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27 UNITED STATES DISTRICT COURT
28 CENTRAL DISTRICT OF CALIFORNIA

Case No. 2:26-cv-12025

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

**OPPOSITION OF DEFENDANT
DEAN C. LOGAN, IN HIS
OFFICIAL CAPACITY AS THE
COUNTY OF LOS ANGELES
REGISTRAR-
RECORDER/COUNTY CLERK,
TO PLAINTIFF'S *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

*[Filed concurrently with Declarations
of Christopher Pelham, Aman Bhullar,
and Monica Flores]*

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Voting is already underway in Los Angeles County. Ballots have been mailed, returned, and processed, and election officials are working toward fixed deadlines for counting and certification. Plaintiff United States of America, through the Department of Justice (together, “the Executive”), now asks this Court to interrupt that work and enjoin the withholding of 20,000 registered California voters’ ballots pending investigation based solely on an unreliable voter roll maintenance list (the “October List”).

The Executive portrays that intervention as modest and its list as the product of a thorough investigation. Neither characterization survives scrutiny. The Executive’s own declarations describe a bulk data match that began with a voter roster more than a year old, obtained from an unidentified source, supplemented through an unnamed commercial platform, and compared against federal databases. (McLoughlin Decl. ¶¶ 20–21; Bartell Decl. ¶ 16-17.) The Executive’s own declarant concedes that the resulting data may be “incomplete, outdated, or mismatched.” (Bartell Decl. ¶ 16.) The Complaint describes the October List as the starting point for further work, not a determination of ineligibility. (Compl. ¶¶ 38–43.) And that work, the Executive concedes, cannot be finished before the election ends. (*Id.* ¶ 60.)

A review of the October List shows the consequences of treating suspicions as a basis for withholding or segregating ballots. Of the more than 20,000 records on the Executive’s list, 7,035 bear County addresses. (Declaration of Aman Bhullar (“Bhullar Dec.”) ¶ 25.) That total includes duplicates, cancelled registrations, and a high percentage of U.S. born-persons. (Declaration of Monica Flores (“Flores Dec.”) ¶ 45.) Federal agencies’ database “matching” cannot be equated with imminent unlawful votes. Other States’ experience confirms why such matches require investigation and individualized proof. Some States use the Department of Homeland Security’s (“DHS”) Systematic Alien Verification for

1 Entitlements (“SAVE”) program to compare voter information against federal
2 citizenship and immigration records. The Executive says it compiled California’s
3 list independently of SAVE, (Compl. ¶ 33 n.1), but its process draws on
4 overlapping federal records and raises the same central concern: a database’s
5 failure to confirm citizenship may reflect nothing more than incomplete or stale
6 information. In Texas, for example, further review established that 578 of the
7 2,724 people SAVE initially identified as potential noncitizens, more than one in
8 five, were citizens.¹ In Utah, manual review of 10,718 records that database
9 checks had left unresolved confirmed citizenship for 5,659, more than half, while
10 identifying 27 confirmed and 25 probable noncitizens; another 5,007 remained
11 unresolved.²

12 The Executive’s timing magnifies that risk. It began work on the October
13 List in May 2026 and notified the California Secretary of State of its concerns in
14 July, though it provided no evidence or methodology to support those concerns.
15 Then the Executive waited until voting was underway to deliver the October List,
16 and demanded action in less than 48 hours. Its proposed order would carry that
17 compressed timetable into an ongoing election without supplying a workable
18 process for resolving disputed matches, a meaningful opportunity for affected
19 voters to respond, or any assurance that eligible voters’ ballots will be released in
20 time to count. A ballot hold is no modest precaution when the Executive cannot
21 say how or when it will end.

22 The County of Los Angeles can evaluate credible evidence through lawful
23 procedures, and the Executive remains free to investigate and prosecute actual
24 offenses. Neither requires an emergency order placing thousands of registered
25 voters’ ballots on hold while federal officials investigate indefinitely. The
26 Executive has not shown that federal law authorizes that disruption, that reliable
27 evidence makes it necessary, or that eligible voters will be protected from its
28 consequences. The Court should deny the Executive’s *Ex Parte* Application for a

¹ (Declaration of Christopher Pelham (“Pelham Dec.”) ¶ 2; Ex. A.)

² (*Id.* ¶ 3; Ex. B.)

1 Temporary Restraining Order (the “Application”).

2 **II. RELEVANT BACKGROUND**

3 **A. The County’s Election Procedures**

4 Defendant Dean C. Logan is sued in his official capacity as the Los
5 Angeles County Registrar-Recorder/County Clerk (the “County”). (Compl. ¶ 16.)
6 The County’s administration of the November 3, 2026 General Election is the
7 largest and most complex in the nation, servicing 88 cities, 55 general and special
8 districts, and 140 unincorporated areas. (Flores Dec. ¶ 5.) The County serves
9 approximately 5.9 million registered voters, with 5,000 voting precincts for
10 countywide elections. (*Id.*)

11 In California, voter rolls are maintained by the California Secretary of State.
12 (*Id.* ¶ 6.) The California voter registration system is called VoteCal. (*Id.*) The Los
13 Angeles County Database Voter Information Management System is called
14 (“DIMS”). (*Id.*) The DIMS database and VoteCal databases interact with each
15 other in order to facilitate the maintenance of up-to-date voter rolls for the County.
16 (*Id.*) The County is not responsible for the voter rolls outside of the County, nor
17 does it have access to statewide data. (*Id.*)

18 For voter registration, under Elections Code § 2111, a person “may prove
19 he or she is a citizen by his or her certification under penalty of perjury on the
20 affidavit of registration.” (*Id.* ¶ 7; *see also* [52 U.S.C. § 20508\(b\)\(2\)](#) (federal mail
21 voter registration form must include “an attestation that the applicant meets each
22 such requirement,” including citizenship, and “require[] the signature of the
23 applicant, under penalty of perjury”).) Consistent with California and federal law,
24 for registration, the County relies on the under oath representation for proof of an
25 individual’s citizenship, no additional verification is required. (*Id.*)

26 California law requires the County to mail a vote-by-mail (“VBM”) ballot
27 to every active registered voter 29 days before the election on October 5, 2026.
28 (*Id.* ¶ 18; *see also* [Cal. Elec. Code § 3000.5](#).) All VBM ballots require voter and
signature verification before the vote can be counted. (Flores Dec. ¶ 20.) This

1 process includes a comparison of signatures on envelopes to the signatures on file.
2 (*Id.*) If a signature is missing or does not compare to the signature on file, state
3 law requires county elections officials to reach out to voters to verify their
4 signature to ensure that their ballot can be counted. (*Id.*)

5 The County is currently conducting and preparing for the November 2026
6 General Election. (*Id.* ¶ 21.) The County has mailed approximately 5.6 million
7 VBM ballots to County registered voters, and there are 567 active contests in the
8 General Election. (*Id.* ¶ 22.) As of October 13, 2026, the date the County received
9 the October List, there were no ballots waiting to be mailed. (*Id.*) The County has
10 put its 420 VBM ballot drop boxes for the General Election into operations and
11 also began its VBM ballot processing operations on October 5, 2026. (*Id.* ¶ 23.)
12 VBM ballots are currently being returned to the County’s office by mail and
13 scheduled VBM ballot drop box retrievals. (*Id.*)

14 Since the County began its VBM ballot processing operations on October
15 11, 2026, the County has processed more than 331,000 VBM ballots to date and
16 anticipates much higher volumes of VBM ballots to be received as Election Day
17 approaches (*Id.*) Regardless of voting method, voting is fully anonymous—even
18 to the County itself, in compliance with California and federal law. (*Id.* ¶ 17; *see*
19 *also* [Cal. Const., art. II, § 7](#); [52 U.S.C. § 21081\(a\)\(1\)\(C\)](#) (Help America Vote Act
20 (“HAVA”)). Once a vote-by-mail ballot has been removed from its return
21 envelope, or an in-person ballot has been cast, there is no way to associate the
22 voter with that ballot. (*Id.*)

23 The County will be operating a total of 646 vote centers, 123 of which will
24 be eleven day vote centers to open starting on October 24, 2026, and 523 of which
25 will be four day vote centers to open on October 31, 2026. (*Id.* ¶ 24.) The County
26 is currently in the process of preparing for the opening of these 640 vote centers,
27 which include training and assigning election workers to the vote centers, setting
28 up call centers and other information technology resources to support the election,
as well as the logistical operations of ensuring voting equipment and supplies will

1 be appropriately and securely transported to and set up at each vote center. (Flores
2 Dec. ¶)

3 From the opening of vote centers on October 24, 2026 and up through
4 Election Day, the County will be diverting the majority of its staff and resources
5 towards supporting the conduct of the General Election. (*Id.* ¶¶ 26-27.) After 8
6 p.m. on Election Day, the County will be required to redirect staff and resources
7 toward tabulating votes, completing the official canvass, and certifying election
8 results to the Secretary of State within 30 days. (*Id.* ¶ 28.)

9 County officials must begin reporting results to the Secretary of State no
10 more than two hours after they begin tallying votes after the polls close. (*Id.* ¶
11 29.) County officials then continue to report results periodically throughout
12 Election Night until all vote totals have been reported. (*Id.*) County officials are
13 required to conduct a public 1% manual tally of the ballots tabulated by the
14 County's voting system in order to verify the accuracy of the automated count.
15 (*Id.* ¶ 32.) The final County results must be submitted by December 3, 2026 to the
16 Secretary of State, who in turn, must certify the count by December 11, 2026. (*Id.*
17 ¶ 33.)

