3d 1269 (11th Cir. 2012) do not discuss standing
9 at all. In *United States v. Missouri*, the state government "withdrew resources and
10 manpower" previously dedicated to enforcing federal law. 114 F.4th 980, 984 (8th
11 Cir. 2024). In *La Union del Pueblo Entero v. Abbott (LUPE)*, the United States
12 sued "pursuant to" two federal statutes specifically "authorizing suit." 604 F. Supp.
13 3d 512, 523 (W.D. Tex. 2022). In *Cruise Lines International Association, Inc. v.*
14 *Suganuma*, the federal government also asserted concrete injury to its interest in
15 maritime commerce. 825 F. Supp. 3d 1170, 1192 (D. Haw. 2025). Likewise, in
16 *United States v. Idaho*, the government asserted concrete injury based on being
17 denied "the benefits of its bargain" when the state reneged on its agreement to
18 comply with federal law. 623 F. Supp. 3d 1096, 1107 (D. Idaho 2022). Finally,
19 *Arizona v. Yellen* does not discuss injury to the United States or standing in the
20 Supremacy Clause context, instead holding that *Arizona* had standing because it
21 was "coerced into accepting" unconstitutional funding conditions. 34 F.4th 841,
22 852–853 (9th Cir. 2022).

23 In *United States v. California*, the Court ultimately found standing based on
24 inferences drawn from a complaint that California law "plausibly encroaches on"
25 the federal government's "authority to enforce or administer" its egg products
26 regulations. 2026 WL 2970902, at *3 (C.D. Cal. Oct. 2, 2026). The Court then
27 certified its order for immediate interlocutory review under 28 U.S.C. § 1292(b),
28 reasoning that the United States' "theory of constitutional standing in this matter is

1 atypical or unprecedented.” *Id.* at *4.

2 The same theory cannot apply here. That theory depended on an inference that
3 California’s law interfered with Congress’s intent to have uniform regulation of
4 eggs nationwide by imposing additional requirements. But, contrary to Plaintiff’s
5 argument, California’s alleged actions here do not “interfere[] with the federal
6 government’s” ability to enforce 18 U.S.C. § 611. TRO at 16 (citation omitted).
7 Far from being “nearly impossible” for Plaintiff to enforce that statute, nothing
8 California is alleged to have done impedes Plaintiff’s ability to bring prosecutions
9 under the law. *Id.* Indeed, on the same day the TRO was filed, the federal
10 government announced that 28 alleged foreign nationals have been charged with
11 federal crimes related to registering to vote and voting in federal elections.⁴ RJN
12 Exh. G. This development demonstrates that DOJ is not prevented from
13 investigating and charging violations of 18 U.S.C. § 611.

14 The *United States v. California* court also recognized that its October 2026
15 order may have “overstretched inferences that reasonably can be extracted from”
16 the operative complaint. 2026 WL 2970902 at *4. This Court should not
17 “overstretch” here, where Plaintiff relies on an “unprecedented” theory of standing
18 as a basis for seeking emergency relief in the form of outlandish measures that
19 threaten thousands of Californians’ right to vote.

20 Plaintiff also asserts a “direct” injury in the form of “expend[ing] resources” in
21 the enforcement of federal law. TRO at 16–17. But it cites no authority that
22 spending money to enforce a criminal prohibition provides standing to challenge
23 state policies.⁵ For good reason. Such a theory lacks a limiting principle; it would
24 allow the United States to “abuse . . . the federal courts for political purposes” any

25 ⁴ These 28 defendants, plus Darwin Rivera-Flores (RJN Exh. B, H, and I), represent
26 approximately .0001 percent of the registered voters (~23 million) in California.

27 ⁵ *Missouri* features no discussion of *federal* expenditures. Instead, the court
28 discussed injury resulting from the *State* withdrawing resources that previously
helped enforce federal law. 114 F.4th at 985. Plaintiff does not claim that California
refuses to enforce the prohibition on noncitizen voting.

1 time it has the authority to enforce federal law, allowing the Executive Branch to
2 “initiate a campaign of preemption suits under the aegis of its sovereignty to bring
3 state law in line with its own political agenda.” *United States v. California*, 824 F.
4 Supp. 3d at 1085. “Standing doctrine provides a valuable safeguard” by demanding
5 more than this circular concept of injury. *Id.*; see also, e.g., *FDA v. Alliance For*
6 *Hippocratic Med.*, 602 U.S. 367, 370 (2024) (an entity “that has not suffered
7 concrete injury caused by a defendant’s action cannot spend its way into standing”).

8 Plaintiff also argues that it is harmed because, by sending out ballots,
9 California “dilutes lawful voting and unduly influences who runs the Federal
10 Government.” TRO at 16. But “[a]llegations of *possible* future injury” are not
11 sufficient. *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 409 (2013) (emphasis in
12 original and citation omitted). For noncitizen voting to affect who runs the
13 government, a “highly attenuated chain of possibilities,” *id.* at 410, would have to
14 come to pass: that significant numbers of noncitizens are in fact registered to vote
15 in California; those voters will vote in the 2026 General Election; *and* those votes
16 will change the outcome of the election.

17 Plaintiff offers no evidence for any step of this causal chain. The record
18 contains no evidence of widespread illegal voting. See *California v. United States*
19 *Bureau of Alcohol Tobacco Firearms & Explosives*, 188 F.4th 1160, 1170 (9th Cir.
20 2026) (Courts do not “endorse standing theories that rest on speculation about the
21 decisions of independent actors . . . particularly speculation about future unlawful
22 conduct.”) (citation omitted). Even if it did, Plaintiff offers no basis to conclude
23 that this would change the outcome of any election and thus “who runs the Federal
24 Government.” TRO at 16.

25 **II. PLAINTIFF’S CLAIM FAILS ON THE MERITS**

26 Plaintiff’s claim fails on the merits multiple times over. Plaintiff has failed to
27 show that 18 U.S.C. § 611 preempts any aspect of California’s election
28

1 administration. In fact, Plaintiff is unable to seek a civil injunction based on this
2 criminal statute at all. And, in any event, the relief Plaintiff seeks is unlawful.

3 **A. Plaintiff Fails to Show That Any Aspect of California’s Election**
4 **Administration Unlawfully Impedes Federal Law Enforcement**

5 Plaintiff’s sole claim rests on 18 U.S.C. § 611’s misdemeanor criminal
6 prohibition on individual noncitizen voting.⁶ The statute does not purport to set
7 forth any standards for election administration, much less prohibit States from
8 delivering and tabulating ballots for duly registered voters or authorize federal
9 agencies to intervene in election administration. *See New York v. United States*, 505
10 U.S. 144, 178 (1992) (distinguishing between “congressional regulation of
11 individuals” and “congressional requirements that States regulate”). Nor have
12 Defendants prevented DOJ from investigating and prosecuting violations of 18
13 U.S.C. § 611. *See* Request for Judicial Notice (“RJN”), Exh. A–H (documents
14 showing DOJ recently charged dozens of noncitizens with election-related crimes).
15 Plaintiff itself recognizes that “[t]he [DOJ] has . . . charged numerous noncitizens
16 accused of violating the statute,” including indictments and arrests on the morning
17 of its filing. TRO at 22. And the Secretary’s Office has provided or is providing
18 documentation pertaining to these investigations in response to subpoenas. Evans
19 Decl. ¶ 7.

20 Nevertheless, Plaintiff takes issue with Defendants’ “actions,” TRO at 19,
21 which Plaintiff characterizes as “facilitating” allegedly unlawful voting, *id.* at 21.⁷
22 This preemption claim is entirely without merit.

23 ⁶ Recently, the Southern District of Florida found 18 U.S.C. § 611 unconstitutional
24 as applied to a defendant based on States’ exclusive constitutional authority to set
25 voter qualifications. *United States v. Chelsea Cox*, __ F. Supp. 3d. __, 2026 WL
26 2948729 (S.D. Fla. Oct. 1, 2026).

27 ⁷ Defendants contest that federal law can preempt “actions” consisting of
28 inadequate assistance to federal law enforcement. Preemption “provides ‘a rule of
decision,’” establishing that “federal law is supreme in case of a conflict with state
law.” *Murphy v. Nat’l Collegiate Athletic Ass’n*, 584 U.S. 453, 477 (2018) (citation
omitted). In some cases, federal law may preclude additional state restrictions. *See*,
e.g., Golden State Transit Corp. v. City of Los Angeles, 475 U.S. 608, 614 n.5, 615–
(continued...)

Elections Clause Preemption. Plaintiff’s preemption claim must be adjudicated under the Elections Clause. Where Congress has not exercised its Elections Clause authority to displace state election law, the States retain the “responsibility for the mechanics of congressional elections,” *ITCA*, 570 U.S. at 9 (quotations omitted), including as to “registration, supervision of voting, protection of voters, [and] prevention of fraud and corrupt practices,” *Smiley*, 285 U.S. at 366. Both the Ninth Circuit and the Supreme Court have recognized that it is the Elections Clause preemption framework, not that of the Supremacy Clause, that governs in cases concerning the rules for election administration. *See ITCA*, 570 U.S. at 13–15; *Gonzalez v. Arizona*, 677 F.3d 383, 392–393 (9th Cir. 2012), *aff’d sub nom. ITCA*, 570 U.S. 1. This is one such case, as Plaintiff contests and seeks relief from California’s rules and conduct with respect to election administration. *See, e.g., ECF No. 1* (“Compl.”), ¶ 62; TRO at 19, 20 n.2.

Under the Elections Clause preemption framework, congressional enactments displace state election law only “so far as [Congress] . . . exercise[s]” its authority “*and no farther.*” *ITCA*, 570 U.S. at 9 (citation omitted and emphasis added); *see also Ex parte Siebold*, 100 U.S. 371, 384 (1879) (federal law preempts state election law only “so far as the conflict extends”). 18 U.S.C. § 611 plainly has no such preemptive effect, as it concerns individual noncitizen voters’ criminal conduct in casting a vote and does not purport to set any rules governing election administration. Under these circumstances, it is the State’s constitutional prerogative to maintain the rules about which Plaintiff complains. *See generally Georgia v. Meadows*, 88 F.4th 1331, 1347 (11th Cir. 2023) (recognizing that the federal Executive has no authority to “interfere[] with state election procedures based solely on [its] own initiative”).

616 (1986) *cited in* TRO 19 (city’s labor-related condition on taxi franchise was preempted). But preemption theory does not empower federal officials to enforce “a direct command to the States,” *Murphy*, 584 U.S. at 480, nor to complain of state inaction on a favored policy issue.

1 Plaintiff’s novel theory of preemption—that California’s lawful rules for
2 election administration (or “actions” implementing those rules) somehow
3 “facilitate” conduct contrary to congressional intent—has no purchase under this
4 framework. Plaintiff has not cited a single authority to the contrary. Because 18
5 U.S.C. § 611 does not displace election law and policy adopted pursuant to
6 California’s constitutional prerogative, Plaintiff’s claim fails at the outset. If
7 Plaintiff would like to change California’s rules for election administration, the
8 proper means of doing so is via congressional enactment—not Executive initiative.

9 ***Supremacy Clause Preemption.*** Even if the standard Supremacy Clause
10 framework applies, Plaintiff fails to show obstacle preemption. To establish
11 obstacle preemption, Plaintiff must show that California’s rules for election
12 administration “stand[] as an obstacle to the accomplishment and execution of the
13 full purposes and objectives of Congress” in enacting 18 U.S.C. § 611. *Arizona v.*
14 *United States*, 567 U.S. 387, 399 (2012) (citations and quotations omitted).

15 This is a high bar. “The Supreme Court has found obstacle preemption in only
16 a small number of cases,” and never under circumstances like these. *ConocoPhillips*
17 *Alaska, Inc. v. Alaska Oil and Gas Conservation Comm’n*, 177 F.4th 964, 972 (9th
18 Cir. 2026). And a “presumption against preemption” raises that bar even higher
19 where “a statute regulates a field traditionally occupied by states.” *Mont. Medical*
20 *Ass’n v. Knudsen*, 119 F.4th 618, 623 (9th Cir. 2024). Under this presumption,
21 courts “assume that a federal law does not preempt the state’s police powers absent
22 a clear and manifest purpose of Congress.” *Id.*

23 Plaintiff cannot carry this burden. A presumption against preemption applies
24 here because 18 U.S.C. § 611 plainly pertains to a field traditionally occupied by
25 the State, by the Founders’ design—i.e., regulating federal elections and
26 determining voter qualifications. *See ITCA*, 570 U.S. at 8. And Plaintiff has not
27 demonstrated that any aspect of California’s election administration is an obstacle
28 to enforcing 18 U.S.C. § 611 as Congress intended. Indeed, nothing in 18 U.S.C.

1 § 611’s misdemeanor prohibition on individual conduct of noncitizens who vote
2 “demonstrate[s] any intent, let alone ‘clear and manifest,’ that Congress intended to
3 supersede” State’s authority over election administration. *United States v.*
4 *California*, 921 F.3d 865, 886 (9th Cir. 2019) (finding no obstacle preemption with
5 respect to various state laws pertaining to immigration enforcement).

6 Plaintiff’s vague gesturing at Congress’s intent to prevent noncitizen voting
7 and the State’s alleged inaction with respect to that crime are woefully insufficient.
8 *See, e.g.*, TRO at 22–23. These assertions are far “too high a level of generality to
9 support a finding of preemption,” *Knudsen*, 119 F.4th at 629, and do nothing to
10 establish that California “undermine[s] or disrupt[s] the activities of federal . . .
11 authorities,” *California*, 921 F.3d at 881. The Supreme Court has warned against
12 the sort of “freewheeling judicial inquiry” on which Plaintiff invites the Court to
13 embark, *Chamber of Commerce of U.S. v. Whiting*, 563 U.S. 582, 607 (2011), and
14 the Ninth Circuit has cautioned against this sort of “judicial second-guessing” of
15 election policies based upon allegations of vulnerability to fraud, *Election Integrity*
16 *Project Cal., Inc. v. Weber*, 113 F.4th 1072, 1096 (9th Cir. 2024).

17 Regardless, Plaintiff’s theory stretches the obstacle preemption doctrine
18 beyond recognition. The core of Plaintiff’s claim is this: “the State made no serious
19 attempt to cooperate with the Federal Government or to otherwise determine
20 whether noncitizens are registered to vote.” TRO at 20. That is, since it is not
21 “practicable or feasible for the United States” to undertake the scale of
22 investigations that they would like “before the 2026 election concludes,” Plaintiff
23 demands that the State “work[] with the Federal Government to prevent” unlawful
24 voting. Compl., ¶ 60; *see also id.* at ¶ 47. But “refusing to help is not the same as
25 impeding,” and is no basis for obstacle preemption. *California*, 921 F.3d at 888. In
26 Plaintiff’s words, “a State is not required to help the Federal Government
27 investigate and prosecute crimes.” TRO at 23.

28 Obstacle preemption does not, and constitutionally cannot, place such

affirmative requirements on States. *California*, 921 F.3d at 888–889; *New York*, 505 U.S. at 188. Outside of the Elections Clause context, the federal government cannot order States either to take “affirmative action” or to impose “prohibitions.” *Murphy*, 584 U.S. at 455; *see also New York*, 505 U.S. at 188 (“The Federal Government may not compel the States to enact or administer a federal regulatory program”).⁸ Nor can it “commandeer[]” States “to address particular problems,” or “command States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.” *Printz v. United States*, 521 U.S. 898, 935 (1997). Yet compelled state assistance with enforcing a federal law is precisely what Plaintiff demands here. *See* Compl. ¶¶ 62, 64; TRO at 20, 28–29. Nothing in 18 U.S.C. § 611 gives Plaintiff that authority.

Plaintiff offers a few additional authorities, but none bolster its preemption claim. The first is the Constitution’s Supremacy Clause, U.S. Const. art. VI, cl. 2. TRO at 17–18. But the Supremacy Clause, if it applies here at all, is not an independent ground for preemption. *Murphy*, 584 U.S. at 477 (recognizing that preemption flows only from congressional enactment and that “pointing to the Supremacy Clause will not do”).

Plaintiff also cites *Norwood v. Harrison*, 413 U.S. 455 (1973) and a case supposedly “applying” *Norwood*, *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 492 (1989). TRO at 20. Both are inapt. *Norwood* concerned a claim that Mississippi violated the Equal Protection Clause by lending textbooks to private schools with racially discriminatory policies. 413 U.S. at 456–457. The Court concluded that the textbooks amounted to “tangible aid . . . giv[ing] support to such discrimination.” *Id.* at 464–465. Here, no aspect of Defendants’ lawful

⁸ In contrast, Congress has power under the Elections Clause to “conscript state agencies to carry out voter registration for the election of Representatives and Senators,” as Congress has chosen to do through the NVRA and a limited number of other federal election laws. *Voting Rights Coal. v. Wilson*, 60 F.3d 1411, 1415 (9th Cir. 1995). 18 U.S.C. § 611 is not among them.

1 administration of California elections can be deemed “tangible aid” to support
2 noncitizen voting, nor to “induce, encourage, or promote” noncitizen voting. *Cf.*
3 *Norwood*, 413 U.S. at 464–465. The quoted language from *City of Richmond* is
4 even further afield. There, the Court simply cited *Norwood* for the proposition that
5 a city was permitted to “take affirmative steps” to dismantle “a system of racial
6 exclusion” in the construction industry. *City of Richmond*, 488 U.S. at 492. Neither
7 case transforms Plaintiff’s apparent disagreement with California’s election rules
8 and practices into a colorable preemption claim. Responsibility for policy choices
9 related to election administration belongs to the States and Congress, not to DOJ.
10 *See U.S. Const., art. I, § 4, cl. 1.*

11 Equally compromising for Plaintiff’s position is the reality that California’s
12 policy choices are fully compliant with Congress’s mandates governing election
13 administration. For example, the NVRA and HAVA requires voter registration
14 applicants to attest to voter eligibility under oath, including citizenship. 52 U.S.C.
15 §§ 20508(b)(2), 21083(b)(4)(A)(i). California does, too. Cal. Elec. Code §§ 2101,
16 2102(c), 2111, 2150(a)(1), 2264(a)(3), (b). The NVRA also requires that States
17 “conduct a general program that makes a reasonable effort to remove” specified
18 ineligible voters, complete with a framework for removal. 52 U.S.C. § 20507(a)(4).
19 California does this as well. *See, e.g., Cal Elec. Code §§ 2200 et seq.; Cal. Code*
20 *Regs. tit. 2, §§ 19060–62, 19079–81, 20070, 20075, 20076*. And Congress has
21 mandated that States make mail voting available to certain voters and on certain
22 terms. *See, e.g., 52 U.S.C. §§ 10502, 20302, 20301*. California offers all voters this
23 option. Cal. Elec. Code §§ 3001, 3003, 3010, 3102.

24 State law cannot impede federal law when it simply “trace[s]” it. *Whiting*, 563
25 U.S. at 602. Many aspects of California’s election administration do just that, or
26 else go “the extra mile” to empower voters where Congress has set minimum
27 standards. *Id.* at 601; *see also MetroPCS California, LLC v. Picker*, 970 F.3d 1106,
28 1118 (9th Cir. 2020) (“[T]he case for federal pre-emption is less persuasive when

1 coordinate state and federal efforts exist within a complementary administrative
2 framework[] and in the pursuit of common purposes,” (citations omitted)).

3 All told, Plaintiff comes up well short of showing that California’s rules for
4 election administration obstruct the execution of Congress’s intent in enacting 18
5 U.S.C. § 611 under the Supremacy Clause, much less that any such obstruction
6 surmounts the presumption against preemption applicable here.