18 The County has never attempted a "temporary ballot segregation", nor
19 received a request from a federal agency to do so. (*Id.* ¶¶ 12, 35.) The County has
20 no authority under state or federal law to withhold or set aside the ballot of a
21 registered voter on the basis of a third party's assertion that the voter may not be
22 a citizen. (*Id.* ¶ 3.) In every instance in which the County has acted on information
23 bearing on a registrant's citizenship, the information originated with the registrant
24 himself or herself. (*Id.* ¶ 11.) In those situations the County does not cancel or
25 refuse the registration. (*Id.*) The County writes to the registrant, identifies the
26 registrant's own statement or omission, and asks the registrant to confirm his or
27 her eligibility. (*Id.*)

28 California law permits cancellation upon proof of ineligibility. Cal. Elec.
Code § 2201(a)(8). Federal law also governs registration and list maintenance. The

1 National Voter Registration Act (“NVRA”) requires acceptance and use of the
2 Federal Form and prescribes safeguards for list maintenance, including a 90-day
3 “quiet period” on systematic removal programs. 52 U.S.C. §§ 20505(a)(1),
4 20507(b)(1), (c)(2). HAVA requires a statewide computerized registration list and
5 coordination with the NVRA’s removal requirements. *Id.* § 21083(a)(1)–(4). The
6 90-day “quiet period” for the November 3 election began August 5, 2026.

7 **B. DHS’ July 2026 Letter To The Secretary Of State**

8 On July 16, 2026, DHS Secretary Markwayne Mullin wrote to Secretary of
9 State Shirley N. Weber asserting that a “[p]reliminary review” of California’s
10 publicly available voter data revealed “there may be as many as 190,832 non-
11 citizens registered to vote in California.” (Compl. Ex. A.) On July 23, 2026,
12 Secretary Weber responded that she had “serious doubts about the reliability of
13 [DHS’s] data,” noting that her office had never shared the statewide voter
14 registration list with DHS, and requested a “detailed description of the
15 methodology utilized by DHS to identify these allegedly ineligible voters,
16 including . . . all data sources, software, and matching criteria,” and whether
17 artificial intelligence was used. (Compl. Ex. B.) Secretary Weber also advised that
18 her office would comply with the NVRA’s prohibition on systematic cancellation
19 of registrations within 90 days of a federal election—a period that began on
20 August 5, 2026. (*Id.*) DHS did not provide the requested methodology or
21 otherwise respond to Secretary Weber.

22 **C. DOJ’s October 2026 Ultimatum To The County And The**
23 **County’s Response**

24 On October 13, 2026, DOJ hand-delivered a letter to Mr. Logan (the
25 “October 13 Letter”) enclosing a password-protected thumb drive that contained
26 “a list of names of people the Federal Government believes are likely noncitizens
27 who were sent a vote-by-mail ballot to participate in the November 2026 federal
28 election” (*i.e.*, the October List). (Compl. Ex. C.) The October 13 Letter asked the
County to (i) review the list within 48 hours; (ii) for anyone whose citizenship the

1 County cannot independently confirm, instruct elections officials to segregate—
2 not cancel—the VBM ballot; (iii) withhold ballots not yet sent; and (iv) not verify
3 signatures on or tabulate returned ballots “until citizenship can be determined.”
4 (*Id.*)

5 On October 14, 2026—the day after receiving the October 13 Letter and
6 before the Executive’s deadline—Mr. Logan issued a public statement confirming
7 that the County had received the October 13 Letter “21 days prior to Election Day”
8 and was “reviewing the information in coordination with the California Secretary
9 of State and Attorney General to determine the next appropriate steps.” (Pelham
10 Dec. ¶ 4; Ex. C.) The County noted that the October 13 Letter did “not specify the
11 number of individuals involved or describe the information contained in the
12 records,” and that under federal and state law “any action to remove a voter from
13 eligibility must be based on verifiable information, not assertions of unconfirmed
14 data matching.” (*Id.*)

15 The next day, October 15, 2026, at approximately 8:48 a.m.—before the
16 Executive’s deadline—the County sent the Executive a written response (the
17 “County Response”). (Pelham Dec. ¶ 5; Ex. D.) In doing so, the County noted that
18 a preliminary review of the October List showed that it was not specific to Los
19 Angeles County and contained addresses throughout California. (*Id.*) The County
20 further noted that the Executive provided no information on how the list of “likely
21 noncitizens” was compiled or on what evidentiary basis it suspected that the listed
22 individuals were noncitizen registrants. (*Id.*) Further, although the October 13
23 Letter asked the County to “independently confirm citizenship status,” the
24 Executive provided no process or information enabling the County to do so. (*Id.*)
25 In addition to noting that the Executive’s requests would violate California and
26 federal law, the County observed that it was impossible to review the more than
27 20,000 individuals on the October List in the less than 28 hours the Executive
28 afforded. (*Id.*)

Within minutes after the 9:00 a.m. deadline passed, the Executive filed this

1 action claiming the County “failed” to conduct its review by the deadline and
2 mischaracterized the County’s response as “a total lack of commitment to work
3 with the Federal Government.” (Compl. ¶ 4.) The Complaint omits the County
4 Response to the October 13 Letter entirely. The Application repeats that
5 mischaracterization, asserting that the County “made clear it would not do
6 anything to prevent noncitizen voting.” (Appl. at 13.) But the County said no such
7 thing: it provided a well-reasoned and legally sound explanation for why it could
8 not segregate ballots. (Pelham Dec. ¶ D; Ex. 5.)

9 On October 16, 2026—the day after filing suit—DOJ sent a letter
10 responding to the County’s objections (the “October 16 Letter”). (Pelham Dec. ¶
11 6, Ex. E.) The October 16 Letter confirms, rather than answers, the deficiencies
12 the County identified. That is, the Executive simply concludes, without offering
13 any additional information, that it sent “credible evidence that certain ballots may
14 be unlawful to count.” (*Id.*) The Executive did not explain how a single list of
15 more than 20,000 names generated by bulk database matching constitutes
16 individualized evidence. (*Id.*) Nor did the Executive attempt to address the
17 County’s concerns that segregation would violate, among other laws, the NRVA
18 and result in votes not being counted. The October 16 Letter closes by warning
19 the County’s position risks “significant federal scrutiny and legal exposure” and
20 suggesting that declining to set aside ballots could amount to “aiding or abetting
21 a federal offense.” (*Id.*) Far from fostering cooperation, the Executive responded
22 with a threat of prosecution directed at the County’s chief election official.

23 **D. The Executive’s Description Of The October List And The**
24 **Additional Review It Seek**

25 The Complaint describes a process of comparing voter information with
26 immigration records, supplementing incomplete information through third-party
27 software, assigning confidence levels, and conducting additional checks. (Compl.
28 ¶¶ 34–43.) The October List is purportedly ranked by high confidence by
reference to the strength of the identity link between voter information and federal

1 records. (*Id.* ¶ 34.) The list then passes to additional investigators for further work.
2 (*Id.* ¶¶ 38–43.)

3 The declarations supporting the Application add that the underlying voter
4 data in the October List reflected August 2025 records that came from an
5 unidentified source. (McLoughlin Decl. ¶¶ 20–21.) The matching for the list used
6 an unnamed commercial platform and the Executive acknowledges the data that
7 could be incomplete, outdated, or mismatched, despite checks against federal
8 citizenship and immigration records. (Bartell Decl. ¶¶ 16–18.) The Executive is
9 careful to describe this process as “independent of SAVE”, (Compl. ¶ 37 n.1;
10 Bartell Decl. ¶ 15.), yet its data inputs and methodology is strikingly similar to
11 SAVE.

12 The Executive’s declarants describe their citizenship conclusions with
13 different degrees of certainty. (*Compare* McLoughlin Decl. ¶¶ 24–25, *with* Bartell
14 Decl. ¶ 25.) Neither provides a validated error rate for the process. The Executive
15 acknowledges approximately 189 records with data discrepancies and describes
16 another batch of more than 17,000 voting records under review for rolling
17 supplementation before Election Day. (Bartell Decl. ¶ 23 & n.1; McLoughlin
18 Decl. ¶ 25 n.1.)

19 The Complaint asserts one claim: that California’s mailing and counting
20 procedures, as applied to persons on the October List, obstruct 18 U.S.C. § 611.
21 (Compl. ¶¶ 50–61.) It requests withholding ballots until citizenship is verified
22 beyond the registration attestation. (*Id.* ¶¶ 6, 63.) The proposed order would
23 require confirmation for each listed voter who returns a ballot and would not
24 permit reliance solely on the registration-related attestation. (ECF No. 22-8 at 6–
25 7.)

26 The Executive acknowledges that it cannot practicably investigate
27 thousands or tens of thousands of listed individuals before the election concludes.
28 (Compl. ¶ 60.) It nevertheless asks that 20,000 ballots be segregated indefinitely
while citizenship is determined. (*Id.* ¶¶ 6, 63.) The proposed order identifies no

adequate notice-and-response procedure, adjudication standard, or deadline assuring resolution before the applicable counting deadlines. (ECF No. 22-8 at 6–7.) The Application also announces charges against 28 listed persons. (Appl. at 1.)

E. Comparing The Executive’s List To Current County Records Shows Indicia Of Unreliability

The County identified 7,035 records bearing County addresses and compared a sample of that data with County voter records. (Bhullar Dec. ¶ 25.) That sampling showed the following:

- 42.9% of the sampled voters were canceled; 42.4% are active voters; and 4.6% are inactive voters. (*Id.* ¶ 24.)
- 86 of the sampled individuals had ballots mailed, whereas, the ballots for the other 112 were not sent because of canceled or inactive status. (*Id.*)
- 71.2% of the sampled individuals have never voted. (*Id.*)
- 25.8% of the sampled voters record a place of birth in the United States, a strong indicator of citizenship status. (Flores Dec. ¶ 46.)