7 Taken to its logical conclusion, Plaintiff’s theory of preemption distorts the
8 Constitution’s Elections Clause and system of “limited” federal government beyond
9 recognition. *United States v. Comstock*, 560 U.S. 126, 153 (2010) (Kennedy, J.,
10 concurring). If Plaintiff were correct, *any* state practice or inaction that Plaintiff
11 speculates *could* facilitate violations of federal criminal law is likewise
12 preempted—even those implicating the States’ reserved authority over elections,
13 where the “possibility of electoral fraud” or mistake “can never be *completely*
14 eliminated.” *Election Integrity Project Cal., Inc.*, 113 F.4th at 1096 (quotations
15 omitted). That is not the law.

16 **B. 18 U.S.C. § 611 Does Not Authorize the Relief Plaintiff Seeks**

17 In any event, Plaintiff lacks a cause of action to obtain the relief it seeks. It is
18 axiomatic that a plaintiff may not sue without a cause of action. *See Alexander v.*
19 *Sandoval*, 532 U.S. 275, 286 (2001). Plaintiff does not identify any cause of action
20 here, and recognizes that “there is no implied right of action under the Supremacy
21 Clause.” TRO at 17. Plaintiff attempts to sidestep this defect by arguing that there is
22 an “equitable tradition of suits to enjoin unconstitutional actions by state actors.” *Id.*
23 (emphasis omitted). But such relief is only available “in a proper case.” *Armstrong*
24 *v. Exceptional Child Center, Inc.*, 575 U.S. 320, 327 (2015). And Plaintiff makes
25 no effort to show that the relief it seeks here is the sort of “equitable remedies
26 traditionally accorded by courts of equity at our country’s inception.” *Trump v.*
27 *CASA, Inc.*, 606 U.S. 831, 841 (2025).

28 To the contrary, Plaintiff asks this Court to issue a civil injunction based on

1 alleged violations of 18 U.S.C. § 611, a criminal statute. “As a general rule,”
2 however, courts “are reluctant to issue injunctions against the commission of a
3 crime.” 11A Fed. Prac. & Proc. Civ. § 2942 & n. 73 (3d ed.). This rule rests upon
4 “the adequacy of the criminal remedy to protect the plaintiff’s interests.” *Id.* The
5 government may seek an injunction against potential crime when a specific statute
6 authorizes such relief. *See, e.g., Beck v. Prupis*, 529 U.S. 494, 496 n.1 (2000). But
7 Congress has not authorized injunctive relief for 18 U.S.C. § 611. Congress has
8 expressly authorized the Attorney General to seek injunctive relief to prevent
9 certain alleged criminal violations of *other* election laws, *see* 52 U.S.C.
10 §§ 10308(a)–(d), 20510(a), 20511, but 18 U.S.C. § 611 is not among them—an
11 “omission[] [that] should be understood as exclusion[].” *Silvers v. Sony Pictures*
12 *Ent., Inc.*, 402 F.3d 881, 885 (9th Cir. 2005) (en banc) (citation omitted).

13 Plaintiff ignores this issue completely. In arguing that it may seek equitable
14 relief here, TRO at 17, Plaintiff cites only a single decision where the government
15 has obtained an injunction based on a criminal statute. *See In re Debs*, 158 U.S. 564
16 (1895). But *Debs* allowed an injunction against a rail-worker strike because the
17 strike threatened “interstate commerce and the transportation of the mails,” *id.* at
18 578, and the Supreme Court has described the case as allowing “the United States
19 to remove obstructions to interstate . . . commerce”—an element absent here.
20 *Sanitary Dist. of Chicago v. United States*, 266 U.S. 405, 426 (1925).

21 Stranger still, Plaintiff does not seek to enjoin individuals alleged to violate 18
22 U.S.C. § 611, but California and its officials. If an injunction against the threatened
23 violator of a criminal statute is disfavored, relief against a third party to prevent
24 *someone else’s* alleged criminal conduct is impossible. Plaintiff cites no authority to
25 support this unprecedented use of the Court’s equitable power.
26
27
28

1 **C. Plaintiff’s Requested Relief Is Unlawful**

2 Additionally, Plaintiff has no prospect of success on the merits because the
3 injunctive relief it seeks is unlawful.⁹ *I.N.S. v. Pangilinan*, 486 U.S. 875, 883
4 (1988) (courts creating equitable remedies may not “disregard statutory and
5 constitutional requirements and provisions” (citation omitted)). Plaintiff’s demand
6 is astounding. It seeks an injunction prohibiting California from *tabulating the*
7 *ballots of registered voters* if federal agencies “identified” those voters as “likely
8 noncitizens” until the completion of some unspecified process for verifying their
9 citizenship. TRO at 28–29. This amounts to suspending voting rights for thousands
10 of voters who are only *suspected* of being noncitizens, with absolutely no guarantee
11 that their rights will be restored in time for their votes to be counted. This brazen
12 request, if granted, would violate longstanding protections in federal statute and
13 create an unconstitutional burden on affected citizens’ voting rights. Plaintiff cannot
14 succeed in obtaining illegal relief. Nor can Defendants be held liable for failing to
15 accede to such unlawful demands.

16 ***National Voting Registration Act.*** Most immediately, Plaintiff’s requested
17 injunction would violate the NVRA’s “quiet period” before an election, which
18 protects voters from erroneous removal from voter rolls. The NVRA requires States
19 to “complete, not later than 90 days prior to the date of [a federal election], any
20 program the purpose of which is to systematically remove the names of ineligible
21 voters from the official lists of eligible voters,” subject to exceptions not applicable
22 here. 52 U.S.C. § 20507(c)(2). This rule reflects Congress’s “cautious” approach to
23 systematic removals, recognizing that “[e]ligible voters removed days or weeks
24 before Election Day will likely not be able to correct the State’s errors in time to
25 vote.” *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1346 (11th Cir. 2014). The quiet

26

⁹ Nor can Plaintiff’s request for declaratory relief salvage its prospects of success.
27 To the extent Plaintiff’s prayer for a declaration that Defendants’ “actions” here are
28 “preempted” is even comprehensible, *see* Compl. ¶ 62, it fails the basic test of legal
 validity, *see supra*, II.A.

1 period also protects elections officials’ time during the busy months leading up to
2 an election and provides certainty about the list of registered voters.

3 Plaintiff demands that elections officials treat thousands of voters as ineligible
4 until proven otherwise—in substance and effect, requiring officials to remove
5 voters’ names “from the official lists of eligible voters.” *See* [52 U.S.C.](#)
6 [§ 20507\(c\)\(2\)](#). Linguistic games cannot reconcile this demand with the NVRA’s
7 plain language. *See id.*

8 Ninth Circuit precedent squarely prohibits the removal of voters from the
9 voter rolls during the “quiet period” based on database matching programs designed
10 to identify noncitizens, as opposed to individualized information. *Mi Familia Vota*
11 *v. Fontes*, [129 F.4th 691, 715–717](#) (9th Cir. 2025), *cert. granted sub nom.*
12 *Republican Nat’l Comm. v. Mi Familia Vota*, [146 S. Ct. 2799](#) (2026); *see also*
13 *Arcia*, [772 F.3d at 1344](#) (“us[ing] a mass computerized data-matching process to
14 compare the voter rolls with other state and federal databases” qualified as
15 prohibited “systematic” removals). In fact, DOJ’s *own guidance* provides that the
16 quiet period prohibition “applies to list maintenance programs based on third-party
17 challenges derived from any large, computerized data-matching process.” RJN Exh.
18 A. Plaintiff’s list of 20,000 “likely noncitizens,” TRO at 20, derives from just this
19 kind of database matching program and is therefore an impermissible basis for
20 removing voters from “the official lists of eligible voters.”

21 ***Constitutional violation.*** The U.S. Constitution “protects the right of all
22 qualified citizens to vote, in state as well as in federal elections,” and “to have their
23 votes counted.” *Reynolds v. Sims*, [377 U.S. 553, 554](#) (1964). “[V]oting is of the
24 most fundamental significance under our constitutional structure,” *Burdick v.*
25 *Takushi*, [504 U.S. 428, 433](#) (1992) (citation omitted), necessary to the lawful
26 renewal of government. These interests merit “careful consideration”—particularly
27 when an election is already underway, raising the risk that judicial relief could
28 adversely affect the election. *See Purcell v. Gonzalez*, [549 U.S. 1, 4](#) (2006).

To determine whether an election procedure unconstitutionally trespasses on the right to vote or deprives that right without due process, courts apply the *Anderson-Burdick* test. See *Burdick*, 504 U.S. at 434; *Ariz. Dem. Party v. Hobbs*, 18 F.4th 1179, 1194–95 (9th Cir. 2021) (due process and other constitutional challenges to deprivations of the right to vote are analyzed under *Anderson-Burdick*). This test weighs “the character and magnitude of the asserted injury” to voting rights against “the precise interests put forward by the [government] as justifications for the burden imposed,” considering “the extent to which those interests make it necessary to burden the [voters’] rights.” *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983). A “regulation that imposes a severe burden is subject to strict scrutiny.” *Nader v. Brewer*, 531 F.3d 1028, 1035 (9th Cir. 2008).

This balancing test forecloses Plaintiff’s requested injunction. The burden Plaintiff seeks to impose on duly registered voters is severe. Unlike cases where courts have upheld routine, procedural rules designed to manage registration or balloting, see, e.g., *Crawford v. Marion Cnty. Elec. Bd.*, 553 U.S. 181, 202–203 (2008) (requirement to present photo ID when voting in person); *Arizona Dem. Party*, 18 F.4th at 1181 (election day deadline for curing signatures), Plaintiff demands that California sequester and refuse to tabulate ballots cast by duly registered voters outside of any statutory procedure and in the absence of any individualized evidence. Such an order would unquestionably have a devastating disenfranchising effect.¹⁰ Plaintiff does not set out a standard by which citizenship can be “verif[ied],” see TRO at 28–29, and concedes that it “is not practicable or feasible for the United States” to carry out that confirmation process “before the 2026 election concludes.” Compl. ¶ 60. With fewer relevant resources and amid an

¹⁰ Additionally, the disenfranchising harms will fall solely on naturalized citizens, as Plaintiff’s methodology relies on alien numbers from immigration records. Bartell Decl. ¶¶ 16, 18. Election procedures that “‘place[] a particular burden on an identifiable segment’ of voters are more likely to raise constitutional concerns.” *Arizona Dem. Party*, 18 F.4th at 1190 (quoting *Anderson*, 460 U.S. at 792).

1 election, California cannot possibly carry out such an investigation, either. *See* Lean
2 Decl. ¶ 14–15. Implementing Plaintiff’s requested relief would therefore strip
3 voting rights from thousands of potential voters in an ongoing election.

4 To sustain a procedure imposing a severe burden on voting rights, a court must
5 determine that the rule passes strict scrutiny, or is “narrowly tailored to serve a
6 compelling state interest.” *Nader*, 531 F.3d at 1035. Even assuming that enforcing a
7 misdemeanor criminal statute is a compelling interest, the requested injunction is
8 not necessary to advance that interest. Nothing prevents Plaintiff from enforcing 18
9 U.S.C. § 611 by bringing charges where it has sufficient evidence. *California Dem.*
10 *Party v. Jones*, 530 U.S. 567, 584–585 (2000) (narrow tailoring not satisfied where
11 another, less burdensome option would accomplish the same ends). California does
12 not stand in its way. To the contrary, in recent months, the Secretary has responded
13 to, or is in the process of responding to, numerous federal grand jury subpoenas for
14 voter data and records, Evans Decl. ¶ 7, and DOJ has just recently proven capable
15 of enforcing 18 U.S.C. § 611 in California, RJN Exh. G.

16 Nor is the requested injunction narrowly tailored. It is immensely overbroad in
17 suspending voting rights for thousands of potential voters whom Plaintiff only
18 “reasonably believes,” TRO at 1, to be “likely noncitizens,” *id. passim*. Plaintiff
19 substantiates its claim with little more than a general description of its process for
20 analyzing data, without individualized evidence of even one noncitizen voter. *Id.* at
21 9–12. With that, Plaintiff asks this Court to deem thousands of people ineligible to
22 vote until proven otherwise. This abjectly fails the narrow tailoring requirement.

23 ***Voting Rights Act.*** Plaintiff’s requested injunction would also violate section
24 11(a) of Voting Rights Act: “[n]o person acting under color of law shall fail or
25 refuse to permit any person to vote who is . . . qualified to vote, or willfully fail or
26 refuse to tabulate, count, and report such person’s vote.” 52 U.S.C. § 10307(a). This
27 provision straightforwardly “prohibits public officials from denying any qualified
28 person the right to vote.” *United States v. Post*, 297 F. Supp. 46, 50 (W.D. La.

1 1969). Here, Plaintiff seeks an order requiring elections officials to “refuse to
2 tabulate, count, and report” votes cast by thousands of duly registered voters on the
3 mere possibility that some of them may be ineligible. *But see* [52 U.S.C. § 10307](#).
4 That is precisely the sort of willful refusal to tabulate duly cast votes that the
5 Voting Rights Act squarely prohibits. *See id.*

6 ***State law.*** Finally, the requested relief is unlawful because it would violate
7 many state laws. *See infra*, Section III. Unless federal law preempts state law
8 (which [18 U.S.C. § 611](#) does not), ordering the relief Plaintiff seeks would require
9 state officials to ignore state law. No authority supports such a dramatic result.

10 **III. THE *PURCELL* PRINCIPLE AND EQUITIES HEAVILY DISFAVOR A** 11 **RESTRAINING ORDER**

12 Plaintiff’s relief is barred by the well-established *Purcell* principle. That
13 principle provides that “lower federal courts should not ‘alter the election rules’” of
14 a State “on the eve of an election.” *Allen v. Milligan*, [608 U.S. 511, 514](#) (2026); *see*
15 *also Purcell v. Gonzalez*, [549 U.S. 1](#) (2006).

16 Plaintiff argues *Purcell* does not apply because, in Plaintiff’s telling, it only
17 seeks to maintain existing election rules, and its sought-after relief can cause “no
18 confusion among voters or otherwise” because “it concerns how to handle certain
19 ballots once cast.” TRO at 21–22 n.3. Plaintiff’s representations are difficult to
20 square with this litigation and the law.

21 First of all, Courts routinely apply *Purcell* to deny injunctive relief related to
22 “how to handle ballots once cast,” TRO at 21–22 n.3. *See, e.g., Republican Nat’l*
23 *Comm. v. Democratic Nat’l Comm.* (2020) [589 U.S. 423, 425](#) (applying *Purcell* in
24 overturning a district court order allowing ballots cast by mail and postmarked after
25 election day to be tabulated); *Democratic Nat’l Comm. v. Wis. State Legislature*,
26 [592 U.S. 1039, 1043–44](#) (2020) (discussing *Purcell* and the impropriety of a district
27 court injunction changing the treatment of cast ballots under state law six weeks
28 before election day) (Kavanaugh, J., concurring); *New Georgia Project v.*

1 *Raffensperger*, 976 F.3d 1278, 1283 (11th Cir. 2020) (applying *Purcell* in reversing
2 district court injunction concerning the treatment of cast ballots “in the middle” of
3 election with “absentee ballots already printed and mailed”); *Common Cause*
4 *Indiana v. Lawson*, 977 F.3d 663, 665 (7th Cir. 2020) (same).

5 Plaintiff is also wrong to the extent it implies that the requested relief is
6 consistent with California law. *See, e.g.*, TRO at 3, 14, 21–22 n.3, 28. State law sets
7 forth a detailed and exclusive process for contesting voter eligibility, no aspect of
8 which contemplates separating ballots upon receipt in response to third-party
9 demands. *See, e.g.*, Cal. Elec. Code §§ 14240 (challenges to voter eligibility),
10 15105 (allowing challenges to mail ballots on the same grounds as challenges at
11 polling places “prior to the opening of the identification envelope of the challenged
12 voter”), 15106 (establishing a burden of “extraordinary proof of the validity of the
13 challenge at the time the challenge is made”); Cal Reg. tit. 2, § 20879 (describing
14 challenges to mail ballots). Plaintiff cites only Cal. Code Regs. tit. 2, § 20363 to
15 argue that the relief sought here—widespread, pre-tabulation ballot segregation—
16 “is provided for in California’s regulations.” *See, e.g.*, TRO at 3, 28. But this
17 provision applies to ballots challenged during a formal “recount,” governed by Cal.
18 Elec. Code §§ 15600 et seq. Plaintiff clearly has not invoked this process, which
19 entails wholly different administrative considerations. The requested relief would
20 undoubtedly “alter the election rules” while the election is ongoing, contrary to the
21 *Purcell* principle. *Allen*, 608 U.S. at 514.

22 The equities and the public interest also strongly disfavor Plaintiff’s
23 application. These factors “merge when the [g]overnment is the opposing party.”
24 *Nken v. Holder*, 556 U.S. 418, 435 (2009).

25 **First**, the public interest here follows the merits because “[t]here is generally
26 no public interest in the perpetuation of unlawful agency action.” *Novedades Y*
27 *Servicios, Inc. v. Fin. Crimes Enf’t Network*, 181 F.4th 961, 981 (9th Cir. 2026). “It
28 is clear that it would not be equitable or in the public’s interest to allow the [United

1 States] to violate the requirements of federal law.” *Valle de Sol Inc. v. Whiting*, 732
2 F.3d 1006, 1029 (9th Cir. 2013) (citation modified). As discussed in detail above,
3 *see supra*, II.C, there is no basis in federal or state law for the remedy Plaintiff
4 requests here, which itself would violate both state and federal law. Such an
5 injunction is clearly counter to the public interest.

6 Plaintiff argues that the public interest favors an injunction because Plaintiff
7 suffers irreparable harm simply from “the operation of preempted state action.”
8 TRO at 26. Plaintiff cannot rely on “general pronouncements that a Supremacy
9 Clause violation alone causes sufficient harm” to tip the balance in its favor. *United*
10 *States v. California*, 921 F.3d 865, 894 (9th Cir. 2019); *see id.* at 893–894. Plaintiff
11 also argues that it suffers irreparable harm because California prevents it from
12 “enforc[ing] federal law.” TRO at 26. Not so, as amply demonstrated above. *See*
13 *supra*, II.A; RJN Exh. B–G; *Novedades Y Servicios, Inc.*, 181 F.4th at 981 (no harm
14 to government where it failed to explain why it could not “combat emergent threats
15 through other investigatory and prosecutorial tools”). And even crediting Plaintiff’s
16 claims of irreparable harm, TRO at 26, a court must still “balance the competing
17 claims of injury” and “consider the effect on each party of the granting or
18 withholding of the requested relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555
19 U.S. 7, 24 (2008). Here, they weigh strongly against any injunction that would
20 upend election administration and disenfranchise voters in an ongoing election.

21 ***Second***, an injunction would disserve the public interest because it would
22 create serious and irreparable sovereign and administrative harms for the State and
23 Secretary of State. These outweigh Plaintiff’s alleged harms. Acting on its
24 constitutional prerogative, the State has adopted laws governing the conduct of
25 elections based on its assessment of the best means to safeguard the integrity of the
26 electoral process. *See Alfred L. Snapp & Son, Inc. v. Puerto Rico, ex rel., Barez*,
27 458 U.S. 592, 601 (1982) (“[C]reat[ing] and enforc[ing] a legal code” part of
28 States’ “sovereign power”); *Purcell*, 549 U.S. at 4 (States have “compelling

1 interest in preserving the integrity of [their] election process[es]”). The State
2 necessarily “suffers irreparable injury whenever an enactment of its people or their
3 representatives is enjoined.” *Coal. for Econ. Equity v. Wilson*, 122 F.3d 718, 719
4 (9th Cir. 1997); *see Maryland v. King*, 567 U.S. 1301, 1303 (2012) (Roberts, C.J.,
5 in chambers). Here, Plaintiff asks the Court to enjoin California from fully
6 implementing its laws governing the mailing, processing, and tabulation of voted
7 ballots. *See* TRO at 27. Plaintiff argues that the injunction it requests “would
8 maintain the status quo”, *id.*, but the relief sought is impossible to reconcile with
9 state law governing ballot tabulation and voter challenges.¹¹ *See supra*, II.C. The
10 request upends California state election law, and “[i]njuries where “sovereign
11 interests and public policies [are] at stake” are irreparable. *Kansas v. United States*,
12 249 F.3d 1213, 1227 (10th Cir. 2001).

13 Plaintiff’s demands would impose a heavy burden on the Secretary of State
14 and county elections officials as they administer the General Election. *See* Lean
15 Decl. ¶¶ 13–14. They would divert critical resources away from implementing state
16 laws intended to facilitate and protect elections. *Id.*; *see also Abbott v. Perez*, 585
17 U.S. 579, 603 n.17 (2018) (“[T]he inability to enforce its duly enacted plans clearly
18 inflicts irreparable harm on the State.”). An injunction here would also lead to
19 public confusion, privacy concerns, and, inevitably, the loss of public trust and
20 reputational harms to the State and its elections officials—harm that is irreparable.
21 Lean Decl. ¶ 16; *Rent-a-Center, Inc. v. Canyon Television and Appliance Rental,*
22 *Inc.*, 944 F.2d 597, 603 (9th Cir. 1991) (“[I]ntangible injuries, such as damage to
23 ongoing recruitment efforts and goodwill, qualify as irreparable harm.”).

24 **Third**, Plaintiff itself exacerbated these harms through its own delay, giving
25 rise to an emergency of its own making. *See, e.g., Bolbol v. Rowell Ranch Rodeo,*

26 ¹¹ Plaintiff’s recent criminal charges against alleged noncitizen voters in California
27 suggest that it has individualized evidence that those individuals are noncitizens.
28 Nothing prevents Plaintiff from working through existing procedures to challenge
ballots cast by those persons, if any, through established statutory channels. *See*
Cal. Elec. Code §§ 15105, 14240(a)(3), 14247; *see also id.* § 2201(a)(8).

1 *Inc.*, 673 F. Supp. 3d 1099, 1101 (N.D. Cal. 2023) (plaintiffs who “sit on their
2 rights only to spring an application for a temporary restraining order on their
3 opponents at the eleventh hour” may not obtain emergency relief). Plaintiff has
4 provided no explanation for its decision to press this initiative just days before the
5 General Election, even though they apparently possessed this information months
6 ago. Bartell Decl. ¶ 21 (FDNS received a copy of the California voter rolls from
7 HSI on May 8, 2026). Courts have been justifiably “wary” of this sort of
8 “sandbagging” when it comes to failure to seek pre-election relief, and the same
9 principle weighs against emergency relief here. *Soules v. Kauaians for Nukolii*
10 *Campaign Comm.*, 849 F.2d 1176, 1180–81 (9th Cir. 1988); *see also Lydo Enter’s,*
11 *Inc. v. City of Las Vegas*, 745 F.2d 1211, 1212 (9th Cir. 1984) (“delay” is “a factor
12 to be considered in weighing the propriety of relief”); *Smith v. Helzer*, 614 F. Supp.
13 3d 668, 691 (D. Alaska 2022), *aff’d* (9th Cir. 2024) 95 F.4th 1207 (finding delay
14 weighed against preliminary relief in election matter).

15 **Fourth**, courts “should pay particular regard for the public consequences in
16 employing the extraordinary remedy of injunction.” *Winter*, 555 U.S. at 24 (*quoting*
17 *Weinberger v. Romero-Barcelo*, 456 U.S. 305, 312 (1982)). The Ninth Circuit has
18 recognized that “[t]here is no doubt that the right to vote is a legally protected
19 interest and voter disenfranchisement is a concrete and particularized injury.” *Am.*
20 *Encore v. Fontes*, 152 F.4th 1097, 1111 (9th Cir. 2025). Plaintiff has demanded that
21 validly cast ballots be sequestered until citizenship is confirmed, without specifying
22 what confirmation is sufficient or any plan to conduct further investigation to
23 accomplish it. TRO at 28; Lean Decl. ¶ 15. The risk—if not certainty—of
24 disenfranchisement is plain. The public has a strong interest in preventing the
25 irreparable harm of disenfranchisement and late-stage disruptions to election
26 administration. *See, e.g., Purcell*, 549 U.S. at 4–5 (observing that the public has a
27 “strong interest in exercising the fundamental political right to vote” and
28 discouraging courts from altering election rules close to elections (quotation

omitted)); *see also League of Women Voters of the U.S. v. Newby*, 838 F.3d 1, 14
(D.C. Cir. 2016) (recognizing “the strong public interest in ensuring that unlawful
agency decisionmaking does not strip citizens of the right to vote”). Instead, the
public interest “favors permitting as many qualified voters to vote as possible.”
Obama for Am. v. Husted, 697 F.3d 423, 437 (6th Cir. 2012).

CONCLUSION

For the foregoing reasons, and considering the urgent need for clarity during
an ongoing election, California respectfully requests that the Court deny Plaintiff’s
application for a temporary restraining order forthwith.

Dated: October 20, 2026

Respectfully submitted,

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State Shirley N. Weber, in her official
capacity*

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for the State of California and California Secretary of State Shirley N. Weber, certifies that this brief contains 9,835 words, which exceeds the requirements of L.R. 11-6.1 while State Defendants await the Court's ruling on their pending Application For Leave to Exceed Word Limit.

Dated: October 20, 2026

Respectfully submitted,

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/s/ Michael S. Cohen

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Weber, in her official capacity

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION
14

15
16 **UNITED STATES OF AMERICA,**

17 Plaintiff,

18 v.

19 **STATE OF CALIFORNIA,**
20 **SHIRLEY N. WEBER, in her official**
capacity as the California Secretary
21 **of State, and DEAN C. LOGAN, in**
his official capacity as the County of
22 **Los Angeles Registrar-**
Recorder/County Clerk,

23 Defendants.
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25
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27
28

Case No. 2:26-cv-12025

**DECLARATION OF
RACHEL EVANS**

1 I, Rachel Evans, hereby declare as follows:

2 1. I am over 18 years of age, of sound mind, and otherwise competent to
3 make this Declaration. I am familiar with the information set forth below either
4 through personal knowledge, consultation with staff in the Office of the California
5 Secretary of State, or from my review of relevant documents and information. If
6 called as a witness, I could and would testify competently to the matters set forth
7 below.

8 2. I am an Attorney employed in the Legal Affairs Unit of the Office of
9 the California Secretary of State.

10 3. Attached hereto as **Exhibit 1** is a true and correct copy of the email
11 correspondence exchanged between the Office of the California Secretary of State
12 and the U.S. Department of Homeland Security on July 23, 2026, August 5, 2026,
13 August 10, 2026, and August 19, 2026. Phone numbers and email addresses have
14 been redacted.

15 4. Attached hereto as **Exhibit 2** is a true and correct copy of the October
16 15, 2026, letter from the California Secretary of State to the U.S. Department of
17 Justice. The recipient's email address has been redacted.

18 5. Attached hereto as **Exhibit 3** is a true and correct copy of the October
19 16, 2026, letter from the U.S. Department of Justice to the Los Angeles County
20 Counsel's Office, with a copy sent to the California Secretary of State.

21 6. The California Secretary of State has not received "a list of names of
22 people the Federal Government believes are likely noncitizens who were sent a
23 vote-by-mail ballot to participate in the November 2026 federal election,"
24 referenced in the October 13, 2026, letter from the U.S. Department of Justice to
25 the California Secretary of State. ECF No. 1-3 at 2.

26 7. Since August 2026, the Office of the Secretary of State has received
27 grand jury subpoenas for voter records for approximately 300 individuals. The
28 Secretary of State has provided responsive records, or is in the process of providing

1 records, in response to each of these subpoenas. In requesting information pursuant
2 to grand jury subpoenas, the U.S. Department of Justice generally provided
3 sufficient information to identify a single voter, for instance: name, date of birth,
4 address, driver's license number, and/or full social security number.

5 8. To date, the U.S. Department of Homeland Security has not provided
6 evidence, documentation, or any other information to the Office of the California
7 Secretary of State to substantiate any assertions that there "may be," Compl. ¶ 57,
8 non-citizens registered to vote in California.

9
10 I declare under penalty of perjury that the foregoing is true and correct.
11 Executed on October 19, 2026, at Sacramento, California.

12
13 

14 Rachel Evans
15 Attorney, Legal Affairs Unit
16 California Secretary of State's Office
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EXHIBIT 1

From: Farrell, Patrick [REDACTED]
Sent: Wednesday, August 19, 2026 12:38 PM
To: LegalSupport
Cc: Elections
Subject: RE: Response from California Secretary of State Shirley N. Weber, Ph.D.

Follow Up Flag: Follow up
Flag Status: Completed

Caution: External Email Warning: This is an email from an external sender. Do not click any links or attachments unless you have confirmed the sender. Report phishing by using the phishing alert button.

Good afternoon,

Thank you for your response. The goal of the proposed virtual meeting is to engage in a collaborative good faith discussion and answer any questions your office may have. We believe that this would be far more productive than exchanging multiple emails or additional letters.

In answer to your primary questions: the analysis was done using California's publicly available voter file that is maintained by the Secretary of State. The analysis was not done using SAVE. Our objective is to explain our investigative process and provide a list of individuals identified as potential non-citizens. As Secretary Mullin's letter made clear, DHS is here to support California and has the resources available to enable Secretary Weber, and your team, to positively identify the individual non-citizens registered in California.

We continue to advocate for this cooperative discussion. If you are interested as well, you may provide your availability and I'll be happy to get a meeting organized.

Sincerely,
Patrick Farrell
Chief of Staff
Office of Partnership and Engagement
United States Department of Homeland Security
C: [REDACTED] O: [REDACTED]

From: LegalSupport <legalsupport@sos.ca.gov>
Sent: Monday, August 10, 2026 12:23 PM
To: Farrell, Patrick [REDACTED]
Cc: Elections <elections@hq.dhs.gov>
Subject: Re: Response from California Secretary of State Shirley N. Weber, Ph.D.

Dear Mr. Farrell,

Thank you for the offer to schedule a virtual meeting, but we respectfully decline. To promote accurate record keeping and accountability, we prefer to communicate on this matter in writing. As noted in our communication dated July 23, 2026, which you have failed to

adequately respond to, additional information needed to effectively evaluate your claims can be provided to this email address.

Sincerely,
Legal Affairs Office
California Secretary of State
T: 916-695-1242



Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

From: Farrell, Patrick [REDACTED]
Sent: Wednesday, August 5, 2026 2:53 PM
To: LegalSupport <legalsupport@sos.ca.gov>
Cc: Elections <elections@hq.dhs.gov>
Subject: RE: Response from California Secretary of State Shirley N. Weber, Ph.D.

Caution: External Email Warning: This is an email from an external sender. Do not click any links or attachments unless you have confirmed the sender. Report phishing by using the phishing alert button.

Good afternoon,

Thank you for your response to Secretary Mullin's letter. We are reaching out to schedule a virtual meeting with Secretary Weber to explain the details of our analysis and discuss next steps. Please provide the best point of contact for scheduling and the names and email addresses of any additional California staff members that Secretary Weber would like to have included in the invitation. We are hoping to schedule as quickly as possible. Please let me know if you have any additional questions.

Best Regards,

Patrick Farrell

Chief of Staff

Office of Partnership and Engagement

United States Department of Homeland Security

C: [REDACTED] O: [REDACTED]

From: LegalSupport <legalsupport@sos.ca.gov>

Sent: Thursday, July 23, 2026 7:28 PM

To: Elections <elections@hq.dhs.gov>

Cc: DHS.IGA <dhs.iga@hq.dhs.gov>

Subject: Response from California Secretary of State Shirley N. Weber, Ph.D.

This email is from an external US Government agency.

Dear Secretary Mullin,

Please see attached response from California Secretary of State Shirley N. Weber, Ph.D.

Sincerely,

Legal Affairs Office

California Secretary of State

T: 916-695-1242



SHIRLEY N. WEBER, Ph.D.
CALIFORNIA SECRETARY OF STATE

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EXHIBIT 2



Shirley N. Weber, Ph.D.

California Secretary of State

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R. Trent McCotter
Acting Deputy Attorney General
United States Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

Via electronic mail

Re: October 13, 2026 Letter

Dear Mr. McCotter:

I am in receipt of your letter dated October 13, 2026, in which you allege that an unspecified number of individuals that “the Federal Government believes are likely noncitizens” were mailed a ballot for the November 2026 General Election. As California’s chief elections official, I write to set the record straight.

On July 16, 2026, my office received a letter from DHS Secretary Markwayne Mullin alleging that over 190,000 registered voters in California “may be” non-citizens, with no further detail. I responded on July 23 expressing serious doubts about the accuracy of the claim and requested information about the underlying data and methodology so my office could attempt to verify DHS’s vague and unsubstantiated allegations. I also reminded Secretary Mullin that federal law prohibits systematically cancelling voter registrations for the General Election beginning August 5, 2026. *See* [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#). In response, DHS officials refused to provide any information in writing and requested a call. When my office asked for the information in writing to ensure an accurate record, DHS officials insisted on a meeting and declined to address our concerns on paper. To date, DHS still has not provided any information about the underlying data or methodology requested by my office.

Your October 13 letter repeats Secretary Mullin’s vague allegation that non-citizens may be registered to vote in California. You then insist my office “immediately instruct the appropriate elections official to segregate” mail ballots and “not [to] verify the signature or tabulate the ballot” of any of these individuals. And you threaten to seek “emergency relief” if we do not “implement this process” by “October 15 at noon EST.”

As you fully acknowledge, ballots have already been delivered to voters and voting is well underway. Despite this, and with less than three weeks before the election, you are demanding unprecedented measures that threaten thousands of Californians’ right to vote, based on unverifiable information or methodology that you still fail to explain or provide. Your letter states that you presented the Los Angeles County Registrar-Recorder/County Clerk with a list of individuals that the federal government “believes” are “likely” non-citizens. I am informed that

the list contains the names of approximately 20,000 individuals statewide (a fraction of Secretary Mullin’s initial allegation) and lacks both the detail and function to be of any investigative use. Nowhere has the federal government clarified the basis for suspecting—not even confirming with any level of certainty—the listed individuals are non-citizens. And as one court recently noted, the federal government’s citizenship records are “known to be unreliable.” *Common Cause, et al. v. Department of Justice, et al.*, No. 1:26-cv-01352, [2026 WL 3033772](#), at *8 (D.D.C. Oct. 9, 2026). To give just one example, in a similar incident in the State of Nevada, DHS initially alleged that Nevada’s voter roll included nearly 16,000 potential non-citizens. However, after working with the State of Nevada, DHS officials failed to establish that a single non-citizen was on the voter rolls.¹

More remarkable still, despite failing to send the list of alleged non-citizens to my office, you demand that we request transmittal of the list, review and confirm the citizenship status of each of the approximately 20,000 individuals on the list on the eve of an election and within a mere 48 hours. This is an emergency of the DOJ’s creation.

California’s election administration will continue to be governed by applicable federal and state law, not by unsubstantiated claims and outrageous demands.

California administers its elections in full compliance with federal election law. For instance, in accordance with the National Voter Registration Act of 1993 (NVRA), [52 U.S.C. § 20501 et seq.](#), and Help America Vote Act of 2002 (HAVA), [52 U.S.C. § 20901 et seq.](#), California requires all voter registration applicants to attest to U.S. citizenship under oath, under penalty of perjury and by signature, [Cal. Elec. Code §§ 2101, 2102\(c\), 2111, 2150\(a\)\(1\), 2264\(a\)\(3\), \(b\)](#), and maintains robust voter list maintenance processes. *See, e.g., Cal Elec. Code § 2200 et seq.; Cal. Code Regs. tit. 2, §§ 19060–62, 19079, 19080–81, 20070, 20075, 20076.* California law further provides that a person “shall not be registered” unless they are “a United States citizen.” [Cal. Elec. Code §§ 2100, 2101](#). These requirements satisfy every federal standard for establishing voters’ citizenship and managing voter rolls. *See, e.g., 52 U.S.C. §§ 20505(a), 20507, 20508(b)(2), 21083(b)(4).* They represent just a few of California’s many robust safeguards for ensuring that only citizens register to vote and that any non-eligible registrants are removed from the State’s voter rolls.

The extraordinary measures you demand are contrary to both federal and state law. Most critically, they strike at affected voters’ “constitutionally protected right to vote . . . and to have their vote counted.” *Reynolds v. Sims*, [377 U.S. 533, 537](#) (1964). Withholding ballots from some duly registered voters and segregating and refusing to tabulate voted ballots submitted by others, is an unprecedented suspension—and even denial—of voting rights. For the same reason, these measures threaten to violate the Voting Rights Act of 1965. *See 52 U.S.C. § 10307(a)* (officials shall not refuse to allow qualified voters to vote or willfully refuse to tabulate and report their votes). Treating the thousands of voters on DOJ’s list as ineligible until proven otherwise also violates federal law prohibiting states from “systematically remov[ing] the names of ineligible voters from the official list of eligible voters” in the 90-day quiet period before a federal election. *Id.* [§ 20507\(c\)\(2\)](#).

¹ Nick Corasaniti, *From 16,000 to 185 to Zero: Trump’s Claims of Illegal Voting in Nevada Fizzle*, N.Y. Times (Sept. 24, 2026), <https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html>.

The measures you demand also violate state law. In California, “[n]o right is more precious” than voting. *Canaan v. Abdelnour*, 40 Cal.3d 703, 714 (Cal. 1985). California’s Constitution provides that eligible voters are entitled to vote and “have that vote counted.” Cal. Const. art. II, § 2. Elsewhere, state law affirms that Californians “have the right to cast a ballot if you are a valid registered voter.” Cal. Elec. Code, § 2300(a)(1)(A); *see also id.* § 2000(a). To facilitate the right to vote, a mail ballot “shall be available to any registered voter,” *id.* § 3003, and local elections officials must mail those ballots to registered voters, *id.* § 3000.5(a). Once returned in accordance with state law, mail ballots must be tabulated like any other ballot. *See id.* § 15109. These obligations cannot be reconciled with your demand that elections officials arbitrarily deny registered voters mail ballots and refrain from tabulating ballots already issued.

Finally, I am concerned that your letter violates an order entered by the U.S. District Court for the District of Columbia on October 9, 2026, in *Common Cause, et al. v. U.S. Department of Justice, et al.*, Case No. 1:26-cv-01352-SLS. In that order, the court vacated the DOJ’s policy of, among other things, comparing state voter roll information “against a federal database to identify purportedly ineligible voters,” in collaboration with DHS, “and demanding that states remove voters from their rolls based on the results of those comparisons.” It appears that your letter may utilize a policy that a federal court has already deemed unlawful.

California’s elections officials work every day to ensure that only eligible voters are registered, to maintain accurate voter rolls, and to guarantee that no eligible voter is denied the opportunity to vote. If the federal government possesses proof that certain registered voters in California are ineligible, we will welcome the opportunity to review that evidence and any supporting data or methodology. In that event, once we have had an opportunity to review that information, we would take the appropriate steps in compliance with federal and state law. However, I will not disenfranchise thousands of Californians—or order any county elections official to do so—based solely upon an unsupported and likely inaccurate “belie[f]” that certain voters are “likely” non-citizens.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shirley N. Weber', with a stylized flourish at the end.