These figures describe the composition of the records, not the citizenship of individual registrants. When comparing this data with the Executive’s efforts to implement voter roll maintenance in other jurisdictions through SAVE, (*see supra* § I), there is no basis to support the Executive’s supposition that the October List constitutes credible evidence of noncitizen voting.³

F. Implementing The Executive’s Ballot Hold Segregation Is Not Feasible Without Disrupting The Ongoing Election

The Executive concedes that “it is not practicable or feasible for the United States to investigate before the 2026 election concludes thousands, let alone tens of thousands, of individuals” on its list. (Compl. ¶ 60.) There are several practical

³ Other jurisdictions that have shown SAVE data to be too unreliable in identifying noncitizens include Nevada and North Carolina. (Pelham Dec. ¶¶ 7-8.) Nevada is particularly instructive. In July 2026, DHS told Nevada that “as many as” 15,903 noncitizens were registered there. (*Id.* ¶ 7; Ex. F) In an August 2026 meeting, a USCIS official acknowledged that the figure was “preliminary” and had not received “a full manual review of each one,” and DHS revised the number of confirmed noncitizens to 185. (*Id.*) Nevada then reviewed those 185 registrants and reported to DHS: “[O]ur records indicate that they were citizens. You have provided nothing of substance to suggest otherwise.” (*Id.*)

1 realities that makes ballot segregation pending investigation virtually impossible
2 without risking wide-spread system disruption and voter disenfranchisement.

3 *First*, all VBM ballots were sent out by October 10, 2026. (Flores Dec. ¶
4 36.) It is not possible to segregate unreturned ballots at this stage because they
5 have already been printed and mailed. (*Id.*) Second, insofar as any person on the
6 October List has returned their VBM ballot, that individual has already voted and
7 the County has processed that vote. (*Id.*) This is because, once the signature on a
8 VBM ballot envelope is verified, the ballot is removed from its identification
9 envelope and, to anonymize the vote, commingled with other ballots for
10 tabulation. (*Id.*)

11 *Second*, even as to return envelopes that have not yet been processed, the
12 County could not carry out what the Executive requests without redirecting key
13 staff from the administration of the election, delaying the certification of the
14 election, risking the disenfranchisement of eligible voters, and creating
15 uncertainty in the election results, for the following reasons. (*Id.* ¶ 37.)

- 16 • The October List does not contain the unique identifiers that the County
17 voter file (DIMS) uses. Any attempt to associate a name on the October List
18 with a registration record depends on approximate matching of names, dates
19 of birth, and addresses. (*Id.* ¶ 38.)
- 20 • The October List includes multiple dates of birth in different formats, and
21 often, these different columns include different dates of birth. It also
22 includes the entire address in a single cell, which is not how the data is
23 stored in DIMS. Indeed, it is inevitable that there will be differences in the
24 files that will make matching difficult, time-consuming, and potentially
25 inaccurate, as people's names, addresses, and other information may vary
26 slightly (*e.g.*, Robert vs. Bob, Apartment #3 vs. Apt. 3, Sara Jones-Smith
27 vs. Sara Jones Smith). Precise data matching is a complex process and
28 extreme care must be taken when the consequences of errors may lead to
voter disenfranchisement. (Flores Dec ¶ 38.)

- Any review of approximate matches would have to be performed manually, with multiple checks, by the County’s most experienced voter-records staff. Those are the same staff who are responsible for signature verification and VBM processing during the election period, and the review would have to be completed before the counting and certification deadlines described above. (*Id.* ¶ 40.)
- The County’s voting system and ballot-processing workflow have no function for setting aside the ballots of registered voters. Creating one during an election would require changes to systems and procedures that have already been tested and finalized for this election, the development and documentation of a new process, and the training of staff on it, all while the work described above is required to be completed on the statutory schedule. (*Id.* ¶ 41.)
- While the Executive describes a multi-agency investigative process that led to the October List, it provides none of the supporting evidence from that investigation to aid the County’s review. (*Id.* ¶ 45.) The October List assigns no “high,” “medium,” or “low” confidence rating to any record, despite the Complaint’s description of a tiered confidence process, and the Executive discloses no basis for any individual’s inclusion.⁴ (*Id.*)

Third, segregation of the VBM ballots for 20,000 voters would have a catastrophic impact on the IT infrastructure that enables the County to administer the election. (Bhullar Dec. ¶ 3.) For this reason, to protect the stability and security of the County’s election systems, the County implements a tiered election freeze, already in effect for the November Election, which limits changes to the systems and infrastructure that support the election. (*Id.* ¶ 6.) The VBM segregation request would require system updates to multiple, separate software programs and

⁴ A September 2026 whistleblower reported that USCIS officers working on DHS’ “Unlawful Voter Initiative” received less than two hours of training, were assigned quotas of 40 voter reviews per day (about 12 minutes each), worked from data described as unreliable, and were directed to search California’s voter lookup system using individuals’ personal information. (Pelham Dec. ¶ 9; Ex. H.) This lack of training and incentive structure calls into question the reliability of the October List.

1 hardware devices. (*Id.* ¶ 11.) The affected software and hardware include, but are
2 not limited to, DIMS, BlueCrest Vantage sorters, and Electronic Pollbooks
3 (“ePollbooks”). (*Id.*) There are a number of harmful impacts on these systems
4 summarized in the Bhullar Dec., but of particular relevance to the Executive’s
5 segregation request, the County would be required to place a flag on these voters
6 within DIMS to segregate. (*Id.*) No such flag currently exists, so a new flag would
7 need to be developed and tested by the DIMS manufacturer.

8 It is impossible, however, to do this type of programmatic change without
9 shutting down the DIMS system in the midst of an active election cycle. (*Id.*) Even
10 if we were able to safely conduct this programmatic change, the potential impact
11 of attempting a change to DIMS in this environment is unknown, and the possible
12 consequences range from small to large. (*Id.* ¶ 17.) On the larger scale, because
13 DIMS houses all voter information and is the centralized software and data on
14 which all other systems rely, a breakdown at this level could jeopardize the
15 County’s compliance with federal and state mandated deadlines. (*Id.*)

16 Based on the foregoing, one of the County’s top official with responsibility
17 for administering the November Election states unequivocally that, if the County
18 were forced to comply with the Executive’s demands, “it would be virtually
19 impossible to timely certify the election results in compliance with state law.”
20 (Flores Dec. ¶ 3.) In either case, the County “is not equipped to verify voter
21 citizenship because it does not independently house citizenship-related
22 information beyond the voter attestation” and has no access to federal citizenship
23 data. (*Id.* ¶ 43.) Even if the County had a basis to fully investigate citizenship, the
24 registrant would be entitled under state and federal law to notice and an
25 opportunity to respond before any ballot was rejected, and no such process could
26 be completed between now and the certification deadlines described above.⁵

27
28 ⁵ For the Court’s reference, in *Coalition for Humane Rights, et al. v. U.S. Dep’t of Homeland Security, et al.*, No. 1:26-cv-03072 (D.D.C.), plaintiffs filed an “Emergency Application for Temporary Restraining Order and Preliminary Injunction” based on the same communications by the government, and list of allegedly ineligible California voters, that are at issue in this case. The district court in that case has set a deadline of October 30, 2026 for plaintiff’s reply brief, suggesting a decision sometime after that.

1 (Flores Dec. ¶ 48.)

2 **III. LEGAL STANDARD**

3 A temporary restraining order is “an extraordinary remedy that may only
4 be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter*
5 *v. Nat. Res. Def. Council, Inc.*, [555 U.S. 7, 22](#) (2008). The movant must establish
6 that (1) it is likely to succeed on the merits, (2) it is likely to suffer irreparable
7 harm absent preliminary relief, (3) the balance of equities tips in its favor, and (4)
8 an injunction is in the public interest. *Id.* at 20. The standard for a temporary
9 restraining order is “substantially identical” to that for a preliminary injunction.
10 *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, [240 F.3d 832, 839 n.7](#) (9th Cir.
11 [2001](#)). When the government is a party, the third and fourth factors merge. *Drakes*
12 *Bay Oyster*, [747 F.3d 1073, 1092](#) (9th Cir. 2014)

13 The relief sought here is mandatory: it would compel State and County
14 election officials to take affirmative steps—segregating ballots and conducting a
15 new citizenship-verification process—that alter, rather than preserve, the status
16 quo. Mandatory injunctions are “particularly disfavored” and should not issue
17 “unless the facts and law clearly favor the moving party.” *Garcia v. Google, Inc.*,
18 [786 F.3d 733, 740](#) (9th Cir. 2015) (en banc). The Executive’s contention that its
19 injunction would “preserve the status quo”, (Appl. at 3, 27), inverts the inquiry.
20 The status quo is the County’s administration of an election under existing law, in
21 which registered voters’ ballots are verified and counted. An order requiring the
22 County to withhold and segregate ballots and create a new citizenship-verification
23 regime is the opposite.

24 **IV. THE COURT SHOULD DENY THE EX PARTE APPLICATION**

25 **A. The Executive Has Not Shown A Likelihood Of Success On The**
26 **Merits Of Its Preemption Claim**

27 The Complaint asserts a single claim: that California’s procedures for
28 mailing and counting ballots, as applied to persons on the October List, are
preempted because they obstruct [18 U.S.C. § 611](#). (Compl. ¶¶ 50–62.) To obtain

1 a temporary restraining order on that claim, the Executive must make a clear
2 showing that it is likely to establish standing and likely to succeed on the merits.
3 *Murthy v. Missouri*, 603 U.S. 43, 58 (2024); *Winter*, 555 U.S. at 22. It can show
4 neither. Because standing is a threshold question that must be resolved before the
5 merits, the County addresses it first.

6 1. The Executive has not shown a concrete injury traceable to the
7 County.

8 The Executive bears the burden of establishing injury in fact, causation, and
9 redressability. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992). But
10 alleging that California’s procedures “are preempted and thus violate the
11 Supremacy Clause,” (Compl. ¶ 62), does not itself establish a concrete injury.
12 Another judge of this District rejected that proposition in a preemption suit the
13 United States brought against California, finding “no binding authority holding
14 that the mere existence of a preempted state law creates a sovereign injury to the
15 federal government.” *United States v. California*, No. 2:25-cv-06230-MCS-AGR,
16 ECF No. 77 at 5 (C.D. Cal.) (“*Egg Case*”). In addition, Section 611 is a criminal
17 prohibition directed at “any alien” who votes. 18 U.S.C. § 611(a). California
18 cannot violate it.

19 The narrower theory the *Egg Case* court later accepted on amended
20 pleadings—that state action may injure the United States by “impeding the
21 operations or functions of the federal government”—does not help the Executive
22 here. *Egg Case*, ECF No. 77 at 7 (citing *United States v. King County*, 122 F.4th
23 740, 751 (9th Cir. 2024)); *id.*, ECF No. 103 at 5–6, 8 (describing that theory as
24 “atypical or unprecedented” and certifying the question for interlocutory appeal),
25 appeal pending, No. 26-6754 (9th Cir.). The cases recognizing that theory
26 involved state or local measures that directly obstructed federal operations. In
27 *King County*, a county order barred airport service providers from servicing
28 federal immigration charter flights, forcing the flights elsewhere at added cost.
122 F.4th at 750–52. In *United States v. City of Arcata*, municipal ordinances

1 barred military recruiters from contacting minors. 629 F.3d 986, 989–90 (9th Cir.
2 2010). Here, unlike these cases, the County’s procedures impose not comparable
3 restriction. They prohibit no federal investigation or prosecution. The only
4 obstacle the Executive identifies is that it cannot finish investigating before
5 Election Day, (Compl. ¶ 60), a problem traceable to its own timing and data, not
6 to anything the County has done. The Executive’s own enforcement confirms the
7 point. It announced charges against 28 listed individuals the morning it filed the
8 Application. (Appl. at 1.) Individualized federal enforcement is proceeding, and
9 nothing in California law stands in its way.

10 2. California’s election procedures do not conflict with Section
11 611.

12 Preemption must rest on a conflict either with “the Constitution itself or a
13 valid statute enacted by Congress,” *Kansas v. Garcia*, 589 U.S. 191, 202 (2020),
14 not merely a disagreement over how an election should be administered. Further,
15 obstacle *preemption* imposes a “high threshold”; it does not license “a
16 freewheeling judicial inquiry into whether a state statute is in tension with federal
17 objectives.” *Chamber of Com. of U.S. v. Whiting*, 563 U.S. 582, 607 (2011). There
18 is neither conflict nor tension here.

19 Like federal law, California law prohibits noncitizens from voting. Cal.
20 Const. art. II, § 2; Cal. Elec. Code § 2101. California requires every registrant to
21 attest to *citizenship* under penalty of perjury, makes false registration a crime, and
22 permits cancellation on proof of ineligibility. Cal. Elec. Code §§ 2111, 2201(a)(8),
23 18100. When the County receives credible evidence that a registrant may not be a
24 citizen, it notifies the registrant and acts on the response. (Flores Dec. ¶ 11.)
25 California’s procedures thus neither make an attestation conclusive nor shield
26 anyone from investigation.

27 Section 611, for its part, prohibits aliens from voting in federal elections.
28 18 U.S.C. § 611(a). It does not require registrars to segregate ballots based on
federal referrals, to independently confirm the citizenship of every flagged

1 registrant, or to withhold counting until federal officials are satisfied. The
2 Executive identifies no congressionally prescribed verification procedure that
3 California has displaced or the County has refused to follow. The obstacle-
4 preemption cases it invokes involved state laws that authorized what federal law
5 forbids or penalized what federal law protects. *See Crosby v. Nat'l Foreign Trade*
6 *Council*, 530 U.S. 363, 373–77 (2000); *Arizona v. United States*, 567 U.S. 387,
7 400–07 (2012). California's law authorizes nothing Section 611 forbids.

8 3. California's election procedures are not obstacle-preempted
9 merely because they do not accommodate the Executive's
10 preferred investigative timeline.

11 The Executive's real complaint concerns timing and method: Defendants
12 will not suspend their ordinary procedures while federal officials investigate
13 people they suspect may be noncitizens. (Compl. ¶¶ 59–61.) But the Supremacy
14 Clause makes federal law supreme, not federal agencies' preferred methods of
15 enforcing it. "[T]he possibility that federal enforcement priorities might be upset
16 is not enough to provide a basis for preemption." *Garcia*, 589 U.S. at 212.
17 Executive preferences and demand letters are not "Laws" under the Supremacy
18 Clause. *Id.* at 202; *see Wyeth v. Levine*, 555 U.S. 555, 576–77 (2009) (declining
19 to defer to agency's view that state law obstructed federal objectives).

20 The Ninth Circuit has rejected a materially similar theory. In *United States*
21 *v. California*, the United States argued that state laws limiting cooperation with
22 federal immigration enforcement were obstacle-preempted. 921 F.3d 865, 888–91
23 (9th Cir. 2019). There, the court held that a State's refusal to assist federal
24 enforcement does not obstruct it, and that federal expectations of state cooperation
25 are not federal requirements. *Id.* So too here. The October 13 Letter asked the
26 County to do what no statute requires. (Compl. Ex. C.) The County's declining to
27 do so is not obstruction, and the Executive's inability to complete its own
28 investigation in time, (Compl. ¶ 60), is not a conflict between state and federal
law.

1 4. The Constitution and Congress’ election statutes leave no
2 room for the Executive to prescribe new ballot-processing
3 requirements on its own authority.

4 Under the Elections Clause, the States prescribe the “Times, Places and
5 Manner” of congressional elections unless Congress “make[s] or alter[s]” those
6 regulations. U.S. Const. art. I, § 4, cl. 1. And that power belongs to Congress, not
7 the Executive. *United States v. Weber*, 816 F. Supp. 3d 1168, 1175 (C.D. Cal.
8 2026). (noting that the Elections Clause “has constitutionally prevented the
9 centralization of election management in the Executive”).

10 Congress has legislated extensively on the procedures the Executive seeks
11 to displace. The NVRA requires States to accept and use the Federal Form, which
12 establishes citizenship by attestation, and a State may not demand more of Federal
13 Form applicants as a condition of registration. 52 U.S.C. §§ 20505(a)(1),
14 20508(b); *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 15–20
15 (2013). The NVRA also requires list maintenance to be “uniform” and
16 “nondiscriminatory” and bars systematic removal programs within 90 days of a
17 federal election. 52 U.S.C. § 20507(b)(1), (c)(2)(A). HAVA assigns the statewide
18 registration list to state officials. *Id.* § 21083(a). Congress thus addressed both
19 sides of election integrity: removing ineligible registrants and protecting eligible
20 voters from erroneous exclusion. The Executive’s proposed order, which would
21 require citizenship verification beyond the attestation for a federally selected
22 group of voters, mid-election, on the strength of a bulk data match, cuts against
23 Congress’s choices. (ECF No. 22-8 at 6–7).

24 DOJ has an important role in the system Congress designed. Congress
25 authorized the Attorney General to sue to enforce the NVRA and HAVA. 52
26 U.S.C. §§ 20510(a), 21111. But the Complaint asserts no violation of either
27 statute. It asserts preemption under Section 611. (Compl. ¶¶ 50–62.) As *Common*
28 *Cause* explained, DOJ’s “enforcement role is limited to ensuring that states
 comply with their statutory obligations,” and if DOJ “wants to enforce HAVA and

the NVRA, it must use the pre-suit investigation and enforcement mechanisms that Congress provided in those statutes.” *Common Cause v. U.S. Dep’t of Just.*, No. 1:26-cv-1352, [2026 WL 3033772](#), at *25 (D.D.C. Oct. 9, 2026) (quoting *United States v. Bellows*, [834 F. Supp. 3d 113, 126](#) (D. Me. 2026)). The Executive’s duty is to “take Care that the Laws be faithfully executed,” [U.S. Const. art. II, § 3](#); the obligations Congress enacted, not new ones of the Executive’s own design. A criminal prohibition directed at individual voters cannot be read as an implied grant of authority to impose an emergency ballot-withholding regime that bypasses the safeguards Congress separately adopted.

The Executive’s reading would also raise a serious constitutional question. At least one court has held that Section 611 regulates voter qualifications, which the Elections Clause does not authorize Congress to set. *United States v. Cox*, No. 0:25-cr-60249-DSL, [2026 WL 2948729](#) (S.D. Fla. Oct. 1, 2026). The Court need not decide that question. But reading Section 611 to let the Executive override how a State determines whether its registrants meet those qualifications would deepen the problem, one the Court does not need to reach.