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

EXHIBIT 3



U.S. Department of Justice

950 Pennsylvania Ave, NW
Washington, DC 20530

(202) 514-2000

October 16, 2026

Peter M. Bollinger
Assistant County Counsel
Los Angeles County Counsel's Office

Re: Response to October 15, 2026 Letter

Mr. Bollinger:

The Department of Justice has reviewed your October 15 letter responding to the federal investigative materials provided to the Los Angeles County Registrar-Recorder/County Clerk ("County ROV"). I write to address several legally untenable assertions and to make unmistakably clear the legal implications for violating 18 U.S.C. § 611.

Your letter asserts that the County ROV is "legally prohibited" from taking even minimal steps—such as temporarily segregating ballots—after receiving credible federal evidence identifying tens of thousands of individuals suspected to be noncitizens. That position is incorrect as a matter of federal law and places officials in both the California Secretary of State ("SOS") and County ROV offices at risk of knowingly facilitating violations of federal criminal statutes.

On October 13, the Department hand delivered a password-protected dataset identifying more than 20,000 individuals who federal agencies reasonably believe are likely noncitizens registered to vote in California. This list was developed through a multilayered, multiagency investigative methodology that relied upon internal immigration records, data matching, supervisory verification procedures, and more.

The legal consequences for either facilitating or ignoring a federal crime are significant. Noncitizen voting in a federal election is a federal crime—and knowingly facilitating such conduct is equally unlawful. Under 18 U.S.C. § 611(a), noncitizens are prohibited from voting in any election involving federal offices. Under 18 U.S.C. § 2, anyone who aids, abets, counsels, induces, or procures the commission of a federal offense is equally liable. If persons knowingly tabulate ballots cast by individuals identified by federal agencies as noncitizens, they risk becoming aiders and abettors to a federal crime. Your assertion that ballots must be counted simply because California's registration system relies on self-attestation does not relieve election officials of their obligations under federal law *when they are on actual notice of noncitizen voting*. Nor can state procedures supersede federal criminal statutes.

Your argument that the County is “not authorized” to pause or segregate ballots because California relies on attestation-based registration is immaterial. Section 611 does not excuse unlawful voting simply because a State employs a permissive registration method. The Department has not asked the County to adjudicate immigration status; it has asked the County to temporarily set aside ballots from individuals whose eligibility is credibly in question—a standard election-administration practice implemented nationwide.

Likewise, your reliance on the National Voter Registration Act’s (“NVRA’s”) “quiet period” is misplaced. The NVRA’s 90-day limitation applies only to systematic list-maintenance programs—not to targeted, individualized evidence of unlawful voting identified by federal law enforcement. The Department has not requested a purge, cancellation of registrations, or any programmatic action. We requested only temporary ballot segregation pending citizenship verification. Invoking the NVRA to justify counting ballots unlawfully cast is both legally incorrect and operationally irresponsible.

Additionally, the administrative burdens, timing constraints, or the fact that the investigative list includes individuals residing outside Los Angeles County do not permit the County to knowingly tabulate ballots that federal law prohibits. Once the United States provides credible evidence that certain ballots may be unlawful to count, election officials may not disregard that information because it is inconvenient to process. Administrative difficulty is not a defense to violating federal law or aiding or abetting a federal offense.

The Department strongly urges the County and the SOS to reconsider their positions before taking actions that risk significant federal scrutiny and legal exposure.

Sincerely,

/s/

Trent McCotter

Acting Deputy Attorney General

United States Department of Justice

cc: Shirley N. Weber, Ph.D, California Secretary of State
Dean C. Logan, Los Angeles County Registrar-Recorder/County Clerk

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Attorneys for Defendants State of California
10 *and California Secretary of State Shirley N.*
Weber, in her official capacity

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION
14

15
16 **UNITED STATES OF AMERICA,**

17 Plaintiff,

18 v.

19 **STATE OF CALIFORNIA,**
20 **SHIRLEY N. WEBER, in her official**
capacity as the California Secretary
21 **of State, and DEAN C. LOGAN, in**
his official capacity as the County of
22 **Los Angeles Registrar-**
Recorder/County Clerk,

23 Defendants.
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25
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27
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Case No. 2:26-cv-12025

**DECLARATION OF
JANA M. LEAN**

1 I, Jana M. Lean, declare as follows:

2 1. I am a resident of California. I am over 18 years of age. I am familiar
3 with the information set forth below either through personal knowledge,
4 consultation with staff in the Office of the California Secretary of State, or from my
5 review of relevant documents and information. If called as a witness, I could and
6 would testify competently to the matters set forth below.

7 2. I am the Chief of the Elections Division, employed in the Office of the
8 California Secretary of State. I work for Secretary of State Shirley N. Weber, Ph.D.,
9 and support her in her official capacity as the Chief Officer of Elections for the
10 State of California.

11 3. I have served as the Chief of the Elections Division at the California
12 Secretary of State's Office since 2010. Before assuming my current position, I
13 served in various roles in the Elections Division for more than 12 years. I am
14 familiar with all aspects of the Elections Division's work.

15 4. The California Secretary of State and California's 58 counties are
16 responsible for administering elections in the state. This responsibility encompasses
17 voter registration, maintaining and updating voter rolls, issuing ballots to registered
18 voters, tabulating votes, and certifying results in all elections, among numerous
19 other tasks.

20 5. The California Secretary of State is the state's Chief Elections Officer,
21 responsible for executing and enforcing all state and federal law relating to
22 elections within the State. See Cal. Gov't Code § 12172.5(a); Cal. Elec. Code § 10.
23 The Elections Division is responsible for implementing the Secretary of State's
24 responsibilities with regard to elections, ensuring that elections are conducted
25 efficiently, and providing technical information, advice, and assistance to County
26 Clerks and Registrars of Voters ("county elections officials") and the public.
27 California law charges the Secretary of State's Office with ensuring that all eligible
28 voters who want to vote can do so. See, e.g., Cal. Gov't Code § 12172.5; Cal. Elec.

1 Code § 2300. However, in California, elections are primarily administered by the
2 58 counties, in collaboration with the Secretary of State. This responsibility
3 encompasses voter registration; maintaining and updating voter rolls; designing
4 ballots and mail ballot envelopes; issuing ballots to registered voters, including
5 sending mail ballots to all active registered voters; tabulating votes; and certifying
6 results in all elections for federal office, among numerous other tasks. The
7 Secretary of State's office does not issue, receive or maintain ballots, nor do we
8 tabulate or count votes.

9 6. In my role as Chief of the Elections Division at the California
10 Secretary of State's Office, I am responsible for overseeing the work of the
11 Elections Division. The Elections Division oversees the administration of federal
12 and state elections within the State of California, including by providing guidance
13 on election laws and procedures to county elections officials, assisting National
14 Voter Registration Act ("NVRA") agencies in California and county elections
15 officials in ensuring compliance with the NVRA, training county elections officials
16 and NVRA agencies, preparing state voter information guides, printing and
17 distributing voter registration cards, maintaining a statewide system of all registered
18 voters ("VoteCal"), coordinating and compiling all statewide voter registration
19 statistics, qualifying candidates for statewide and special elections, certifying the
20 list of candidates for state and federal office, tracking and certifying state ballot
21 initiatives, surveying all of California's 58 counties regarding ballot transmittal
22 statistics on military and overseas voters and reporting those statistics to the United
23 States Department of Justice, administering a Voter Assistance Hotline for the
24 entire state, receiving Election Day complaints from the public and coordinating the
25 resolution of those complaints with all of California's 58 counties, compiling the
26 vote results from each county, certifying the election results, issuing nomination
27 and election certificates to all victorious state and federal candidates, educating
28

1 California citizens about their voting rights, and promoting voter registration and
2 participation.

3 7. California allows qualified individuals to register to vote up to 15 days
4 before Election Day. Cal. Elec. Code § 2102(a); 52 U.S.C. § 20507(a)(1) (requiring
5 States to permit registration up to 30 days before a federal election). California also
6 allows voters to register up to and on Election Day through a process called
7 conditional voter registration, if they satisfy the applicable requirements. Cal. Elec.
8 Code § 2170. California citizens can register to vote online, at their county elections
9 official's offices, at various state social service agencies, and through California's
10 Department of Motor Vehicles when they submit sufficient information regarding
11 their voter qualifications (including citizenship) through their transaction. All
12 methods of voter registration in California require individuals to certify that they
13 meet all eligibility qualifications (including citizenship) under penalty of perjury.
14 See Cal. Elec. Code §§ 2101, 2102(c), 2111, 2112, 2150. California does not
15 require documentary proof of citizenship in order to register to vote. California does
16 not currently have, and has no plans to enter into, a memorandum of understanding
17 with the Department of Homeland Security to utilize the SAVE database to confirm
18 the citizenship of any registered voter.

19 8. Pursuant to California law, California elections officials are required to
20 mail ballots to all of California's more than 23 million active registered voters
21 during the November 2026 General Election. Cal. Elec. Code §§ 3000.5, 3003,
22 3010; see also id. § 3102; see Cal. Sec'y of State, 60-Day Report of Registration
23 (Sept. 4, 2026), [https://elections.cdn.sos.ca.gov/ror/60day-gen-2026/complete-](https://elections.cdn.sos.ca.gov/ror/60day-gen-2026/complete-ror.pdf)
24 [ror.pdf](https://elections.cdn.sos.ca.gov/ror/60day-gen-2026/complete-ror.pdf). Pursuant to California law, county elections officials "may begin to process
25 vote by mail ballot return envelopes and vote by mail ballots on the date on which
26 the ballots are mailed." Cal. Elec. Code § 15101(a). Consistent with federal law,
27 county elections officials transmitted ballots to military and overseas voters no later
28 than September 19, 2026, 45 days before the November 3, 2026 General Election.

1 52 U.S.C. §§ 20302(a)(1)-(3), (8)(A); Cal. Elec. Code § 3105(a)-(b). In addition,
2 county elections officials began to mail every active registered voter a ballot no
3 later than 29 days before the election, or on October 5, 2026. Cal. Elec. Code
4 §§ 3000.5, 4005(a)(8)(A), (B). County elections officials continue to send mail
5 ballots as additional voters register to vote or request a replacement ballot. Under
6 California law, a voter may register to vote and receive a vote-by-mail ballot up to
7 15 days before an election. *Id.* §§ 2102(a), 3000.5, 3001. A mail ballot is deemed
8 timely and is counted so long as it is postmarked on or before Election Day and
9 received no later than seven days after the election, or November 10, 2026, for the
10 November 3, 2026 ,General election. *Id.* §§ 3011(c), 3017, 3019, 3020.

11 9. Mail ballot envelope processing “may include verifying the voter’s
12 signature on the vote by mail ballot return envelope [...] and updating voter history
13 records.” *Id.* §§ 15101(b)(1), 3019. Mail ballot processing “includes opening vote
14 by mail ballot return envelopes, removing ballots, duplicating any damaged ballots,
15 and preparing the ballots to be machine read, or machine reading them, including
16 processing write-in votes so that they can be tallied by the machine.” *Id.* §
17 15101(b)(2). However, the results of vote counts, including mail ballot tabulation
18 counts, may under no circumstances be released prior to the close of polls on
19 Election Day. *Id.* §§ 15101(b)(2), (c). The processing of vote by mail ballots and
20 ballot envelopes is open to the public, both prior to and after the election. *Id.* §
21 15104. Elections officials compile “an accurate list of all voters who have received
22 and voted a vote by mail ballot at each election.” *Id.* § 15111.

23 10. Pursuant to California law, all valid mail ballots must be processed
24 unless challenged pursuant to California’s mail ballot challenge procedures. *See id.*
25 §§ 14240-14253 (voter challenge procedures), 15101-15109 (mail ballot processing
26 and challenge procedures). “All challenges shall be made prior to the opening of the
27 identification envelope of the challenged vote by mail voter.” *Id.* § 15105. A mail
28 ballot may be challenged on the grounds that the voter is not the person whose

1 name appears on the roster, not a resident of the precinct or county, not a citizen of
2 the United States, has already voted in this election, or is currently imprisoned for a
3 felony, or on the grounds that the mail ballot was received late. *Id.* §§ 14240(a),
4 15105. Voter challenges made via a document or list concerning the qualifications
5 of any person or persons may be considered only if “the document or list contains
6 or is accompanied by evidence constituting probable cause to justify or substantiate
7 a challenge.” *Id.* § 14240(c). “Because the voter is not present,” at the time their
8 vote by mail ballot is challenged, “the challenger shall have the burden of
9 establishing extraordinary proof of the validity of the challenge at the time the
10 challenge is made.” *Id.* § 15106.

11 11. The November 3, 2026, General Election is in 15 days. For the
12 November 3, 2026, General Election, county elections officials must finish
13 counting most ballots by no later than November 16, 2026, the 13th day after the
14 election. *Id.* § 15307. For the November 3, 2026, General Election, the official
15 canvass must be completed no later than December 3, 2026, or 30 days after the
16 election. *Id.* § 15372. In addition, county elections officials must send a complete,
17 certified copy of the general election returns to the Secretary of State by December
18 4, 2026. *Id.* §§ 15374, 15375. By December 11, 2026, the Secretary must prepare,
19 certify, and file the official statement of the vote from the compiled election returns
20 and post them to the Secretary of State website. *Id.* § 15501. She must also issue to
21 each elected candidate a certificate of election on that same date. Cal. Gov’t Code
22 § 12165.

23 12. I understand the United States has identified approximately 20,000
24 individuals who it believes are likely noncitizens and believes are likely registered
25 to vote in California and were mailed a vote by mail ballot. I understand that in this
26 lawsuit the United States is asking a judge to order California to set aside any mail
27 ballot returned by any of these 20,000 individuals, and to not count that mail ballot
28

1 until California has conducted an investigation to confirm that voter's citizenship
2 status.

3 13. There is no existing federal or state law or policy requiring elections
4 officials to affirmatively verify a voter's citizenship at the time of registration or
5 casting a ballot. Federal law and California law require every registered voter to
6 attest under penalty of perjury that they are a U.S. citizen.

7 14. Elections Division staff are dedicated to necessary tasks and special
8 projects that ensure California's elections run smoothly and every eligible
9 California resident can exercise their right to vote. This work becomes more
10 significant and urgent in the days leading up to and immediately after the election,
11 when we must answer an increasing volume of questions and handle tasks related
12 to, for example, responding to approximately 1,000 calls per day to the Secretary of
13 State's toll free voter hotline, including more than 8,000 calls on Election Day;
14 responding to other voter inquiries; preparing the report of registration; testing the
15 election night reporting system technology; finalizing all other preparations for
16 Election Night reporting; finalizing Election Day and night emergency
17 preparedness protocols; responding to election complaints; conducting voter
18 education and outreach events; preparing to send staff to observe early voting and
19 Election Day procedures across the state; coordinating counties unprocessed ballot
20 reports and election return reporting; updating our website every business day on
21 the number of ballots returned and to communicate important election-related
22 information. Any diversion of resources or delay in completing these tasks could
23 significantly impede the administration of the election and could impact the state's
24 ability to meet statutory deadlines for certifying the election results.

25 15. The remedy requested by the United States—that certain mail ballots
26 be segregated and not counted unless an elections official can confirm that voter's
27 citizenship—creates a substantial risk that a validly registered voter's cast ballot
28 would be disqualified. This is particularly the case if state or county elections

1 officials are unable to confirm a voter's citizenship, by the December 4, 2026,
2 deadline for counties to certify their election results to the Secretary of State. *See id.*
3 § 15372.

4 16. Allegations that California's elections are run improperly could cause
5 significant voter confusion, reduce public trust in California's electoral system, and
6 cause reputational harms to the Office of the Secretary of State, which are difficult
7 to reverse.

8
9 I declare under penalty of perjury that the foregoing is true and correct.
10 Executed on October 19, 2026, at Sacramento, California.

11
12
13 

14 Jana M. Lean

15 Chief of Elections Division

16 California Secretary of State's Office
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11 *Weber, Ph.D.*

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15
16 **UNITED STATES OF AMERICA,**
17 Plaintiff,
18
19 **v.**
20 **STATE OF CALIFORNIA and**
SHIRLEY N. WEBER, in her official
21 **capacity as the California Secretary**
of State, and DEAN C. LOGAN, in
22 **his official capacity as the County of**
Los Angeles Registrar-Recorder /
County Clerk,
23 Defendants.

Case No. 2:26-cv-12025

**STATE DEFENDANTS' REQUEST
FOR JUDICIAL NOTICE IN
SUPPORT OF OPPOSITION TO
PLAINTIFF'S APPLICATION FOR
A TEMPORARY RESTRAINING
ORDER**

Date: Not Set
Time: Not Set
Courtroom: Not Set
Judge: Not Yet Assigned
Trial Date: Not Set
Action Filed: October 15, 2026

24
25
26 **REQUEST FOR JUDICIAL NOTICE**

27 In support of the State Defendants' Opposition to Motion for Temporary
28 Restraining Order, Defendants respectfully request that, pursuant to Federal Rule of

1 Evidence 201, the Court take judicial notice of the following official government
2 publications:

- 3 1. The U.S. Department of Justice Civil Rights Division's publication *NVRA*
4 *List Maintenance Guidance: Voter Registration List Maintenance:*
5 *Guidance under Section 8 of the National Voter Registration Act, 52 U.S.C.*
6 *§ 20507* (Sept. 2024). A true and correct copy of this document, available
7 from the U.S. Department of Justice Civil Rights Division at
8 <https://www.justice.gov/crt/nvra-list-maintenance-guidance>, is attached as
9 **Exhibit A.**
- 10 2. The U.S. Department of Justice press release *Honduran National Living in*
11 *San Fernando Valley Arrested on Federal Criminal Complaint Charging*
12 *Him with Fraudulently Registering to Vote* (Aug. 28, 2026) (announcing
13 charges against one lawful permanent resident, including how information
14 was received from California Secretary of State, and making clear lawful
15 permanent resident had not voted). A true and correct copy of this
16 document, available from the U.S. Department of Justice at
17 [https://www.justice.gov/usao-cdca/pr/honduran-national-living-san-](https://www.justice.gov/usao-cdca/pr/honduran-national-living-san-fernando-valley-arrested-federal-criminal-complaint)
18 [fernando-valley-arrested-federal-criminal-complaint](https://www.justice.gov/usao-cdca/pr/honduran-national-living-san-fernando-valley-arrested-federal-criminal-complaint), is attached as **Exhibit**
19 **B.**
- 20 3. The U.S. Department of Justice press release *Justice Department*
21 *Announces Charges and Guilty Pleas Involving 12 Individuals for Election*
22 *Crimes* (Sept. 28, 2026) (announcing charges against one lawful permanent
23 resident in Kansas; two lawful permanent residents in New Jersey; one
24 lawful permanent resident in Texas; one lawful permanent resident in
25 Hawaii; two lawful permanent residents and two immigrants in
26 Pennsylvania; two immigrants in Florida; and one person in Utah for
27 discarding mail). A true and correct copy of this document, available from
28 the U.S. Department of Justice at <https://www.justice.gov/opa/pr/justice->

[department-announces-charges-and-guilty-pleas-involving-12-individuals-election](#), is attached as **Exhibit C**.

4. The U.S. Department of Justice press release *Department of Justice Indicts Ten Aliens for Voter Fraud in Minnesota* (Sept. 30, 2026) (announcing charges against ten lawful permanent residents). A true and correct copy of this document, available from the U.S. Department of Justice at <https://www.justice.gov/opa/pr/department-justice-indicts-ten-aliens-voter-fraud-minnesota>, is attached as **Exhibit D**.

5. The U.S. Department of Justice press release *Justice Department Announces Charges Involving 16 Aliens for Illegal Voting* (Oct. 16, 2026) (announcing charges against 9 lawful permanent residents and one immigrant in North Carolina; 5 lawful permanent residents in New York; and 1 lawful permanent resident in Idaho). A true and correct copy of this document, available from the U.S. Department of Justice at <https://www.justice.gov/opa/pr/justice-department-announces-charges-involving-16-aliens-illegal-voting>, is attached as **Exhibit E**.