5. The Complaint’s allegations do not establish that the County knowingly facilitates unlawful voting.

The Executive’s alternative framing, that California knowingly facilitates unlawful voting, depends on treating unverified suspicions as established facts. (Compl. ¶ 59.) The Complaint alleges only that noncitizens “might be registered.” (*Id.*) And it describes the October List as the start of further investigative work, not a determination of any registered voter’s ineligibility. (*Id.* ¶¶ 38–43.) And it concedes it cannot finish its investigations before the election ends. (*Id.* ¶ 60.) No state official can knowingly facilitate a crime on the basis of a list its sender says still needs investigating. Knowledge that an allegation has been made is not knowledge that it is true.

Norwood v. Harrison does not eliminate the need to establish underlying unlawful conduct. *Norwood* held that a State may not lend free textbooks to

1 students attending private schools with racially discriminatory admissions
2 policies, even under a long-standing program open to all private-school students.
3 413 U.S. 455, 463–68 (1973). The constitutional defect was tangible state aid to
4 schools that *in fact* discriminated. *Norwood* did not hold that officials facilitate
5 unlawful conduct merely by continuing to apply established procedures after
6 receiving an unresolved allegation. To the contrary, the Court declined to presume
7 that every participating private school discriminated and contemplated an
8 individualized determination of which schools did, for example through a
9 certification process. *Id.* at 470–71.

10 Nor does the Executive’s invocation of aiding and abetting, (Compl. ¶ 19),
11 supply the missing link. Accomplice liability requires affirmative assistance and
12 intent to facilitate the offense. 18 U.S.C. § 2; *Rosemond v. United States*, 572 U.S.
13 65, 71, 76 (2014). Continuing ordinary ballot processing while insisting on
14 reliable evidence and lawful procedures does not establish criminal intent.

15 6. Even a valid preemption claim would not entitle the Executive
16 to relief that violates independent federal voting protections
17 and due process.

18 Even a valid preemption claim would not authorize an order inconsistent
19 with other federal statutes or the Constitution, several of them applicable here.

20 *First*, the NVRA bars systematic programs to remove ineligible voters
21 within 90 days of a federal election. 52 U.S.C. § 20507(c)(2)(A). That period
22 began August 5, 2026. The Ninth Circuit has applied that restriction to systematic
23 noncitizen-removal programs and held that mailing individual notices after
24 database comparison does not transform such a program into an individualized
25 inquiry. *Mi Familia Vota v. Fontes*, 129 F.4th 691, 716–17 (9th Cir. 2025), *cert.*
26 *granted sub nom. Republican Nat’l Comm. v. Mi Familia Vota*, No. 25-1017 (U.S.
27 June 29, 2026). The Executive seeks segregation rather than cancellation, and
28 Section 20507(c)(2)(A) speaks of removal. The County recognizes that
distinction. But withholding a registered voter’s otherwise valid ballot until an

1 open-ended review ends, three weeks before Election Day, works the same
2 exclusion. The Quiet Period’s protection should not be evaded by changing the
3 label.⁶

4 *Second*, the Voting Rights Act forbids any person acting under color of law
5 from “willfully fail[ing] or refus[ing] to tabulate, count, and report” the vote of a
6 person who is “entitled to vote” or “otherwise qualified to vote.” 52 U.S.C. §
7 10307(a). Registered voters whose ineligibility has not been established remain
8 qualified. An order holding their ballots past the certification deadline would
9 constitute a failure or refusal to tabulate, count, and report their vote.

10 *Third*, procedural due process requires attention to the fundamental interest
11 involved, the risk of erroneous exclusion, the value of safeguards, and the
12 Executive’s interests. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Here,
13 the list contains disputed matches; the proposed order specifies no adequate
14 notice, response process, adjudication standard, or deadline; and a mistaken
15 exclusion may become irreversible when the canvass closes. Those circumstances
16 require a meaningful opportunity to correct an error before an eligible voter loses
17 the opportunity to have the ballot counted. *See Democracy N.C. v. N.C. State Bd.*
18 *of Elections*, 476 F. Supp. 3d 158, 228 (M.D.N.C. 2020); *Raetzel v.*
19 *Parks/Bellemont Absentee Election Bd.*, 762 F. Supp. 1354, 1358 (D. Ariz. 1990)..

20 *Finally*, federal law requires voter-list maintenance to be “uniform” and
21 “nondiscriminatory.” 52 U.S.C. § 20507(b)(1). It also requires officials assessing
22 a voter’s qualifications to use the same standards, practices, and procedures used
23 for other voters in the same county already found qualified. *Id.* § 10101(a)(2)(A).
24 Here, the Executive would segregate ballots based on immigration-related records
25

26 ⁶ The Executive’s demand that California take action against the voters on the October List
27 cannot be reconciled with DOJ’s own published guidance on list maintenance under Section 8
28 of the NVRA. (Pelham Dec. ¶ 10; Ex. I.) That guidance identifies three “[e]xamples of list
maintenance activities that may violate the NVRA”: (1) “comparing voter files to outdated or
inaccurate records or databases”, (2) “taking action that erroneously affects a particular class
of voters (such as newly naturalized citizens)”, or (3) “matching records based solely on first
name, last name, and date of birth.” (*Id.*) The guidance emphasizes the Quiet Period applies to
“list maintenance programs based on third-party challenges derived from any large,
computerized data-matching process.” (*Id.*) The October List, and the relief the Executive
seeks based on it, fits each of the foregoing examples.

1 that may show only that a voter was once a noncitizen or that current citizenship
2 could not be confirmed. That approach risks subjecting naturalized citizens to
3 additional scrutiny because of their immigration history, even though they have
4 the same right to vote as citizens born in the United States. That resembles the
5 problem *Mi Familia Vota* identified: additional scrutiny for voters with
6 immigration numbers that otherwise similarly situated voters did not face. 129
7 F.4th at 714-15, 720.

8 Thus, even if Section 611 displaced some aspect of California law, it would
9 not displace the federal protections that forbid the order the Government seeks.

10 **B. The Executive Has Not Established Likely Irreparable Harm**

11 1. The Executive has not shown that, absent an injunction,
12 unlawful votes will be cast and counted.

13 Irreparable harm must be likely, not merely possible. It must rest on
14 evidence, not speculation. *Winter*, 555 U.S. at 22. The Executive’s theory of harm
15 is that persons on its October List will cast unlawful ballots that will be counted.
16 To support preliminary relief, it must show that the listed records correspond to
17 identifiable people who are presently noncitizens, remain registered, and are likely
18 to cast ballots in this election. Its list establishes none of those things. Neither do
19 its declarations.

20 The unreliability of mass-generated voter roll maintenance lists, like the
21 October List, in establishing noncitizen status has recently been adjudicated by a
22 number of federal courts. *Common Cause v. DOJ* found that “SAVE’s ability to
23 verify citizenship—and particularly the citizenship of acquired or naturalized
24 citizens—is limited.” 2026 WL 3033772, at *33 (D.C.C. Oct. 9, 2026) The record
25 in *Common Cause* showed that SSA, whose data feeds SAVE, acknowledged that
26 (1) its citizenship information “merely represents a snapshot of the individual’s
27 citizenship status at the time of their interaction with SSA,” (2) that “SSA’s
28 records do not provide definitive information about an individual’s citizenship
status,” and (3) that “approximately 1/4 of those records do not have an indication

1 of citizenship present.” *Id.* SSA’s Inspector General found that seven percent of
2 people SSA classified as noncitizens were in fact citizens—approximately 3.3
3 million people. *Id.* And USCIS itself acknowledged that modified “SAVE
4 [program] may only be able to verify acquired U.S. citizen[s] in certain
5 situations.” *Id.* Given that record, *Common Cause* found that implementing SAVE
6 to remove registered voters “present[ed] an obvious risk that U.S. citizens will be
7 wrongfully removed from voter rolls,” adding that “that risk is not hypothetical.”
8 *Id.* at *26, *33. Indeed, two individual plaintiffs in *Common Cause*—an acquired
9 citizen and a naturalized citizen—had their registrations cancelled because of
10 erroneous SAVE results. *Id.* at *33. Like *Common Cause*, the Executive cannot
11 show imminent risk of noncitizen voting here based on the inherently unreliable
12 October List.⁷

13 Nor has the Executive established likely irreparable harm to its enforcement
14 interests. The County’s procedures prohibit no federal investigation or
15 prosecution, and the Executive concedes it “actively investigates and prosecutes”
16 unlawful voting. (Compl. ¶ 69.) Those tools remain available during and after
17 election. The Government’s announcement that it has charged 28 listed
18 individuals, proves the point: individualized enforcement is proceeding.
19 (Application at 1.) But evidence concerning those 28 people says nothing about
20 the accuracy of the thousands of other entries, which remain hunches. Evidence
21 supporting 28 prosecutions cannot justify an injunction reaching thousands of
22 ballots.

23 2. The Executive’s delay undermines both its claim of emergency
24 and the feasibility of its proposed remedy.

25 The Executive dates the start of its analysis of California voters to May 8,
26 2026. (Application at 11.) DHS raised its concerns with the State in July 2026,
27 and the State promptly asked for the methodology behind them. (Compl. Ex. A.)
28

⁷ *League of Women Voters v. U.S. Dep’t of Homeland Sec.* similarly found that the federal voter roll maintenance lists were known to the federal government to be unreliable. [835 F. Supp. 3d 79](#) (D.D.C. 2026).