6. The U.S. Department of Justice press release *Non-Citizens Charged with Election Crimes* (Oct. 8, 2026) (announcing charges against 2 lawful permanent residents in Alabama). A true and correct copy of this document, available from the U.S. Department of Justice at <https://www.justice.gov/usao-sdal/pr/non-citizens-charged-election-crimes>, is attached as **Exhibit F**.

7. The U.S. Department of Justice press release *11 Foreign Nationals Arrested in California on Federal Charges Alleging They Illegally Registered and Voted in U.S. Elections* (Oct. 19, 2026) (announcing arrest of 11 and charges against an additional 17 lawful permanent residents). A true and correct copy of this document, available from the U.S. Department of Justice at <https://www.justice.gov/usao-cdca/pr/11-foreign-nationals->

1 [arrested-california-federal-charges-alleging-they-illegally](#), is attached as
2 **Exhibit G.**

3 8. The Amended Complaint in *United States v. Darwin Rivera-Flores*, CDCA
4 Case No. 2:26cr598-MCS, [ECF No. 2](#). A true and correct copy of this
5 document is attached as **Exhibit H.**

6 9. The Indictment in *United States v. Darwin Rivera-Flores*, CDCA Case No.
7 2:26cr598-MCS, [ECF No. 17](#). A true and correct copy of this document is
8 attached as **Exhibit I.**

9 The Court may take judicial notice of “a fact that is not subject to reasonable
10 dispute” because it “(1) is generally known within the trial court’s territorial
11 jurisdiction; or (2) can be accurately and readily determined from sources whose
12 accuracy cannot reasonably be questioned.” [Fed. R. Evid. 201\(b\)](#). The Court must
13 take judicial notice where “a party requests it and the court is supplied with the
14 necessary information.” [Fed. R. Evid. 201\(c\)](#).

15 Exhibits A-G are judicially noticeable because they are official government
16 publications produced by the U.S. Department of Justice. *Smith v. Los Angeles*
17 *Unified Sch. Dist.*, [830 F.3d 843, 851 n. 10 \(9th Cir. 2016\)](#) (“[C]ourts routinely take
18 judicial notice of letters published by the government ... as well as ‘records and
19 reports of administrative bodies.’”); *DeHoog v. Anheuser-Busch InBev SA/NV*, [899](#)
20 [F.3d 758, 763 & n.5 \(9th Cir. 2018\)](#) (granting motion to take judicial notice of
21 government documents, including press releases); *Freshpoint Atlanta, Inc. v.*
22 *Haywood*, [2025 WL 2606626](#), at *2 (S.D. Cal. Sept. 9, 2025) (“The Court may take
23 judicial notice of information on government websites”) (collecting cases); *Murphy*
24 *v. Bronson, Cawley & Bergmann, LLP*, [2011 WL 2413447](#), at *3 (S.D. Cal. June
25 13, 2011) (“Courts do take judicial notice of information found on government
26 agency websites”). The matters raised in these documents are publicly-available
27 matters of historic record that are not subject to reasonable dispute. Moreover, the
28

1 United States cannot reasonably dispute the accuracy of the information in these
2 documents because they are *produced by the United States* itself.

3 Exhibits H and I are judicially noticeable because they are court records and
4 dockets. *DeHoog*, 899 F.3d at 763 & n.5 (taking notice of court filings); *Reyn's*
5 *Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 (9th Cir. 2006) (taking
6 notice of docket items from another litigation); *Almont Ambulatory Surgery Ctr.,*
7 *LLC v. UnitedHealth Grp., Inc.*, 99 F. Supp. 3d 1110, 1125 (C.D. Cal. 2015)
8 (“Courts may take judicial notice of public records, including court records from
9 another case.”); *Elliott v. Lions Gate Ent. Corp.*, 639 F. Supp. 3d 1012, 1021 (C.D.
10 Cal. 2022) (“[A] court may notice another court’s records for information regarding
11 how a case progressed, what was argued by the parties, and on what basis the court
12 ruled on a motion.”).

13 Defendants therefore respectfully request that the Court take judicial notice
14 of the materials described above.

15
16 Dated: October 20, 2026

Respectfully submitted,

17 ROB BONTA
18 Attorney General of California
19 MICHAEL L. NEWMAN
20 THOMAS S. PATTERSON
21 Senior Assistant Attorneys General
22 SETH E. GOLDSTEIN
23 Supervising Deputy Attorney General
24 ANNE P. BELLOWS
25 LISA C. EHRLICH
26 ANDREW E. KUSHNER
27 CHRISTINA M. MCCALL
28 Deputy Attorneys General

/s/ Michael S. Cohen

17 MICHAEL S. COHEN
18 Deputy Attorney General
19 Attorneys for Defendants State of
20 California and California Secretary of
21 State Shirley N. Weber, Ph.D.

EXHIBIT A



NVRA List Maintenance Guidance

Voter Registration List Maintenance: Guidance under Section 8 of the National Voter Registration Act, [52 U.S.C. § 20507](#)

Published September 2024

Federal law imposes important limits on the rules and procedures States may adopt regarding their voter registration lists. The National Voter Registration Act of 1993 (also known as the “NVRA” or “motor voter law”), for one, sets forth certain voter registration requirements for federal elections. Section 8 of the NVRA, [52 U.S.C. § 20507](#), addresses the administration of voter registration by States and requires procedures to maintain accurate and current voter registration lists. These requirements govern, among other issues:

- The date by which valid voter registration applications must be accepted and eligible persons registered,
- Changes in a registrant’s address information,
- Limits on removal of names from the voter registration list, and
- Administration of a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act (VRA”).[\[footnote 1\]](#)

This guidance addresses one aspect of maintaining a voter registration list: when and how jurisdictions may remove voters from their voter lists. This guidance does not impose legal obligations and is not intended to be comprehensive. Rather, it is intended only to aid jurisdictions as they comply with existing obligations under Section 8 in three areas:

- List Maintenance
- Restrictions on List Maintenance
- Special Rules for Changes of Address

List Maintenance

Section 8(a)(4) of the NVRA sets forth steps that States must follow concerning general voter registration list maintenance programs that make a reasonable effort to remove from the voter rolls people who are ineligible by reason of death or change in residence to a location outside the jurisdiction. A State's voter registration list maintenance program must comply with procedures in the NVRA.

To conduct a general program that makes a reasonable effort to remove voters who are ineligible due to a change in residence, States can follow the "safe harbor" procedure in Section 8(c)(1) of the NVRA. That procedure allows use of change-of-address information supplied by the United States Postal Service through its National Change of Address program (NCOA) to identify registrants who may have changed residences. Once a State has identified such individuals, it may take one of two actions:

1. If the NCOA information indicates that the person has moved to a different residence in the same registrar's jurisdiction, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid, pre-addressed return form the registrant can use to verify or correct the address information; or
2. If the NCOA information indicates that the registrant has moved to a residence outside the registrar's jurisdiction, the registrar may remove the registrant from the voter rolls after satisfying all requirements of the Section 8(d) notice process described below.

States do not have to use the NCOA process. They have discretion under the NVRA in designing their general program, subject to the limitations described below.

Restrictions on List Maintenance

The NVRA also limits whether, when, and how a State can remove a person's name from the rolls. States can remove the name of a person from the voter registration rolls when the registrant requests it, and, if State law so provides, for mental incapacity or criminal conviction. States can also remove ineligible persons from the voter rolls because the person has died or changed their residence to a place outside the jurisdiction. Finally, States can remove people who were ineligible or improperly registered in the first instance.

Removal at the Request of the Registrant

A "removal at the request of the registrant" under the NVRA requires first-hand action by a registrant: (1) asking to remove their name from the voting registration list; (2) completing and returning a notice card indicating an address change outside the jurisdiction; or (3) submitting a new application registering to vote a second time in a new jurisdiction and providing information

regarding the registrant's prior voter registration address on the new application, which the State can treat as a request to cancel or transfer their prior registration.

Information submitted by a third party does not constitute a “removal at the request of the registrant.” When a registrant provides notice of a new address within the same jurisdiction, or registers to vote a second time at a new address within the same jurisdiction, the State should update the original registration, rather than cancel it.

Discrimination, Intimidation, Threats, and Coercion

Under Section 8(b) of the NVRA, a State's list maintenance program must be uniform, nondiscriminatory, and consistent with the VRA. Section 2 of the VRA, 52 U.S.C. § 10301, prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in a language minority group. Section 11(b) of the VRA, 52 U.S.C. § 10307(b), also prohibits any conduct that attempts to, or actually would, intimidate, threaten, or coerce a reasonable voter.

Examples of list maintenance activities that may violate the NVRA include comparing voter files to outdated or inaccurate records or databases, taking action that erroneously affects a particular class of voters (such as newly naturalized citizens), or matching records based solely on first name, last name, and date of birth. **The prohibitions of the NVRA extend to any list maintenance activity based on third-party submissions.**

The 90-Day Quiet Period Before Federal Elections

The NVRA limits when States can conduct a general list maintenance program. Under Section 8(c)(2), **States must complete any program that systematically removes the names of ineligible voters from the official list of eligible voters no later than 90 days before a primary election or general election for federal office.** In other words, once an election for federal office is less than 90 days away, processing and removals based on systematic list maintenance must cease. And, if a State's federal primary election occurs less than 90 days before a federal general election, the State must complete any systematic-removal program based on change of address for the federal election cycle no later than 90 days prior to the federal primary election: no further systemic activity may take place between the primary and general elections.

This 90-day deadline applies to State list maintenance verification activities such as general mailings and door-to-door canvasses. **This deadline also applies to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.** However, the 90-day deadline does not preclude removal of a registrant's name at the request of that registrant, removal due to the death of the registrant, or removal due to a criminal conviction or mental incapacity of the registrant as provided by State law, nor does the deadline preclude the correction of a registrant's information. 52 U.S.C. § 20507(c)(2)(B).

Special Rules for Changes of Address

Section 8(b) of the NVRA prohibits removing registrants from the voter registration list solely because of a failure to vote. However, States may **initiate** the process of determining whether a voter has changed residence to outside of the jurisdiction based on information showing that a voter has not voted in elections nor communicated with a registrar over an extended period.

Section 8(d) of the NVRA prescribes additional rules for a State seeking to remove a person from the voting rolls based on a change of residence, regardless of the voters' participation in prior elections. Specifically, a State may remove a person from the voter registration list due to a change in residence *only* in one of two circumstances: upon (1) the person's written confirmation of a change in residence to a place outside the jurisdiction, or (2) completion of the notice-and-waiting process described in Section 8(d)(2).

Confirmation in writing means confirmation by the voter, such as a notice card completed and returned by the voter. **A third-party submission — such as a submission of another individual's information via an online portal or a challenge based solely on public database information — is not confirmation by the registrant of a change of address.** In the absence of a written confirmation from a registrant of a change of address outside the jurisdiction, Section 8(d) of the NVRA sets forth a process for removing a person based on a change of residence. 52 U.S.C. § 20507(d)(2). This process requires sending a forwardable notice, in the form of a postage-prepaid and pre-addressed return card, on which the person may state their current address. The notice must include the language required by Section 8(d)(2) of the NVRA. If the registrant did not change their residence, or changed residence but remained in the registrar's jurisdiction, the notice must advise that:

1. The registrant should complete and return the card no later than the voter registration deadline for the next election;
2. If the card is not returned, the registrant may need to affirm or confirm their address before being permitted to vote in a federal election from the date of the notice to the day after the second general election for Federal office that occurs after the date of the notice; and
3. If the registrant does not vote in an election during that period, the registrant's name will be removed from the list of eligible voters.

Id. § 20507(d)(2)(A). If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, the notice must provide information concerning how the registrant can continue to be eligible to vote. *Id.* § 20507(d)(2)(B).

Any political subdivision covered by Section 203 of the VRA, 52 U.S.C. § 10503, must provide such notices in the language of the applicable minority group as well as in English, unless the language of the applicable minority group is oral or unwritten (or in the case of Alaska natives and American Indians, if the predominant language is historically unwritten). See *id.* § 10503(c).

The jurisdiction may designate the registrant as inactive if the registrant fails to return the card by the voter registration deadline for the next election after the notice is sent.

The jurisdiction may remove the registrant from the voter rolls after sending the notice *only* in one of two circumstances. First, if the registrant confirms in writing, such as by completing and returning the notice card, that the registrant has changed residence to a place outside the jurisdiction, then the registrant can be removed from the list immediately. Second, if the registrant fails to respond to the notice and fails to vote or to appear to vote in an election from the date the notice is sent to the day after the second federal general election after the notice is sent, then the registrant can be removed from the list after that second federal general election.

Section 8(f) of the NVRA establishes that if a voter changes address to another address within the registrar's same jurisdiction, the registrar must update the voter's registration to reflect the new address, and the voter may not be removed based on this change, except as otherwise provided in Section 8(d). A "registrar's jurisdiction" in this context means (1) an incorporated city, town, borough, or other form of municipality; or (2) a geographic area larger than a municipality or a geographic area of consolidated municipalities, if voter registration is maintained by such larger units of government.

For more information, please consult the Department's NVRA Questions and Answers at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

[\[footnote 1\]](#) The NVRA applies to 44 States and the District of Columbia. Six States (Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming) are exempt from the NVRA because, on and after August 1, 1994, they either had no voter-registration requirements or had election-day voter registration at polling places with respect to elections for federal office. Likewise, the territories are not covered by the NVRA (Puerto Rico, Guam, Virgin Islands, American Samoa). While the NVRA applies to elections for federal office, most States have extended its procedures to all elections.

Updated September 18, 2024



Civil Rights Division

U.S. Department of Justice

Exhibit A
RJN_Page 11

950 Pennsylvania Avenue NW

Office of the Assistant Attorney General,

Main

Washington DC 20530



Civil Rights Division

202-514-3847

TTY/TDD: 711

EXHIBIT B

**PRESS RELEASE**

Honduran National Living in San Fernando Valley Arrested on Federal Criminal Complaint Charging Him with Fraudulently Registering to Vote

Friday, August 28, 2026

For Immediate Release

U.S. Attorney's Office, Central District of California

LOS ANGELES – A Honduran national and lawful permanent resident living in the San Fernando Valley was arrested today on a federal criminal complaint charging him with fraudulently registering to vote in United States elections.

Darwin Jonathan Rivera Flores, 30, of Winnetka, is charged with two felonies: false claim to U.S. citizenship and fraudulent voter registration.

Rivera was arrested this morning and is expected to make his initial appearance this afternoon in United States District Court in downtown Los Angeles.

“Noncitizens who commit fraud so they can vote in American elections do so in violation of federal law and should expect to be prosecuted,” said Assistant Attorney General Harmeet K. Dhillon of the Justice Department’s Civil Rights Division. “Let this criminal complaint serve as a reminder that the Justice Department stands ready to enforce the laws Congress enacted to ensure only American citizens vote in federal elections.”

“Today’s arrest is the first of many to come,” said First Assistant United States Attorney Bill Essayli. “Unfortunately, because states like California allow non-citizens to easily register to vote and receive a ballot by mail, there’s no telling how many non-citizens are currently registered to vote. We again renew our request that California immediately comply with our requests to audit their voter rolls so that all voters can have confidence in our elections.”

According to an affidavit filed with the complaint, Rivera was born in Honduras, entered the United States in 2002, and is present in the U.S. as a lawful permanent resident (commonly known as “green card” holder). He is not a U.S. citizen.

In February 2026, Rivera physically disrupted immigration law enforcement operations at the federal building in Camarillo, was issued a misdemeanor citation to which he pleaded guilty and was placed on one year of probation.

In April 2026, Rivera sent a federal agent a series of text messages, which read in part, “Your not the good guy I can’t wait until the mid terms you dont have qualified immunity then we can start and indict all you guys one bye one.” Rivera continued texting the federal agent until July 2026.

Law enforcement investigated and discovered an online voter registration record in the name of “Darwin Rivera” associated with Rivera’s Winnetka address. Law enforcement also obtained a certified voter registration application number, a voter registration receipt, and a signature image from the California Secretary of State, Elections Division.

The voter registration name was listed as “Darwin J Rivera” and listed Rivera’s address in Winnetka. Under the application question of “Did someone help you fill out this form” the answer “no” was checked, and a check mark was provided next to the application wording “I am a U.S. citizen.”

Following a declaration under penalty of perjury warning, the voter registration application deadline was dated November 4, 2025.

Additional records from California Secretary of State and the County of Los Angeles, the birthplace listed under Rivera’s name was “United States of America.”

There is no record of Rivera seeking or obtaining U.S. citizenship. Rivera also has not voted in an election.

A criminal complaint contains merely allegations, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

If convicted, Rivera would face a statutory maximum sentence of five years in federal prison on each charge.

Assistant United States Attorney Michael G. Wheat of the Orange County Office is prosecuting this case.

Contact

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Updated August 28, 2026

Topics

FRAUD

VOTING AND ELECTIONS

Component

[USAO - California, Central](#)

Press Release Number: 26-144

Related Content

EXHIBIT C



PRESS RELEASE

Justice Department Announces Charges and Guilty Pleas Involving 12 Individuals for Election Crimes

Monday, September 28, 2026

For Immediate Release

Office of Public Affairs

OAG

Today, the Justice Department announced charges and guilty pleas involving 12 individuals, including three illegal aliens, in connection with illegal voting, fraudulent voter registration, and related election crimes across the country. The cases include voting by aliens in federal elections, false claims of U.S. citizenship to register or vote, false statements on citizenship applications, and the alleged disposal of approximately 300 mail-in ballots by a former postal carrier.

Case details are as follows:

Middle District of Florida

Christiane Vinette Young, 75, an illegal alien from Canada, was charged by information with three counts of voting by an alien. Young voted in three federal elections – the 2024 general election, 2022 general election, and 2022 primary – despite knowing that she was not a citizen of the United States.

Southern District of Florida

Haitian national Valery Zidor, on Temporary Protected Status at the time of voting, falsely claimed to be a U.S. citizen to register to vote and voted in the 2024 General Election. Zidor pleaded guilty in federal court to two counts of making a false claim of citizenship in order to vote and one count of voting by an alien.

District of Kansas

Nigerian national George Olawunmi Johnson, a lawful permanent resident, was charged with one count of false claim to United States citizenship, one count of false claim to United States citizenship in order to vote, one count of fraudulent election conduct, and one count of voting by an alien in a federal election. Johnson is accused of falsely indicating that he is a U.S. citizen while registering to vote in February 2010 and allegedly cast a ballot in the November 2024 election.



Nigerian national George Olawunmi Johnson, a lawful permanent resident



Nigerian national George Olawunmi Johnson, a lawful permanent resident

District of New Jersey

Two aliens were charged with illegally voting in a federal election and making false statements while applying for United States citizenship.

- Jamaican national Patrick Terrance Reid, 61, a lawful permanent resident, voted in person in the presidential elections held in November 2012 and November 2016, and via mail-in ballot in the presidential elections in November 2020 and November 2024. Additionally, Reid was charged with making false statements while applying for U.S. citizenship.



Jamaican national Patrick Terrance Reid, 61, a lawful permanent resident

- Venezuelan national Danubis Bernat, 49, a lawful permanent resident, voted in person in the 2024 general election. Additionally, Bernat was charged with making false statements while applying for U.S. citizenship.



Venezuelan national Danubis Bernat, 49, a lawful permanent resident

Eastern District of Pennsylvania

Four aliens, including two illegal aliens, were charged with election-related crimes.