1 The Executive never supplied it. Instead, it waited until VBM ballots had been
2 mailed and returned ballots were being processed, delivered the October List on
3 October 13, and demanded action in less than 48 hours. (Compl. Ex. C.) The
4 Executive's unexplained delay "implies a lack of urgency and irreparable harm,"
5 *Oakland Tribune, Inc. v. Chronicle Publ'g Co.*, 762 F.2d 1374, 1377 (9th Cir.
6 1985), and that principle applies with special force where the Executive's delay is
7 what produced the claimed harm.

8 The five-month timeline undercuts the Executive's claim that the requested
9 relief cannot await a meaningful opportunity to test its evidence and its proposed
10 remedy. And its own delay has compounded the operational problems that make
11 its proposed remedy unworkable. Having taken months to compile its list, the
12 Executive cannot fairly demand that the County verify it in days, during an
13 election, without access to the federal records on which it rests. The Executive
14 concedes that it cannot complete thousands of individualized investigations before
15 the election concludes. (Compl. ¶ 60.)

16 C. **The Equities, The Public Interest, and *Purcell* Weigh Against**
17 **Changing Ballot Procedures During An Ongoing Election**

18 1. The proposed injunction would divert essential election
19 resources and risk disenfranchising eligible voters.

20 The County's election is already in progress. (Flores Dec. ¶¶ 21-23.) The
21 County serves approximately 5.9 million registered voters, has mailed
22 approximately 5.9 million ballots, and has already processed more than 331,000
23 returned ballots. (Flores Decl. ¶¶ 5, 21-22.) The staff qualified to match and
24 review records are the same staff who verify signatures and process ballots. (*Id.* ¶
25 21.) The County does not have sufficient resources, nor legal basis, to segregate
26 VBM ballots once received and meet the certification deadlines. (*Id.* ¶ 37, 42.)
27 The Executive has offered no workable plan for completing the required matching,
28 notice, and adjudication within the canvass period.

Ballot secrecy imposes another limit. Once a returned ballot is verified and

1 separated from its envelope, it cannot be associated with the voter who cast it. Cal.
2 Const. art. II, § 7; (Flores Dec. ¶ 16.) An order reaching only ballots not yet
3 separated from their envelopes would treat voters differently depending on how
4 far their ballots had progressed through processing, without resolving anyone's
5 citizenship. Even for ballots that remain identifiable by voter, the County cannot
6 make a conclusive citizenship determination from the information the Executive
7 has provided. It has no direct access to the federal records on which the list rests,
8 and the Executive has supplied no defined process for obtaining them. (Flores
9 Dec. ¶ 43.) An order requiring the County to resolve citizenship questions without
10 that would leave ballots on hold with no means of releasing them.

11 2. Purcell weighs against introducing a new citizenship-
12 clearance rule after voting has begun.

13 “Court orders affecting elections, especially conflicting orders, can
14 themselves result in voter confusion,” and that risk grows “[a]s an election draws
15 closer.” *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam). For that reason,
16 federal courts “should ordinarily not alter the election rules on the eve of an
17 election.” *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 589 U.S. 423,
18 424 (2020) (per curiam).

19 The Executive says it seeks only to enforce existing noncitizen-voting rules
20 and to adjust how certain ballots are handled. (Application 25-26.) But the
21 longstanding citizenship qualification is not the change the County challenges.
22 The change is a new condition on counting a registered voter’s ballot: under the
23 Executive’s proposed order, a listed registrant’s otherwise valid ballot could not
24 be counted until officials affirmatively confirm citizenship beyond the registration
25 attestation, through a process the order does not define. (*Id.*) That changes election
26 administration mid-election, for a federally selected group of voters, after many
27 have already voted under the existing rules. Calling it enforcement does not
28 eliminate its operational consequences. And the Executive’s planned “rolling”
additions to the list, citation, mean that neither the County nor affected voters

1 would know the final scope of the required review even as implementation
2 proceeded.

3 3. An open-ended hold risks disenfranchisement without a
4 demonstrated proportionate benefit.

5 The right to vote includes the right to have a lawful ballot counted. *United*
6 *States v. Classic*, 313 U.S. 299, 315 (1941). The County must prepare and submit
7 its certified statement of results by December 3, 2026. Cal. Elec. Code § 15372.
8 Yet the Executive has supplied no supported timetable for notifying listed voters,
9 receiving their responses, adjudicating disputed eligibility, and processing the
10 ballots of those found eligible. The proposed order sets no deadline for resolving
11 those questions and releasing eligible voters' ballots. Describing the hold as
12 temporary does not establish that it will end in time for those ballots to count. A
13 voter whose ballot goes uncounted because they never learned why it was held, or
14 learned too late to respond, loses the vote as surely as one turned away at the polls.
15 On this record, an open-ended hold poses a substantial risk of disenfranchising
16 eligible voters without any demonstrated, proportionate benefit. The public's
17 interest in excluding unlawful votes does not justify an undefined process that
18 threatens to exclude lawful votes.⁸

19 **V. THE EXECUTIVE'S REQUESTED RELIEF IS ALSO DEFECTIVE**
20 **BECAUSE IT IS NOT PRECISELY DEFINED FOR**
21 **IMPLEMENTATION BY THE COUNTY**

22 The Executive's requested remedy does not specify exactly what Mr.
23 Logan, in his capacity as Los Angeles County's Registrar-Recorder/County Clerk,
24 should do. Neither a statewide list nor a generalized direction to verify citizenship
25 is sufficiently tailored and limited to Mr. Logan.

26
27 ⁸ The Executive's vote-dilution argument does not change the balance. *Anderson v. United*
28 *States*, 417 U.S. 211, 227 (1974), on which the Executive relies (Appl. at 2–3), involved a
criminal conviction for casting fraudulent ballot. This is an after-the-fact, individualized
prosecution of the very kind Section 611 contemplates and the County does not obstruct.
Anderson does not stand for eligible voters' ballots being withheld wholesale on suspicion to
facilitate voter fraud investigation. Disenfranchising a lawful voter does not protect lawful
votes from dilution.

1 *First*, relief against Mr. Logan must stop at the County line. Mr. Logan is
2 sued in his official capacity as Los Angeles County’s Registrar-Recorder/County
3 Clerk. His office administers elections in the County. It does not administer
4 elections in California’s other counties or supervise their registrars. The presence
5 of the State and Secretary of State as co-defendants does not enlarge his
6 jurisdiction. An order directed him to him therefore cannot reach beyond the
7 records with a County address.

8 *Second*, relief must reach only identifiable County voters as to whom the
9 Executive has made an individualized showing.. The County’s review shows that
10 much of the County-address portion *of* the list cannot support any hold at all: the
11 records contain cancelled registrations, many matches contain no County
12 registrant, and fewer than half of the remaining records are associated with a
13 mailed ballot. (Bhullar Dec. ¶ 24.) The Executive has not identified any unique,
14 active County registrant, shown that the registrant was issued a ballot, or presented
15 any individualized evidence on which it relies for that person. No order can reach
16 ballots already separated from their envelopes and commingled, which cannot
17 lawfully be identified. Cal. Const. art. II, § 7; (Flores Dec. ¶ 35.) And the
18 Executive’s planned “rolling” additions, (Bartell Dec. ¶ 23), may not expand any
19 order without further leave of Court.

20 *Third*, any order must be specific. Fed. R. Civ. P. 65(d)(1). An order that
21 tells the County to withhold ballots “until citizenship is determined” without
22 saying how, by whom, or by when is neither *specific* nor workable. Among other
23 problems, the Executive’s requested order does not include any provision for:

- 24 1. written notice to each affected voter stating the basis for the hold
25 (“segregating” their ballot);
- 26 2. a meaningful opportunity to respond;
- 27 3. the evidence that will suffice to establish citizenship, which must include
28 the voter’s own documentation;

4. who decides disputed cases, and the Executive's obligation to supply any federal records on which it relies, since the County has no access to them, (Flores Dec. ¶ 42);
5. a deadline for decision that leaves time to count released ballots before the County's December 3 certification (*Id.* ¶¶ 32-33); and
6. a default rule that any ballot not shown to be ineligible by that deadline to have been cast by an ineligible voter is counted.

VI. CONCLUSION

For the foregoing reasons, the County respectfully requests the Court deny the Application.

Dated: October 20, 2026

**NORTON ROSE FULBRIGHT US
LLP**
CHRISTOPHER PELHAM
ABIGAIL URQUHART
ALEX SCANDROLI

By: 
CHRISTOPHER PELHAM
Attorneys for Defendant DEAN C.
LOGAN, in his official capacity as the
County of Los Angeles Registrar-
Recorder/County Clerk

Dated: October 20, 2026

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CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Defendant Dean C. Logan, certifies that this brief contains 9,459 words in accordance with Defendant's unopposed application to submit an oversized brief, not to exceed 10,500 words.



ALEX SCANDROLI
October 20, 2026

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25 Registrar-Recorder/County Clerk

26 *Additional Counsel Listed on Following Page*

27 UNITED STATES DISTRICT COURT
28 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

Case No. 2:26-cv-12025

**DECLARATION OF
CHRISTOPHER PELHAM IN
SUPPORT OF OPPOSITION OF
DEAN C. LOGAN, IN HIS
OFFICIAL CAPACITY AS THE
COUNTY OF LOS ANGELES
REGISTRAR-
RECORDER/COUNTY CLERK,
TO PLAINTIFF'S *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

Date Action Filed: October 15, 2026

PUBLIC RIGHTS PROJECT

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DECLARATION OF CHRISTOPHER PELHAM

I, Christopher K. Pelham, declare as follows:

1. I am an attorney licensed to practice before this Court, and I am a Partner at the law firm of Norton Rose Fulbright US LLP, counsel of record for Defendant Dean C. Logan, in his official capacity as the County of Los Angeles Registrar-Recorder/County Clerk (the “County”). I have personal knowledge of the facts stated herein, and could and would testify competently thereto if sworn as a witness. I submit this declaration in support of the County’s Opposition to Plaintiff United States of America’s *Ex Parte* Application or Temporary Restraining Order.

2. Attached hereto as **Exhibit A** is a true and correct copy of an article published by the Bipartisan Policy Center titled “Evaluating How the USCIS SAVE System Performs in Practice: Evidence from Election Offices” (October 5, 2026), available at <https://bipartisanpolicy.org/article/evaluating-how-the-uscis-save-system-performs-in-practice-evidence-from-election-offices/>, which I accessed on October 19, 2026.

3. Attached hereto as **Exhibit B** is a true and correct copy of an article published by the Bipartisan Policy Center titled “Four Things to Know about Noncitizen Voting” (updated July 22, 2026), available at <https://bipartisanpolicy.org/article/four-things-to-know-about-noncitizen-voting/>, which I accessed on October 19, 2026.

4. Attached hereto as **Exhibit C** is a true and correct copy of Dean Logan’s public statement on the County’s receipt of the Government’s letter dated October 13, 2026. The statement is titled “Statement from Dean Logan Regarding U.S. Department of Justice Correspondence,” published on the County of Los Angeles website on October 14, 2026, and available at <https://lacounty.gov/2026/10/14/statement-from-dean-logan-regarding-u-s-department-of-justice-correspondence/>, which I accessed on October 19, 2026.

5. Attached hereto as **Exhibit D** is a true and correct copy of the

1 County's written response sent to the Government on October 15, 2026, at
2 approximately 8:48 a.m., prior to the Government's deadline.

3 6. Attached hereto as **Exhibit E** is a true and correct copy of a letter from
4 the Government dated October 16, 2026 responding to the County's October 15,
5 2026 response.

6 7. Attached hereto as **Exhibit F** is a true and correct copy of an article
7 published by the New York Times, titled "From 16,000 to 185 to Zero: Trump's
8 Claims of Illegal Voting in Nevada Fizzle" available at
9 [https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-](https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html)
10 [trump.html](https://www.nytimes.com/2026/09/24/us/politics/nevada-voters-homeland-security-trump.html), which I accessed on October 19, 2026.

11 8. Attached hereto as **Exhibit G** is a true and correct copy of a press
12 release by the North Carolina State Board of Elections, titled "NCSBE to Send
13 Letter to Potential Non-Citizens on Voter Rolls," available at
14 [https://www.ncsbe.gov/news/press-releases/2026/10/13/ncsbe-send-letter-potential-](https://www.ncsbe.gov/news/press-releases/2026/10/13/ncsbe-send-letter-potential-non-citizens-voter-rolls)
15 [non-citizens-voter-rolls](https://www.ncsbe.gov/news/press-releases/2026/10/13/ncsbe-send-letter-potential-non-citizens-voter-rolls), which I accessed on October 19, 2026.

16 9. Attached hereto as **Exhibit H** is a true and correct copy of a letter
17 dated September 13, 2026, from U.S. Senators Alex Padilla and Charles E.
18 Schumer to DHS Secretary Markwayne Mullin and USCIS Director Joseph B.
19 Edlow, available at [https://www.padilla.senate.gov/wp-content/uploads/09.17.26-](https://www.padilla.senate.gov/wp-content/uploads/09.17.26-DHS-OIG-investigation-request-letter-re-USCIS-whistleblower.pdf)
20 [DHS-OIG-investigation-request-letter-re-USCIS-whistleblower.pdf](https://www.padilla.senate.gov/wp-content/uploads/09.17.26-DHS-OIG-investigation-request-letter-re-USCIS-whistleblower.pdf), which I
21 accessed on October 19, 2026. The letter describes a whistleblower disclosure
22 alleging that DHS and USCIS diverted personnel to an "Unlawful Voter Initiative"
23 where they received less than two hours of training, were assigned quotas of 40
24 voter reviews per day (about 12 minutes each), worked from data described as
25 unreliable, and were directed to search California's voter lookup system using
26 individuals' personal information.

27 10. Attached hereto as **Exhibit I** is a true and correct copy of guidance
28 published by the U.S. Department of Justice, Civil Rights Division, titled "NVRA

1 List Maintenance Guidance” (September 2024), available at
2 <https://www.justice.gov/crt/nvra-list-maintenance-guidance>, which I accessed on
3 October 19, 2026.

4 11. Counsel for the County held a videoconference with counsel for
5 Plaintiff and counsel for co-defendant the State of California on October 19, 2026,
6 to discuss multiple matters relevant to the newly filed case. With respect to the
7 Application that Plaintiff filed, which included a request for leave to file an
8 oversized brief, the parties discussed agreeing to stipulate, or not to oppose,
9 Defendants filing an oversized opposition brief in response. Following that
10 conference, counsel for Plaintiff confirmed by email to the proposed word limit of
11 10,500 for the opposition.

12 I declare under penalty of perjury under the laws of the United States of
13 America that the foregoing is true and correct. Executed this 20th day of October,
14 2026, at Los Angeles, California.

15
16 
17 _____
18 CHRISTOPHER PELHAM
19
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28

EXHIBIT A



ARTICLE

Evaluating How the USCIS SAVE System Performs in Practice: Evidence from Election Offices

October 5, 2026 Jack Friedman Wren Orey

IN BRIEF

- Many election offices began using SAVE, a citizenship verification tool operated by U.S. Citizenship and Immigration Services, to assess voters' citizenship status in 2025, but its accuracy and the administrative burden it creates remain largely unstudied.
 - Noncitizen voting is already illegal in every state and extremely rare, and while SAVE can help identify voters erroneously registered, confirming that someone is not a citizen is difficult to do conclusively and requires significant manual effort.
 - In Utah's May 2026 audit of 2,069,640 voter records, only 52 confirmed or probable noncitizens were identified—just 0.0025% of records reviewed.
 - In Texas, a review of Department of Public Safety records confirmed citizenship for 578, or 21%, of the 2,724 voters SAVE initially flagged as potential noncitizens.
-

This article describes progress on an ongoing research project funded by the MIT Election Data and Science Lab (MEDSL). The article was first published on MEDSL's website.

Introduction

In May 2026, Utah reported the results of a “citizenship audit” of its voter registration rolls that it conducted in April. Of more than 2 million voter records analyzed, just 27 were found to be noncitizens, with another 25 likely noncitizens. The audit’s findings are noteworthy because they confirm what previous studies have consistently shown: that noncitizen voting, which is already illegal in every state for federal elections, is extremely rare. But the findings are notable for another reason too: they were made possible by a resource—the Systematic Alien Verification for Entitlements (SAVE) service, a program run by the U.S. Citizenship and Immigration Services (USCIS)—that was only recently made available to election officials.

After USCIS made a series of changes to SAVE last year, election offices in states across the country began adopting the tool with the purpose of identifying and removing noncitizens from voter registration lists (and preventing noncitizens from registering to vote in the first place). Until a federal court’s ruling in League of Women Voters v. U.S. Department of Homeland Security in June 2026, which temporarily blocked the 2025 SAVE expansions (a September 25, 2026 Supreme Court ruling allowed them to resume), many states were using SAVE results to inform decisions about who can register—and who stays registered—to vote. These decisions were affecting millions of voters and potential voters. Yet little is known about how accurate SAVE is, or the administrative burden that it created for officials. Our research project is an attempt to fill that gap.

What is SAVE?

SAVE is an online service operated by USCIS that lets government agencies verify a person’s immigration or citizenship status. It was originally created in 1987 for benefits-granting agencies, such as those providing unemployment insurance or health care, to establish applicants’ eligibility.

Prior to 2025, election officials could, in theory, use SAVE to verify the citizenship status of voters. But in practice, they rarely did so. The following limitations rendered SAVE an

impracticable voter registration and list maintenance tool.

- Non-federal agencies like election offices were charged usage fees for each query.
- Queries could only be made on one individual at a time.
- Each query required a DHS-issued immigration identifier, which election offices rarely possess.
- SAVE did not query Social Security Administration databases so did not return information on U.S.-born citizens.

But in 2025, USCIS made a series of changes to the SAVE program that made it a more viable resource for election officials:

- Usage fees for non-federal agencies were lifted.
- A bulk upload feature was added, enabling queries on thousands of records at a time.
- Social Security Administration and State Department databases were made available to SAVE queries.
- Queries were permitted using Social Security numbers (and SSN4), including those of U.S.-born citizens.

When these changes came online, election offices in many states quickly signed up to partner with USCIS to process voter records through SAVE. As of November 3, 2025, 26 states had established (or were in the process of establishing) memoranda of agreement for SAVE voter verification. As of this writing, 101 election offices across 29 states are registered, via a memorandum of agreement, with SAVE for voter registration and/or list maintenance. USCIS reported that state voting agencies had submitted more than 46 million voter verification queries as of October 2025.

In a matter of months, election officials went from using SAVE only on rare occasions to submitting large swaths of their voter registration records.

Research Questions

The widespread usage of SAVE for voter verification is unprecedented; in a sense, a live experiment is being conducted. But the results haven't yet been systematically analyzed, as we are trying to do. We have four primary research questions.

1. How accurate is the system? The tendency of SAVE to generate false positives—voters flagged as (potential) noncitizens who are in fact citizens—is a well-documented problem. For instance, officials in Texas have described flagged voters who, upon investigation, were found to have already documented their citizenship to the state years earlier. We are asking which kinds of voters tend to be flagged; how often it turns out that flagged voters have already provided proof of citizenship; and, where no such proof has been recorded, how many voters supply it when asked.