- Cliff Sanon, 39, an illegal alien from Haiti who has been residing in Philadelphia, Pennsylvania, was charged by criminal complaint with one count of submitting a fraudulent voter registration application. Sanon allegedly submitted a voter registration application in February 2026 prior to the May 2026 primary election, despite being a citizen of Haiti and not an American citizen. The complaint further alleges that this was

among eight fraudulent voter registration applications submitted by Sanon, who also voted in the November 2022 election.



Cliff Sanon, 39, an illegal alien from Haiti

- Dilea Ochoa-Perez, 43, an illegal alien from Mexico who has been residing in Coatesville, Pennsylvania, was charged by information with two counts of voting as an alien. According to the information, Ochoa-Perez allegedly illegally voted in Chester County in the November 2022 and November 2024 general elections, even though she was a citizen of Mexico at the time of both elections and not a U.S citizen.
- Trinidad & Tobago national Sade Guppy, 37, a lawful permanent resident, was charged by information with one count of voting as an alien. According to the information, Guppy allegedly illegally voted in Philadelphia County in the November 2022 general election, even though she was not a U.S. citizen.



Trinidad & Tobago national Sade Guppy, 37, a lawful permanent resident

- Mexican national Eduardo Gallardo Maldonado, 66, a lawful permanent resident, was charged by information with one count of voting as an alien. According to the information, Maldonado allegedly illegally voted in Philadelphia County in the November 2024 general election, even though he was not a U.S. citizen.

Western District of Texas

Mexican national Imelda Magallanes, 51, a lawful permanent resident, was charged with one count of voting by an alien in a federal election. Voting records from the Midland County Elections Office indicate that Magallanes first registered to vote in October 2020 using her Texas driver's license as identification. Voting records also reveal that Magallanes voted in the November 2024 general election.

District of Hawaii

Filipino national Bernadette Acaso, 20, a lawful permanent resident, pleaded guilty to unlawfully voting as an alien. Acaso voted in the 2024 election by casting a mail-in ballot.

District of Utah

Damon Matai Seei, 34, of Payson, Utah with U.S. Postal Service (USPS) was charged with unlawful secretion, destruction, and delay of mail after he allegedly unlawfully threw away mail that he was entrusted to deliver – including approximately 300 mail-in ballots to registered voters in Utah.

10/18/26, 3:34 PM

Office of Public Affairs | Justice Department Announces Charges and Guilty Pleas Involving 12 Individuals for Election Crimes | Un...

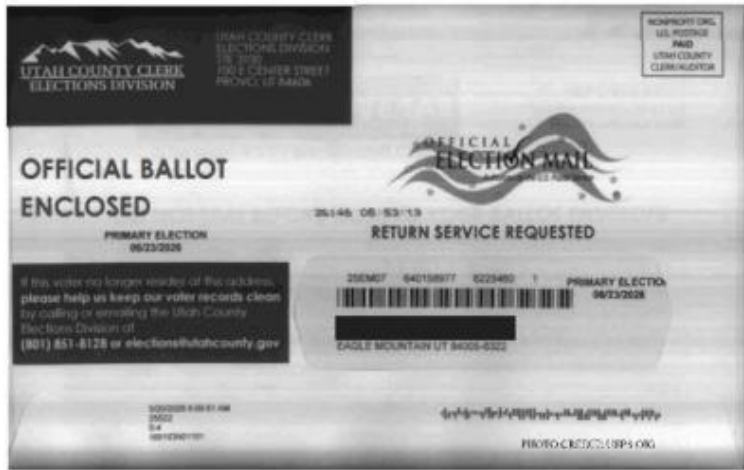


Image of ballot



Image of dumpster in church parking lot

A complaint, indictment, and information merely contain accusations. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Updated September 30, 2026

Topic

VOTING AND ELECTIONS

Component

[Office of the Attorney General](#)

EXHIBIT D

**PRESS RELEASE**

Department of Justice Indicts Ten Aliens for Voter Fraud in Minnesota

Wednesday, September 30, 2026

For Immediate Release

Office of Public Affairs

OAG

Defendants Illegally Voted in the November 2022 and 2024 General Elections and the August 2026 Primary Election

Attorney General Todd Blanche, Department of Homeland Security Secretary Markwayne Mullin, and United States Attorney Daniel N. Rosen announced that a federal grand jury indicted ten defendants separately on September 24, 2026, for voter fraud. All defendants have made their initial appearances in federal court.

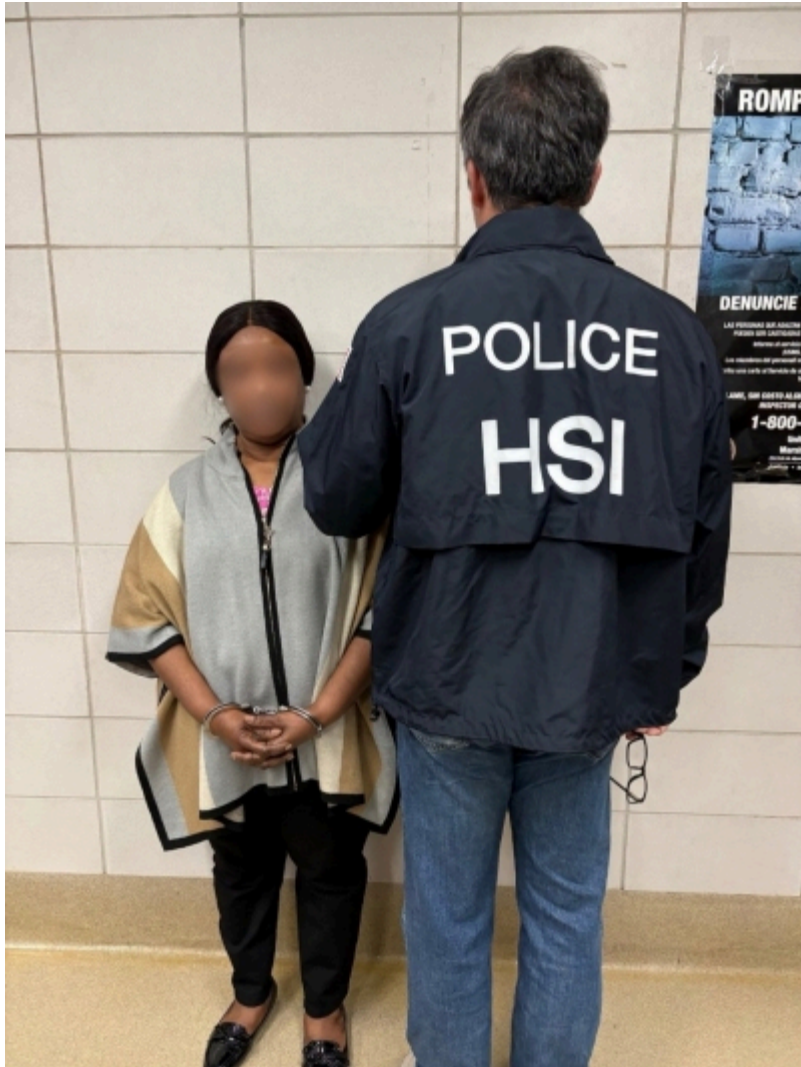
“Today's charges allege that ten foreign nationals committed voter fraud in Minnesota, one voting illegally as recently as this August's primary,” said Attorney General Todd Blanche. “The law is clear, only American citizens may vote in American elections, and enforcing this law is fundamental to our democracy. That should not be a partisan concept.”

“Our message to aliens who vote in American elections is clear: we will find you, arrest you, and you will face the consequences, including criminal charges and deportation,” said DHS Secretary Markwayne Mullin. “Under President Trump's leadership, this administration will never allow the votes of American citizens to be cancelled out by non-citizens illegally voting in our elections. Only American citizens should be electing American leaders.”

“Voting in American elections is a privilege of American citizenship,” said United States Attorney Daniel N. Rosen. “Stealing that privilege is a crime. When, in order to obtain a ballot, a non-citizen swears he or she is a citizen, we will prosecute.”

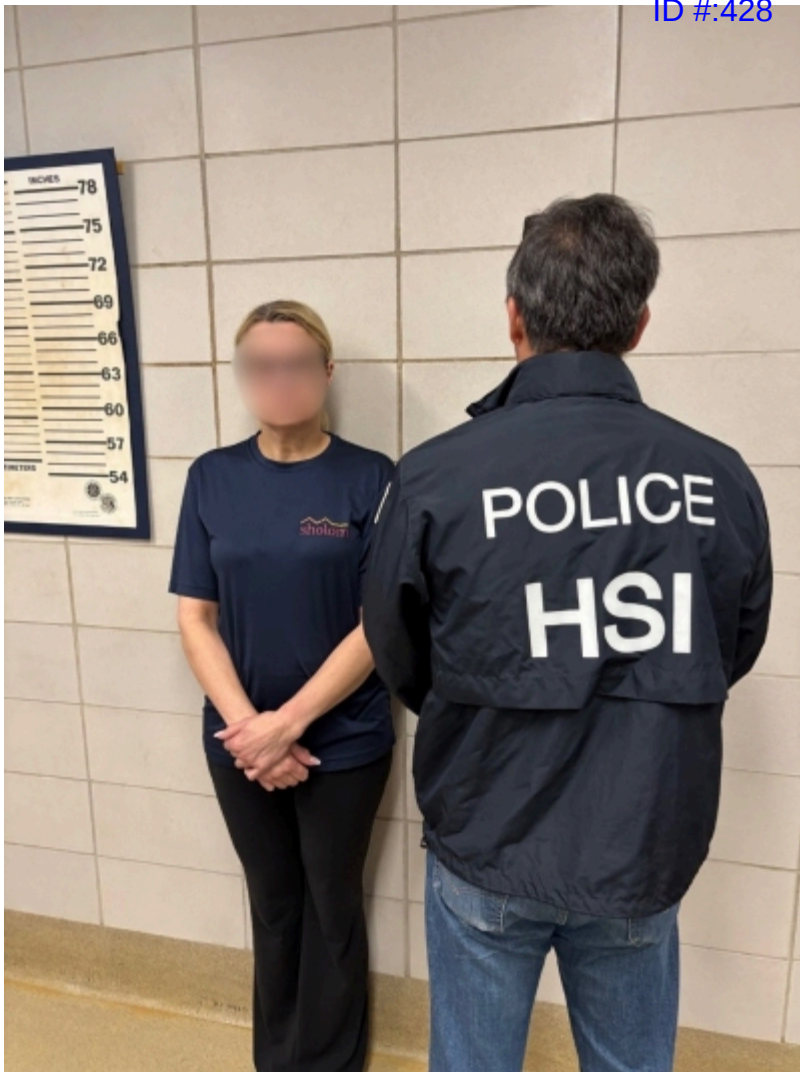
Case details are as follows:

- Liberian national Bhaton Konah Bryant, 61, a lawful permanent resident has been charged on one count of making a false claim of citizenship in order to vote. She is alleged to have falsely claimed United States citizenship when registering to vote on October 18, 2024. The defendant had her initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 29, 2026.



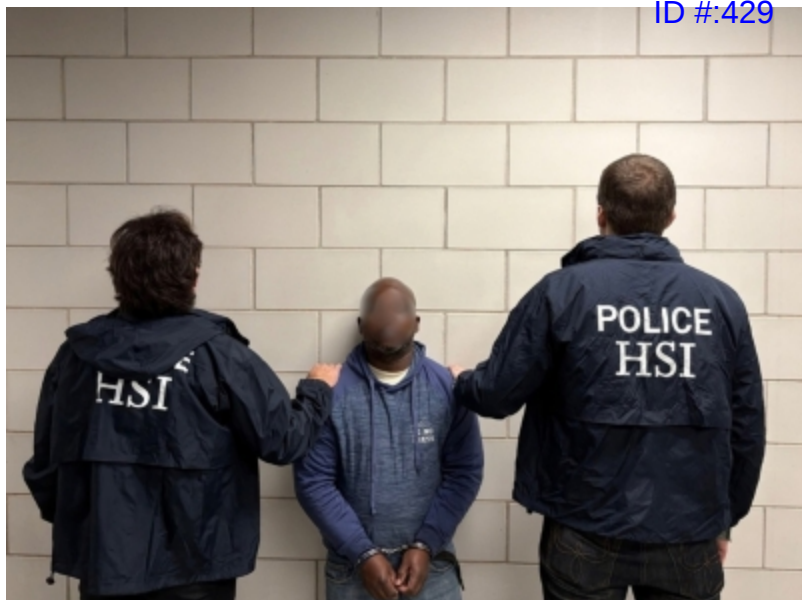
Liberian national Bhaton Konah Bryant, 61, a lawful permanent resident

- Lithuanian national Edvile Vaidoto Edmunds, 59, a lawful permanent resident has been charged on one count of voting by alien. She is alleged to have voted illegally as an alien in Minnesota on November 8, 2022. The defendant had her initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 29, 2026.



Lithuanian national Edvile Vaidoto Edmunds, 59, a lawful permanent resident

- Ghanaian national Joshua Frederick Kofi Edzie, 63, a lawful permanent resident has been charged on two counts of making a false claim of citizenship in order to vote and one count of voting by alien. He is alleged to have voted illegally as an alien in Minnesota on August 11, 2026, and falsely claimed United States citizenship in order to vote on October 23, 2024 and August 11, 2026. The defendant had his initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 28, 2026.



Ghanaian national Joshua Frederick Kofi Edzie, 63, a lawful permanent resident

- Liberian national, Alan Barbu Kargbo, 48, a lawful permanent resident has been charged on one count of making a false claim of citizenship in order to vote and one count of voting by alien. He is alleged to have voted illegally as an alien in Minnesota and falsely claimed United States citizenship in order to vote on November 5, 2024. The defendant had his initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 28, 2026.



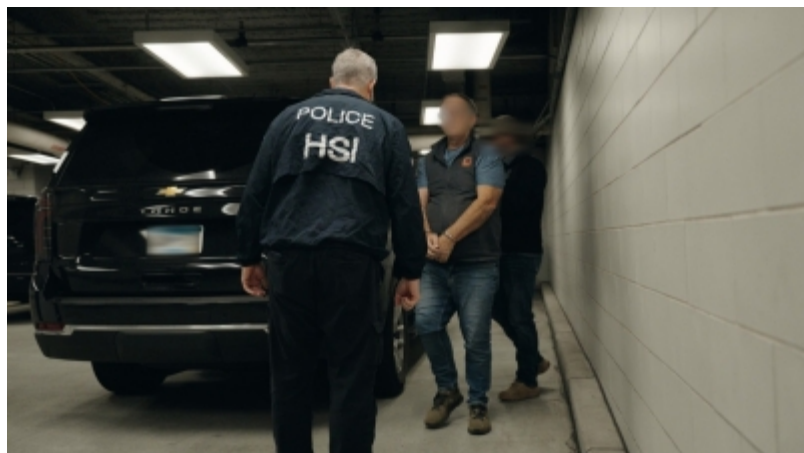
Liberian national, Alan Barbu Kargbo, 48, a lawful permanent resident

- German national Paul Kras, 78, a lawful permanent resident has been charged on one count of voting by alien. He is alleged to have voted illegally as an alien in Minnesota on November 5, 2024. The defendant had his initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 29, 2026.
- Bosnian national Fadil Rasim Ozegovic, 58, a lawful permanent resident has been charged on one count of making a false claim of citizenship in order to vote and one count of voting by alien. He is alleged to have voted illegally as an alien in Minnesota and falsely claimed United States citizenship in order to vote on November 5, 2024. The defendant had his initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 29, 2026.



Bosnian national Fadil Rasim Ozegovic, 58, a lawful permanent resident

- Brazilian national Aparecido Donizetti Padovan, 62, a lawful permanent resident has been charged on one count of making a false claim of citizenship in order to vote and one count of voting by alien. He is alleged to have voted illegally as an alien in Minnesota and falsely claimed United States citizenship in order to vote on November 5, 2024. The defendant had his initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 29, 2026.



Brazilian national Aparecido Donizetti Padovan, 62, a lawful permanent resident

- Liberian national Chris Adam Pettiquoi, 43, a lawful permanent resident has been charged on one count of making a false claim of citizenship in order to vote and one count of voting by alien. He is alleged to have voted illegally as an alien in Minnesota and falsely claimed United States citizenship in order to vote on November 5, 2024. The defendant had his initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 29, 2026.
- Canadian national Christian Liam Schenk, 47, a lawful permanent resident has been charged on one count of making a false claim of citizenship in order to vote and one count of voting by alien. He is alleged to have voted illegally as an alien in Minnesota and falsely claimed United States citizenship in order to vote on November 5, 2024. The defendant will have his initial appearance in the District of Massachusetts on September 30, 2026.
- South African national Hester Sophia Weihmann, 69, a lawful permanent resident has been charged on one count of making a false claim of citizenship in order to vote and one count of voting by alien. She is alleged to have voted illegally as an alien in Minnesota and falsely claimed United States citizenship in order to vote on November 5, 2024. The defendant had her initial appearance before U.S. Magistrate Judge Elsa M. Bullard on September 29, 2026.

The charge of false claim of citizenship in order to vote is a violation of [18 U.S.C. § 1015\(f\)](#) and carries a maximum term of imprisonment of five years, a maximum term of supervised release of three years, and a maximum fine of \$250,000. Voting by aliens is a violation of [18 U.S.C. § 611](#) and is a class A misdemeanor and carries a maximum term of imprisonment of one year, a maximum term of supervised release of one year, and a maximum fine of \$100,000.

These cases were the result of an investigation by Homeland Security Investigations.

First Assistant United States Attorney Joseph S. Teirab is prosecuting these cases.

An indictment is merely an allegation, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Updated September 30, 2026

Topic

VOTING AND ELECTIONS

Component

[Office of the Attorney General](#)

EXHIBIT E

**PRESS RELEASE**

Justice Department Announces Charges Involving 16 Aliens for Illegal Voting

Friday, October 16, 2026

For Immediate Release

Office of Public Affairs

OAG

Today, the Justice Department announced charges involving 16 aliens in North Carolina, New York, and Idaho, including an illegal alien, in connection with illegal voting, false claims of U.S. citizenship, and related election crimes. The cases include voting by aliens in federal elections and false claims of U.S. citizenship to register to vote or to vote.

Case details are as follows:

Eastern District of North Carolina

10 aliens have been charged for illegally voting in the 2024 elections.

- Eduardd Omar Majano Sosa, 22, an illegal alien from El Salvador, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. He registered to vote in 2024 and voted in the 2024 General Election.



Eduardd Omar Majano Sosa, 22, an illegal alien from El Salvador

- A national of former Yugoslavia Gjina Gojcaj McDonald, 60, a lawful permanent resident, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. She registered to vote in 2008 and voted in the 2024, 2022, 2020, 2016, 2012, 2010, and 2008 General Elections, as well as the 2019 Special Election and the 2012 Primary Election.
- German national James Edward Herrmann, 47, a lawful permanent resident, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. He registered to vote in 2018 and voted in the 2024 and 2020 General Elections.
- German national Karl Fout, 73, a lawful permanent resident, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. He registered to vote in 2008 and voted in the 2024, 2020, 2018, 2016, 2014, 2012, and 2008 General Elections.



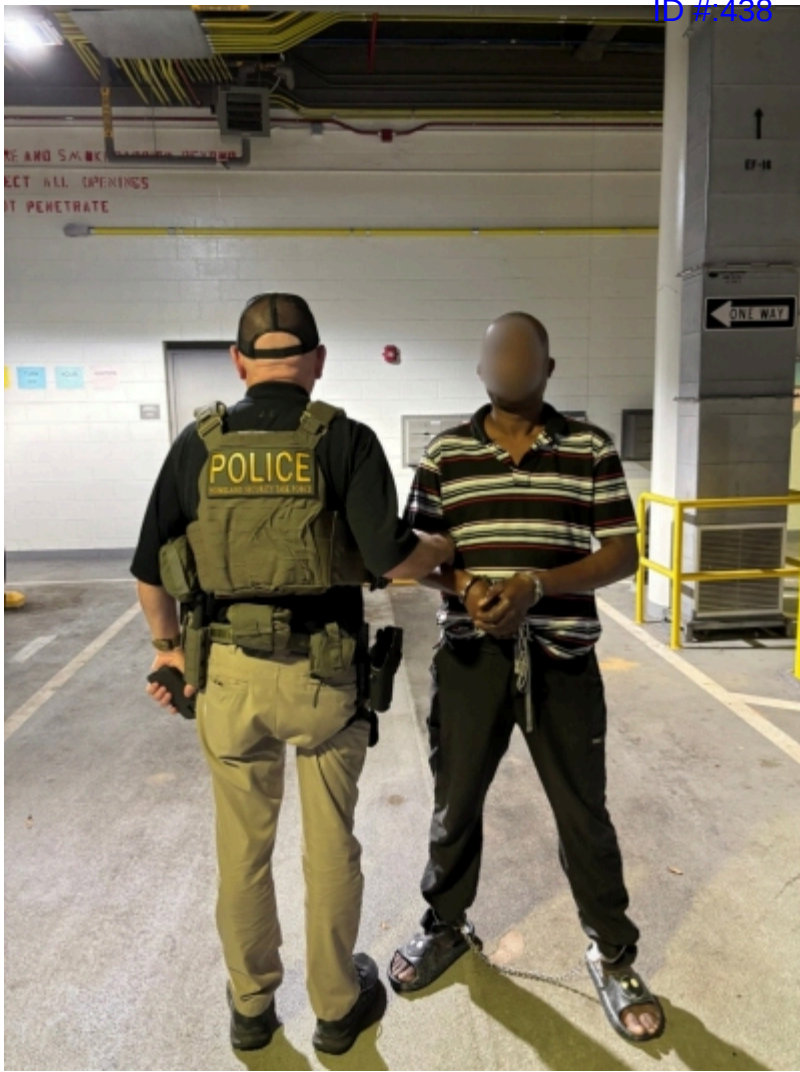
German national Karl Fout, 73, a lawful permanent resident

- Jamaican national Lawton Caswell McKenzie, 46, a lawful permanent resident, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. He registered to vote in 2007 and 2012 and voted in the 2024, 2020, and 2012 General Elections.



Jamaican national Lawton Caswell McKenzie, 46, a lawful permanent resident

- Haitian national Lionel Paul, 62, a lawful permanent resident, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. He registered to vote in 2024 and voted in the 2024 General Election.



Haitian national Lionel Paul, 62, a lawful permanent resident

- Panamanian national Ludgardys Olena Matthews, 62, a lawful permanent resident, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. She registered to vote in 2009 and voted in the 2024, 2020, and 2018 General Elections, as well as the 2020 Primary Election.



Panamanian national Ludgardys Olena Matthews, 62, a lawful permanent resident

- Jamaican national Mervin Sylvester Bogle, 60, a lawful permanent resident, has been charged with one count of falsely claiming citizenship to vote. He registered to vote in 2024 and completed a ballot in the 2024 General Election and voted in the 2012 and 2008 General Elections.
- German national Ramona Abreu-Exia, 71, a lawful permanent, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. She registered to vote in 2004 and voted in the 2024, 2020, 2018, 2016, 2012, 2010, 2008, and 2004 General Elections, as well as the 2008 Primary Election.
- Canadian national Robert Harold Corbett, 69, a lawful permanent resident, has been charged with one count of falsely claiming citizenship to vote and one count of voting by an alien. He voted in 2024, 2016, 2004, 2002, 2000, 1998, and General Elections. He registered to vote in 1998.

Northern District of New York

Five aliens have been arrested for voter fraud.

- British national Vikki Bradt, 51, a lawful permanent resident, has been charged with voting by an alien. Bradt allegedly voted in an election held in part for the purpose of electing a candidate for President, Vice President, Member of the United States Senate, or Member of the United States House of Representatives.



British national Vikki Bradt, age 51, a lawful permanent resident

- British national Samantha Merkle, 55, a lawful permanent resident, has been charged with voting by an alien. Merkle allegedly voted in an election held in part for the purpose of electing a candidate for President, Vice President, Member of the United States Senate, or Member of the United States House of Representatives.



British national Samantha Merkle, age 55, a lawful permanent resident

- Bosnian national Suad Sasic, 30, a lawful permanent resident, has been charged with voting by an alien. Sasic allegedly voted in an election held in part for the purpose of electing a candidate for President, Vice President, Member of the United States Senate, or Member of the United States House of Representatives.



Bosnian national Suad Sasic, age 30, a lawful permanent resident

- Canadian national Jacques Patry, 64, a lawful permanent resident, has been charged with voting by an alien. Patry allegedly voted in an election held in part for the purpose of electing a candidate for President, Vice President, Member of the United States Senate, or Member of the United States House of Representatives.



Canadian national Jacques Patry, age 64, a lawful permanent resident

- Canadian national Paula Stitt, 57, a lawful permanent resident, has been charged with voting by an alien. Stitt allegedly voted in an election held in part for the purpose of electing a candidate for President, Vice President, Member of the United States Senate, or Member of the United States House of Representatives.



Canadian national Paula Stitt, age 57, a lawful permanent resident

District of Idaho

Canadian national, Taralynn Bosco, 48, a lawful permanent resident, has been charged with illegal voting by alien. Bosco allegedly voted in the 2022 general election even though she was not a United States citizen.

A complaint, indictment, and information merely contain accusations. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Updated October 16, 2026

Topic

VOTING AND ELECTIONS

Component

[Office of the Attorney General](#)

EXHIBIT F



PRESS RELEASE

Non-Citizens Charged with Election Crimes

Thursday, October 8, 2026

For Immediate Release

U.S. Attorney's Office, Southern District
of Alabama

MOBILE, AL – Two non-citizens were arrested and charged today with unlawfully voting in federal elections. Staciann Pollion Davis and Silvia Delgado Phelps appeared before a U.S. Magistrate Judge in Mobile following their arrests on federal charges of voting as an alien.

According to the criminal complaints:

- Jamaican national Staciann Pollion Davis, 42, a lawful permanent resident, was charged by criminal complaint with voting as an alien. Davis allegedly voted in the November 2024 general election in Clarke County, Alabama, despite not being a United States citizen.
- Peruvian national Silvia Delgado Phelps, 78, a lawful permanent resident, was charged by criminal complaint with voting as an alien. Phelps allegedly voted in multiple elections in Baldwin County, Alabama, despite not being a United States citizen.

“Federal elections belong to American citizens – period,” said U.S. Attorney Sean P. Costello. “When individuals who are not citizens cast ballots or falsely claim citizenship, they violate federal law, undermine the integrity of our electoral process and erode the public’s confidence in the fairness of our elections. These charges send a clear message: We will enforce the law. We will hold offenders accountable. We will safeguard the voting process for the citizens it is meant to serve.”

“The integrity of our elections is fundamental to the public’s trust in our democratic process,” said FBI Mobile Special Agent in Charge Christopher R. Flowers. “The FBI is committed to investigating allegations of election related crimes, following the evidence wherever it leads, and working alongside our law enforcement partners to ensure those who violate federal law are held accountable.”

If convicted, Davis and Phelps both face up to one year in prison. A federal judge will determine any sentence after considering the U.S. Sentencing Guidelines and other statutory factors.

The Federal Bureau of Investigation investigated the case with assistance from the Alabama Secretary of State’s Office.

Assistant U.S. Attorney John Hutchins is prosecuting the case on behalf of the United States.

A federal charging document is merely an allegation, and all defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Updated October 8, 2026

Component

[USAO - Alabama, Southern](#)

Related Content

PRESS RELEASE

New York Man Sentenced to Five Years in Prison for Participating in a Nationwide Bank Fraud Conspiracy

MOBILE, AL – A New York man was sentenced to 60 months in prison for participating in a nationwide bank fraud conspiracy involving stolen and counterfeited financial instruments.

EXHIBIT G

**PRESS RELEASE**

11 Foreign Nationals Arrested in California on Federal Charges Alleging They Illegally Registered and Voted in U.S. Elections

Monday, October 19, 2026

For Immediate Release

U.S. Attorney's Office, Central District of California

LOS ANGELES – Federal law enforcement throughout California today arrested 11 foreign nationals living in the United States who are charged in criminal complaints with federal crimes, including that they fraudulently registered to vote in U.S. elections, electoral contests in which most of them cast illegal and fraudulently obtained ballots.

Today's arrests are part of "Operation Protect the Vote" – a coordinated effort among all four California-based United States Attorney's Offices to combat and root out fraud in U.S. elections and protect electoral integrity.

All 28 foreign nationals charged are lawful permanent residents (LPRs), or "green card" holders. Although LPRs have legal immigration status in the United States, they are not U.S. citizens and are not permitted to vote in U.S. elections.

The criminal charges include making false statements in a naturalization application and some of the defendants also are charged with fraudulent voter registration. Both charges are felonies that carry a statutory maximum sentence of five years in federal prison.

The defendants arrested today are expected to make their initial appearances this afternoon in U.S. District Court. No pleas will be taken today.

On October 13, the federal government provided a list of these individuals to California to ensure that their vote-by-mail ballots were set aside until these individuals' citizenship status could be confirmed. California declined to assist the federal government in setting aside their ballots, prompting a lawsuit by the United States that seeks a court order to prevent the unlawful dilution of American citizens' votes and to uphold the integrity of our elections.

"Every illegal vote cancels out the vote of a lawful American citizen," said Acting Deputy Attorney General Trent McCotter. "Each of the 28 defendants charged today appears on the list of more than 20,000 likely noncitizen registrants we provided to California election officials last week. California refused to look at that list. Today's charges show exactly what that refusal puts at risk. California must verify the citizenship of those more than 20,000 registrants before mail-in ballots are counted."

"Today's arrests prove what we have been saying," said First Assistant United States Attorney Bill Essayli. "California is mailing ballots to noncitizens, and they are refusing to comply with federal law, which makes it a crime for noncitizens to vote. The voting rights of American citizens must be protected."

"Homeland Security Investigations (HSI) is committed to protecting the integrity of our nation's electoral process by investigating allegations of criminal conduct that undermine public confidence in our elections," said HSI Acting Executive Associate Director John A. Condon. "Working with our federal, state, and local law enforcement partners, we will continue to pursue those who knowingly violate federal law, while ensuring that every investigation is conducted fairly, thoroughly, and consistent with due process."

According to court documents, the defendants knowingly and willfully lied under oath in their voter registration applications that they were U.S. citizens to be permitted to vote in California. Their fraudulent voter registration applications were approved, and, in many cases, the defendants illegally voted in recent U.S. elections. They subsequently lied in their paperwork to become naturalized U.S. citizens that they had never claimed U.S. citizenship, nor had they registered to vote or voted in U.S. elections.

Broken down by jurisdiction, the following defendants are charged in today's takedown:

Central District of California

All the following defendants below in this jurisdiction face felony charges,
including false statements in a naturalization application:

- Omar Alexander Muñoz, 72, a Belizean national living in Commerce, fraudulently registered to vote in September 2019, claiming his was a U.S. citizen, then voted in U.S. elections in 2020, twice in 2022, and in 2024. He also lied on his application to become a naturalized U.S. citizen when he falsely stated under oath to have never claimed to be a U.S. citizen.
- Amandeep Kaur, 30, an Indian national living in Rancho Palos Verdes and who is seeking to become a U.S. citizen, fraudulently registered to vote in December 2022 and voted in the November 2024 U.S. election.
- Ana Domínguez, 60, a Salvadoran national living in Long Beach, fraudulently registered to vote in July 2006 and lied in her naturalization paperwork in March 2026.
- Axel Giovanni Prera García, 46, a Guatemalan national and Pico Rivera resident, fraudulently registered to vote in 2002 and 2005, and lied in his naturalization paperwork in June 2025.
- Flavio Alejandro Zúñiga, 43, a Mexico national and La Puente resident, fraudulently registered to vote in 2003 and lied in his naturalization paperwork in February 2026.
- Butleng Taing, 43, a Cambodian national living in Long Beach, fraudulently registered to vote in July 2021, voted in the 2022 and 2024 U.S. elections, and lied on his naturalization paperwork in August 2025.
- Carlos Antonio Galeas, 54, a Honduran national and West Covina resident, fraudulently registered to vote in 2012 and 2016, then lied in his naturalization paperwork in September 2018.
- Ernest Gutiérrez Ruvalcaba, 57, a Mexican national living in Wilmington, fraudulently registered to vote in February 2024 and voted one month later.
- Jesús Narez-Madrigal, 52, a Mexican national living in Carson, fraudulently registered to vote in 2014, voted in the 2024 U.S. general election, and lied in his naturalization paperwork in June 2024.
- José Antonio Bañuelos-Díaz, 42, a Mexican national and West Adams resident, fraudulently registered to vote in 2007 and lied on his naturalization paperwork in March 2025.
- Muhammad Khan, 50, a Pakistani national and Anaheim resident, submitted a provisional ballot in 2020 and lied on his naturalization paperwork five years later.
- Rouzbeh Seyamaknejad, 63, a Canadian national and Rancho Palos Verdes resident, fraudulently registered to vote in December 2018, lied in his naturalization application in January 2024, and voted in the November 2024 U.S. election.
- Sulema de León, 35, a Mexican national and Long Beach resident, fraudulently registered to vote in 2013, lied on her naturalization application in 2019, and voted in the November 2020 U.S. general election.

The following defendants are charged with voting by an alien in a federal election, a misdemeanor that carries a statutory maximum sentence of one year in federal prison:

- Maricela Nazarín González, 43, a Mexican national living in Clovis, registered to vote in 2020, indicating that she was a U.S. citizen, and voted in elections in 2022, twice in 2024, and 2025.
- Rony de Jesús Sicaja, 38, a Guatemalan national living in Fresno, fraudulently registered to vote in 2017, and voted in the June 2022 primary election and the November 2024 general election in the United States.
- Camino Giles Jiménez, 51, a Mexican national living in Kerman, knowingly voted in three U.S. elections despite knowing he is a noncitizen, the most recent election being the June 2026 primary.
- Juan Antonio Rivas García, 46, a Mexican national and Sacramento resident, fraudulently registered to vote in 2018 and 2020, both times falsely asserting under oath that he was a U.S. citizen. Rivas voted in the 2022 and 2024 U.S. elections.
- Giezell Viduya Adawag, 41, a Philippines national and Vacaville resident, fraudulently registered to vote the day of the November 2024 general election, falsely certified that she was a U.S. citizen, and voted in the election that day.
- Kamlesh Navnitlal Shah, 67, an Indian national living in Sacramento, fraudulently registered to vote on the day of the November 2024 general election and voted that day. He is charged via information.

Northern District of California

The following defendants are charged with attempted procurement of naturalization contrary to law, false statement under oath in any matter relating to naturalization or citizenship, and voting by an alien:

- Verónica Bullene, 43, a.k.a. “Verónica Hernández Martínez,” a Mexican national living in Petaluma, made false statements on her naturalization application that she had never claimed to be a U.S. citizen when, in fact, she did so under penalty of perjury to register to vote in 2022 and 2023 then voted in 2024.
- David Shapiro, 41, a Georgian national living in San Jose, fraudulently registered to vote in 2024 and later voted in a U.S. election, and made false statements on his naturalization application that he had never claimed to be a U.S. citizen.
- Moe Thida Lwin, 57, a Myanmar national and Daly City resident, fraudulently registered to vote in 2024 and then proceeded to illegally vote in a U.S. citizen. She made false statements on her naturalization paperwork as well.
- Manakotau Mataele Finau, 61, a Tongan national and Hayward resident, fraudulently registered to vote in the 2024 election then vote, then lied about it in naturalization paperwork.

- Maribel del Carmen Garcés Barriga, 62, an Ecuadoran national and San Francisco resident, made false statements in her naturalization paperwork that she never claimed U.S. citizenship and had never voted in a U.S. election or had registered to vote. In fact, Garcés fraudulently registered to vote in 2024 and proceeded to vote in a U.S. election.

Southern District of California

The following defendants are charged with false claim to citizenship to vote, unlawful attempted procurement of naturalization, and false statement under oath in matter relating to naturalization or citizenship:

- José Probitsado Amaro, 51, a citizen of the Philippines living in National City, fraudulently registered to vote by falsely claiming to be a U.S. citizen. He then cast a ballot in the November 2024 general election and made false statements during his naturalization interview, denying that he had ever claimed U.S. citizenship and misrepresenting his voting history.
- Jennifer Jung, 31, a Canadian national living in San Diego, fraudulently registered to vote by falsely claiming to be a U.S. citizen. She then cast a ballot in the November 2024 general election and made false statements during her naturalization interview, denying that she had ever claimed U.S. citizenship and misrepresenting her voting history.
- Erick Ronaldo Soto Mendizábal, 64, a citizen of Guatemala and former Oceanside resident now living in Moreno Valley, fraudulently registered to vote by falsely claiming to be a U.S. citizen. He then cast a ballot in the November 2024 general election and made false statements in his naturalization application, denying that he had ever claimed U.S. citizenship and misrepresenting his voting history.
- Pamele Arbués Line, 56, a citizen of the Philippines living in Escondido, registered to vote, cast a ballot in the November 2024 general election, and made false statements in her naturalization interview, denying that she had ever claimed U.S. citizenship and misrepresenting her voting history.

Criminal complaints and informations merely contain allegations. All defendants are presumed innocent until proven guilty beyond a reasonable doubt in a court of law.

Homeland Security Investigations (HSI) is investigating these matters in the Central District of California. HSI and the FBI are investigating these matters in the Eastern and Northern Districts of California. HSI, the FBI, and United States Citizenship and Immigration Services are investigating the matters in the Southern District of California.

Assistant United States Attorneys Michael Wheat and Minjae Kim of the Orange County Office are prosecuting the Central District of California cases. Assistant United States Attorneys Kevin Khasigian and Joshua Banister are prosecuting the Eastern District of California cases. Special Assistant United States Attorney Roger Dinh is prosecuting the Northern District of California cases.

Contact

Ciaran McEvoy

Public Information Officer

ciaran.mcevoy@usdoj.gov

(213) 894-4465

Updated October 19, 2026

Topic

VOTING AND ELECTIONS

Component

[USAO - California, Central](#)

Press Release Number: 26-200

Related Content

PRESS RELEASE

United States Sues California After Determining More Than 20,000 Likely Noncitizens Are Registered to Vote in the Golden State

The Justice Department, working with the Department of Homeland Security (DHS), today filed a complaint against the State of California over its voter list after determining that more than 20,000...

October 15, 2026

EXHIBIT H

AO 91 (Rev. 11/11) Criminal Complaint (Rev. by USAO on 3/12/20)

D Original D Duplicate Original



UNITED STATES DISTRICT COURT

for the

Central District of California



UNITED STATES OF AMERICA,

v.

DARWIN JONATHAN RIVERA-FLORES,

Defendant

Case No. 2:26-mj-05043-DUTY

AMENDED CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 4, 2025, in the county of Los Angeles in the Central District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1015(e)
52 U.S.C. § 20511(2)(A)

False Claim to U.S. Citizenship
Fraudulent Voter Registration

This criminal complaint is based on these facts:

Please see attached affidavit.

👤⚙️ Continued on the attached sheet.

Complainant's signature

Christopher Kuzma, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 08/26/2026

Judge's signature

City and state: Los Angeles, CA

The Hon. A. Joel Richlin, U.S. Magistrate Judge

Printed name and title

AUSA: Michael G. Wheat

AFFIDAVIT

I, Christopher Kuzma, being duly sworn, declare and state as follows:

I. PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant for DARWIN JONATHAN RIVERA-FLORES ("RIVERA-FLORES") for a violation of 18 U.S.C. § 1015(e) (False Claim to U.S. Citizenship) and for a violation of 52 U.S.C. § 20511(2)(A) (Fraudulent Voter Registration).

2. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement and public databases. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and arrest warrant and does not purport to set forth all my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

II. BACKGROUND OF AFFIANT

3. I am a Special Agent ("SA") with the United States Department of Homeland Security ("DHS"), Homeland Security Investigations ("HSI"), and have been so employed since August 2025, following my reemployment after retirement in August 2023. Prior to my reemployment, I served as a federal Special Agent in Los Angeles, California, from 1997 to 2023 with HSI and the United States Department of State, Diplomatic Security Service.

Throughout my career, I investigated federal criminal violations including narcotics trafficking, bulk cash smuggling, alien smuggling, child exploitation, identity theft, false statements, passport fraud, and regularly participated in the execution of arrest and search warrants.

III. STATEMENT OF PROBABLE CAUSE

4. DHS records reveal that RIVERA-FLORES was born on September 2X, 1995, in Choloma, Cortes, Honduras, and is a native and citizen of the Republic of Honduras, who entered the United States in 2002 and is present in the United States as a Lawful Permanent Resident ("LPR"). LPRs are not United States citizens.

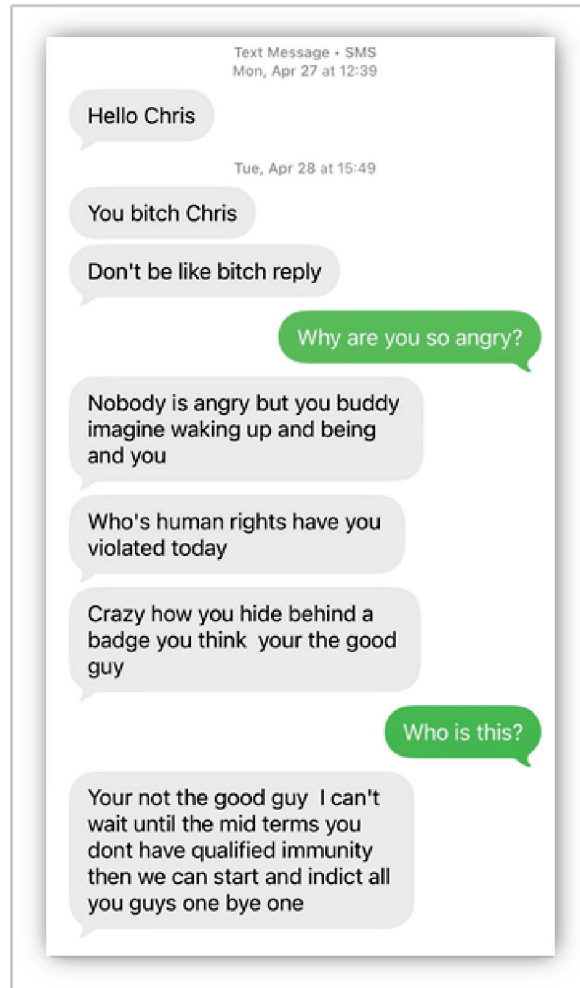
5. In February 2026, DHS Enforcement and Removal Operations ("ERO") personnel in Camarillo, California (CA) notified HSI agents of RIVERA-FLORES physically disrupting DHS personnel and operations at the federal building located in Camarillo, CA. ERO Mission Support Specialist L.M. was blocked from gaining access to the federal facility. HSI investigated the disruption reports. As a result of this investigation, on February 18, 2026, HSI agents issued a Central Violations Bureau ("CVB") citation to RIVERA-FLORES for violation of Title 6, C.F.R., § 139.35(d) (obstruction of access to a federal building), a Class C misdemeanor. In a post-Miranda interview, I informed RIVERA-FLORES that he was being issued a citation to "correct [his] bad behavior." RIVERA-FLORES ultimately pled guilty to the offense and was placed on one year unsupervised probation under U.S. Probation.

6. On March 27, 2026, the ERO employee, L.M., reported

to me that RIVERA-FLORES confronted him/her near the federal building in Camarillo, CA. L.M. said that RIVERA-FLORES "threatened to find my neighborhood, find my house and not to worry...find me." L.M. called the local police and reported the incident. It should be noted RIVERA-FLORES approached this L.M. after CVB citation issuance but before a mandatory CVB court date scheduled on May 2, 2026.

7. On April 8, 2026, I attempted to call RIVERA-FLORES, but his phone didn't accept calls from blocked numbers. So, I unblocked my caller identification feature on my government issued phone and again called RIVERA-FLORES' cellular telephone ending in x3547 in an attempt to schedule an interview with RIVERA-FLORES. The purpose of the interview was to gain a better understanding of the March 27, 2026, encounter between RIVERA-FLORES and L.M., the ERO employee. I spoke to RIVERA-FLORES and explained there has been another incident at the federal building in Camarillo and requested to interview RIVERA-FLORES regarding the incident. RIVERA-FLORES declined to be interviewed.

8. Beginning on April 27, 2026, I began to receive text messages from unfamiliar telephone numbers to my government issued telephone. The text messages generally centered on anti-immigration enforcement. One text message from an unknown voice over internet protocol ("VOIP") phone number referenced qualified immunity and the upcoming midterm elections:



Based upon my education, training and experience, and the reference to the upcoming elections, I believe this message demonstrates RIVERA-FLORES has both an interest in the voting process and an intent to participate in the election process.

9. On July 22, 2026, I received another text message on my government phone with the words, "What was the word you use correct their behavior." Based on my prior post CVB issuance interview of RIVERA-FLORES in February 2026, I believe this text message was from RIVERA-FLORES because it refers back to the exact terms I used in the post-arrest interview of RIVERA-FLORES following the CVB issuance (emphases added):

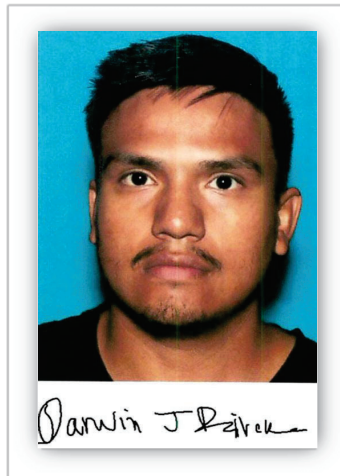


10. Based upon the initial CVB citation and RIVERA-FLORES confronting L.M., I conducted additional investigation. I performed a number of record checks through law enforcement databases. A DHS database revealed a record under Alien Registration number A094-298-XXX in the name "Darwin Jonathan Rivera" also known as "Darwin Rivera" with a date of birth of September 2X, 1995, country of birth and citizenship as Honduras. This record includes a photograph of the person I recognize to be RIVERA-FLORES. This recognition is based on my comparison to other law enforcement photographs of RIVERA-FLORES

and my personal interactions with RIVERA-FLORES. This record also lists additional identifying information for RIVERA-FLORES to include a physical address (Hatillo Ave, Winnetka CA 91306), a telephone number ending in x3547, an email of milodarwinrivera1995@XXX.com, and date of birth of September 2X, 1995.

11. Federal Bureau of Investigation records for RIVERA-FLORES also list his birth country, and citizenship, as Honduras, contains a Social Security number ending in xX930, and a driver's license number B819XXXX.

12. I also conducted record checks through the California Department of Motor Vehicles and confirmed that driver's license number B819XXXX is associated with the name "Darwin Johathan Rivera Flores" and is associated with the same address on Hatillo Avenue, Winnetka, CA 91306. The latest issue date of this record is September 10, 2025, and it contained a photograph which I believe depicts RIVERA-FLORES based on my comparison to videos, pictures, and my personal interactions with RIVERA-FLORES. This record also shows a date of birth as September 2X, 1995, and contains an image of RIVERA-FLORES' signature.



13. I also conducted several record checks through other public databases, including the California Secretary of State website. This record check disclosed an online voter registration record in the name of "Darwin Rivera" associated with the same address on Hatillo Ave, Winnetka, CA 91306.

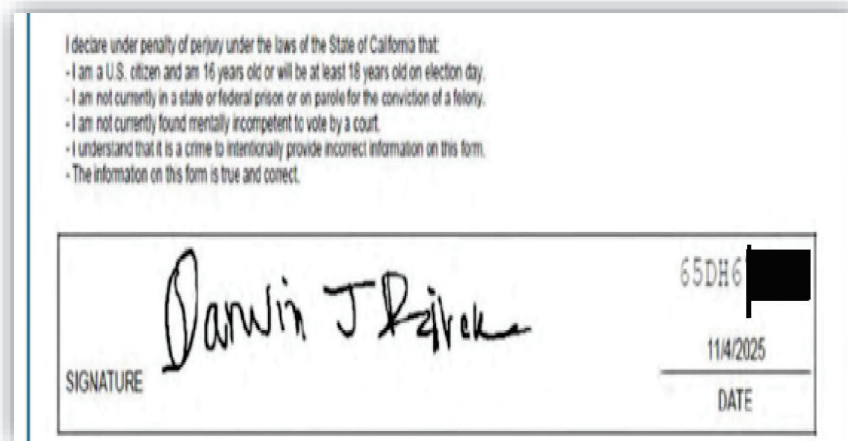
14. In July 2026, I received a certified voter registration application/affidavit number 65DH67XXX, a voter registration receipt and a signature image from the California Secretary of State, Elections Division. The voter registration name is listed as "Darwin J Rivera" and lists the same address on Hatillo Ave., Winnetka, CA 91306. Under the application question of "Did someone help you fill out this form" the answer "no" is checked. A check mark is provided next to the application wording "I am a U.S. citizen."

15. Following a declaration under penalty of perjury warning, the voter registration application is dated November 4, 2025.

16. The voter application also provided the following for Darwin J Rivera:

- a. California ID number B819XXXX
- b. Date of birth as "September 2X, 1995"
- c. Place of birth as "United State of America"
- d. "SSN4"¹ as "X930"
- e. Phone number as "XXX-XXX-3547"
- f. Email as "milodarwinrivera1995@XXXX.com"

17. The signature supplied by the voter and attached to voter application number 65DH67XXXX is in the name of Darwin J



Rivera and appears to match RIVERA-FLORES' signature on his California driver's license dated September 2025.

18. In August 2026, I received certified voter registration records from County of Los Angeles, Office of the

¹ I understand this to be a reference to the last four numbers of an individual's social security number.

County Counsel, under voter ID number 53153XXXX in the name of "Darwin J Rivera" and executed on November 4, 2025, through an online portal. These records list the following:

- a. Residence as "XXXX Hatillo Ave Winnetka 91306"
- b. Birth date as "09/2X/1995"
- c. Birthplace as "United States of America"
- d. Email as "milodarwinrivera1995@XXXX.com"
- e. Phone number "(XXX)XXX-3547"

19. This voter registration form also shows a checkmark next to the phrase "I am a U.S. Citizen."

Voter Registration Form

CALIFORNIA VOTER REGISTRATION FORM



☒	I am a U.S. citizen.
☒	I am at least 16 years old.
☒	I am not in prison or on parole for the conviction of a felony.
☒	I am not currently judged by a court to be mentally incompetent.

Legal Name Darwin J Rivera		Birth Date 09/21/1995	Birth Place UNITED STATES OF AMERICA
Home Address HATILLO AVE WINNETKA CA 91306		California ID B819	SSN4 1930
Mailing Address		Phone Number () 3547	Fax Number
		Email Address Milodarwinrivera1995@.com	
I would like my voting materials in the following language:			

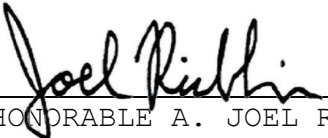
20. Additionally, I have reviewed DHS records to determine whether RIVERA-FLORES has ever sought or obtained U.S. citizenship. To become a naturalized U.S. citizen an applicant must file a Form N-400 and pay a \$710 filing fee or seek a fee waiver. DHS records do not show any application or fee payment/waiver from RIVERA-FLORES seeking naturalization.

Moreover, the records do not reflect the issuance of a Form N-550, a Certificate of Naturalization, which is an official document issued by U.S. Citizenship and Immigration Services to prove that a foreign national has officially become a U.S. citizen after completing the naturalization process and taking the Oath of Allegiance. Based on my background, training and experience, I know that if an individual became a naturalized citizen, DHS records associated with that individual would reflect the issuance of a Form N-550 (Certificate of Naturalization).

IV. CONCLUSION

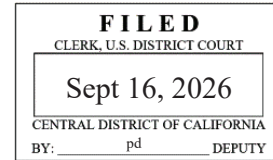
21. Based on the forgoing, I believe there is probable cause to believe that RIVERA-FLORES knowingly and willfully falsely stated under oath that he was a United States Citizen in his voter registration application in order to register to vote and secure the issuance of an election ballot permitting him to vote in a California and federal election in violation of 18 U.S.C. § 1015(e) and 52 U.S.C. § 20511(2)(A).

Attested to by the applicant in
accordance with the
requirements of Fed. R. Crim.
P. 4.1 by telephone on this
26th day of August 2026.



THE HONORABLE A. JOEL RICHLIN
United States Magistrate Judge

EXHIBIT I



UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

March 2026 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARWIN JONATHAN RIVERA-FLORES,
aka "Darwin Jonathan
Floresrivera,"
aka "Darwin J. Rivera,"
aka "Darwin Rivera,"

Defendant.

No. 2:26-cr-00598-MCS

I N D I C T M E N T

[18 U.S.C. § 1015(f): False Claim
to United States Citizenship in
Connection with Registering to
Vote]

The Grand Jury charges:

[18 U.S.C. § 1015(f)]

1. Defendant DARWIN JONATHAN RIVERA-FLORES ("RIVERA-FLORES") was born in 1995 in Honduras and is a citizen and national of Honduras. On or about November 28, 2005, defendant RIVERA-FLORES was granted lawful permanent residence status in the United States.

2. On July 15, 2016, under penalty of perjury, defendant RIVERA-FLORES applied for a California Driver's License and, in the

1 application, stated that he was not a United States Citizen and was
2 not eligible to vote.

3 3. On June 16, 2020, under penalty of perjury, defendant
4 RIVERA-FLORES applied for a California Driver's License and, in the
5 application, stated that he was not a United States Citizen.

6 4. On October 13, 2021, under penalty of perjury, defendant
7 RIVERA-FLORES applied to replace his California Driver's License and,
8 in the application, stated that he was not a United States Citizen.

9 5. On September 10, 2025, under penalty of perjury, defendant
10 RIVERA-FLORES applied to renew his California Driver's License and,
11 in the application, stated that he was not a United States Citizen.

12 6. On November 25, 2025, in Los Angeles County, defendant
13 RIVERA registered to vote in a federal election by completing an
14 online application on the California Secretary of State's website.
15 As part of that application, under penalty of perjury, defendant
16 RIVERA-FLORES claimed to be a United States citizen.

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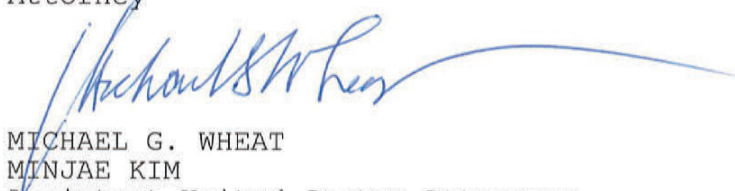
1
2 7. On or about November 4, 2025, in Los Angeles County, within
3 the Central District of California, defendant RIVERA-FLORES, an
4 alien, did knowingly make a false statement and claim that he was a
5 citizen of the United States in order to register to vote in a
6 federal, state, or local election.

7 A TRUE BILL

8
9 15/
10 Foreperson

11 TODD BLANCHE
12 Attorney General

13 BILAL A. ESSAYLI
14 First Assistant United States
15 Attorney

16 
17 MICHAEL G. WHEAT
18 MINJAE KIM
19 Assistant United States Attorneys
20 Orange County Office
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10 *Attorneys for Defendants State of California*
and California Secretary of State Shirley N.
11 *Weber, in her official capacity*

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION
16

17 **UNITED STATES OF AMERICA,**

18 Plaintiff,

19 v.

20 **STATE OF CALIFORNIA,**
21 **SHIRLEY N. WEBER, in her official**
22 **capacity as the California Secretary**
23 **of State, and DEAN C. LOGAN, in**
his official capacity as the County of
Los Angeles Registrar-Recorder /
County Clerk,

24 Defendants.
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Case No. 2:26-cv-12025

**DECLARATION OF CHRISTINA
M. McCALL IN SUPPORT OF
STATE DEFENDANTS'
UNOPPOSED APPLICATION
FOR LEAVE TO EXCEED WORD
LIMIT FOR OPPOSITION TO
PLAINTIFF'S APPLICATION FOR
A TEMPORARY RESTRAINING
ORDER**

Date: Not Set
Time: Not Set
Courtroom: Not Set
Judge: Not Yet Assigned
Trial Date: Not Set
Action Filed: October 15, 2026

1 I, Christina M. McCall, declare as follows:

- 2 1. I am a Deputy Attorney General in the Office of the Attorney General of
3 California, and counsel of record for the State of California. I am an active
4 member of the State Bar of California and admitted to practice in the United
5 States District Court for the Central District of California. The Attorney General
6 is counsel for Defendants, the State of California and California Secretary of
7 State Shirley N. Weber, Ph.D., (State Defendants) in this case.
- 8 2. I offer this declaration in support of State Defendants' Unopposed Application
9 to Exceed Word Limit for Opposition to Plaintiff's Application for Temporary
10 Restraining Order. If called as a witness, I could and would competently testify
11 from my personal knowledge to the facts stated herein.
- 12 3. Counsel for State Defendants held a videoconference with counsel for Plaintiff
13 and counsel for co-defendant Los Angeles County Registrar Dean C. Logan on
14 October 19, 2026, to discuss multiple items relevant to the newly filed case.
15 Relevant to this application, counsel briefly discussed agreeing to, or not
16 opposing, requests to file oversized briefs. Following an exchange of email
17 messages, counsel for Plaintiff agreed to the proposed word limit of 10,500
18 (instead of the Local Rules' standard 7,000 word limit set forth in L.R. 11-6.1).
- 19 4. My business address, email address and telephone number are:

20 1300 I St.
21 Sacramento, CA 94102
22 Telephone: (916) 210-7890
E-mail: Christina.McCall@doj.ca.gov

- 23 5. Contact information for Counsel for Plaintiff who have entered an appearance as
24 of October 19, 2026, according to PACER, is:

25 Andrew Michael Darlington
26 DOJ-ENRD
27 950 Pennsylvania Ave NW
Washington DC, DC 20530
28 202-550-5305
Andrew.Darlington2@usdoj.gov

1 Julie Ann Hamill
2 United States Attorney's Office
3 300 N. Los Angeles, Suite 7516
4 Los Angeles, CA 90012
5 213-894-2464
6 213-894-7819 (fax)
7 julie.hamill@usdoj.gov

8 John Robert Renner
9 USDOJ
10 United States Attorney's Office, CAC
11 300 North Los Angeles, Suite 7516
12 Los Angeles, CA 90012
13 213-894-2448
14 213-894-7819 (fax)
15 robert.renner@usdoj.gov

16 I declare under penalty of perjury under the laws of the State of California and
17 the United States that the foregoing is true and correct.

18 Executed on October 20, 2026, in Sacramento County, California.

19 /s/ Christina McCall
20 CHRISTINA M. MCCALL
21 Deputy Attorney General
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