2. What makes the system return a usable answer? SAVE does not respond only with “citizen” or “noncitizen.” It frequently returns an inconclusive result, which means that election staff must manually investigate further. We are examining whether a conclusive response is more likely if, for example, a full nine-digit Social Security number is provided rather than an SSN4.

3. Under what conditions do voters respond to outreach? When voters are flagged by SAVE as potential noncitizens, election offices typically send them a mailed notice requesting proof of citizenship. The outcome (whether the voter's registration is ultimately cancelled) often depends on whether and how the person replies. We are trying to determine how often people respond to the notices, what those responses look like, how many provide proof of citizenship, and whether the length of the deadline affects response rates. An office cannot determine who is flagged by SAVE, but it does determine how they notify voters, how much time they give voters, and how to respond to voter action or inaction.

4. What administrative burden does the process impose? Submitting lists to SAVE and managing the ensuing process uses election official time and expenses. Our project aims to document the administrative burden that the SAVE citizenship verification process imposes on election officials, and to identify potential ways to minimize that burden.

Methods and Initial Findings

To answer these questions, we seek to use already-public data, issue public records requests for more data, and hold interviews with election officials.

We have submitted public records requests to 24 jurisdictions across six states that hold agreements with USCIS to use SAVE for voter registration and/or voter list maintenance: Florida, Georgia, Kansas, Missouri, Texas, and Utah.

Our requests seek three categories of records:

- **Query-level material.** The lists of voters an office submitted to SAVE and the responses it received, with personal identifying information redacted.
- **Case-investigation material.** Written policies and procedures, the template notices mailed to flagged voters, tracking of who responded and how each case was resolved, and records of any registrations cancelled.
- **Aggregate statistics.** Counts of voters by SAVE response category, resolution counts, and outreach outcomes.

We have received records from several jurisdictions to date, and a number of records requests remain outstanding. While it is too early to draw conclusions, the records we have received suggest at least one consistent trend: voters flagged by SAVE as potential noncitizens are often removed from voter lists without a definitive determination about citizenship. In one county, for example, 55 of 84 flagged voters were removed, not because they were confirmed noncitizens, but because they did not respond to the mailed notice that the county sends to flagged voters.

To supplement what we learn from these requests, we are also analyzing publicly available reports from states participating in SAVE. Two are especially instructive.

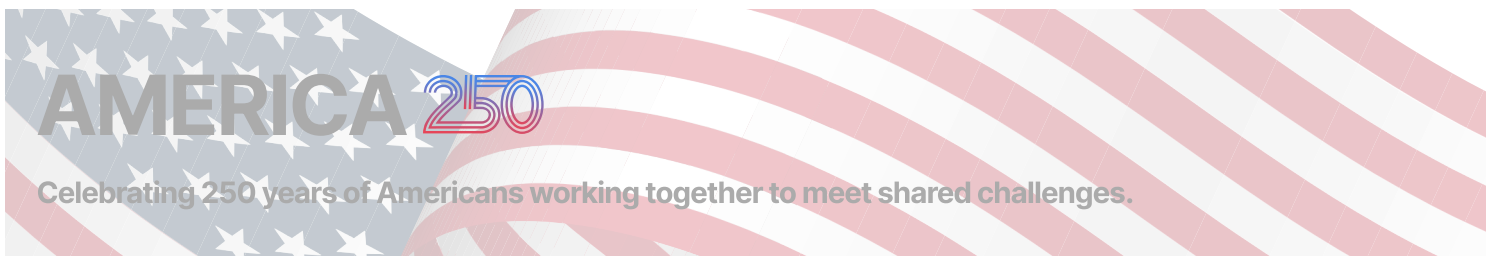
- Utah's lieutenant governor published a citizenship verification audit (discussed above) in May 2026 covering 2,069,640 voter records. Data from the Utah Driver License Division (DLD) confirmed citizenship for 96% of these records. The lieutenant governor's office then used SAVE to review 71,256 of the records DLD data could not confirm. Of those, 8,917 could not be confirmed as citizens, and a manual review of those cases identified 27 confirmed noncitizens and 25 probable ones. Together these 52 confirmed/probable noncitizens represent 0.0025% of the total 2,069,640 records reviewed.
- In Texas, the secretary of state's office processed their entire voter registration list through SAVE, which identified 2,724 potential noncitizens. On September 15, 2026, the

secretary of state's office reported that a review of Department of Public Safety (DPS) records confirmed citizenship for 578 (21%) of the initial 2,724 flagged voters (citizenship was established for 504 of these 578 records after passport data, previously missing from SAVE, was added). That leaves 2,146 registered voters flagged as potential noncitizens, or 0.01% of Texas' more than 18 million registered voters.

Several tentative conclusions follow from these reports. First, SAVE can help election officials to verify the citizenship status of many—perhaps most—voters. Second, it also works well as an informal audit of registration records, helping to identify individuals erroneously added to voter lists. These are typically people who indicated they were noncitizens on the relevant (usually paper) form, and were inadvertently registered to vote through no fault of their own. Third, however, proving that someone is *not* a citizen is difficult to do conclusively, and requires significant manual effort. Fourth, how well SAVE functions depends on coordination and data-sharing across state agencies. Typically, citizenship information is spread across multiple agencies; in Texas and Utah, DPS and DLD, respectively, possessed citizenship records that the election office had not previously consulted.

What Comes Next

Several of our records requests remain open, and we will analyze them as they arrive, alongside the records we have already received. We are also continuing interviews with election officials and reviewing whatever additional information states make public. Through this combination of records, interviews, and public reporting, we hope to produce evidence about how SAVE is and is not working for election offices, and to help answer some of the important questions raised by election officials' expanded use of SAVE.





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build a stronger America.**

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<https://bipartisanpolicy.org/article/evaluating-how-the-uscis-save-system-performs-in-practice-evidence-from-election-offices/>

EXHIBIT B



ARTICLE

Four Things to Know about Noncitizen Voting

July 22, 2026 Wren Orey Jack Friedman Theresa Cardinal Brown Theo Menon Feyisayo Oyolola

Updated July 22, 2026

In recent years, heightened scrutiny has targeted the integrity of election processes, particularly regarding noncitizen participation in U.S. elections. We address here four frequently asked questions concerning noncitizen voting in American elections:

- 01 Can noncitizens vote?
- 02 Have there been documented cases of noncitizen voting?
- 03 How do election offices verify voters' citizenship status?
- 04 What are the penalties for voting as a noncitizen?

Can noncitizens vote?

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 explicitly prohibits noncitizens from voting in federal elections. It is not legal in any state for a noncitizen to cast a ballot in an election for federal office. While federal law does not

prohibit noncitizens from casting a ballot in state or local elections, no state currently allows noncitizens to vote in statewide elections. Municipalities in three states—California, Maryland, and Vermont—and Washington, DC allow noncitizens to vote in certain local elections.¹

- San Francisco allows resident noncitizen parents and guardians to vote in school board elections.
- Oakland passed a ballot measure in 2022 also giving noncitizen parents and legal guardians the ability to vote in school board elections. The measure is still pending implementation.
- Several municipalities in Maryland and Vermont permit noncitizens to vote in municipal elections.
- Washington, DC, began allowing noncitizen residents to vote in non-federal elections in 2022.

Election offices in communities that allow noncitizens to vote in local elections maintain processes to ensure that a registered noncitizen voter cannot vote for state or federal races. Maryland's cities, for example, maintain separate ballots for municipal elections. This ensures that noncitizens cannot receive a ballot for state or federal contests.

Have there been documented cases of noncitizens voting?

Illegal voting, including by noncitizens, is routinely investigated and prosecuted by the appropriate authorities, and there is no evidence that noncitizen voting has ever been significant enough to impact an election's outcome.

When investigating noncitizen voting, it is important to distinguish between voter registration and casting a ballot. Noncitizen registration is already rare, and noncitizen voting is even less common.

Recent public debate has focused heavily on audits of voter registration lists, as these audits sometimes flag individuals who appear to be registered as noncitizens. In many cases,

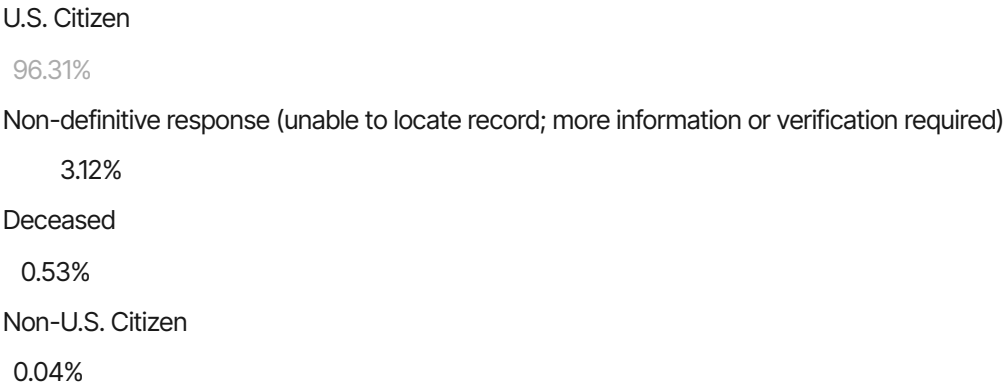
however, further review shows the individual is in fact a citizen, and they were only flagged due to clerical errors or outdated records. For example:

- **Ohio** Secretary of State Frank LaRose flagged 521 cases of potential noncitizen voting between 2019 and September 2023. But an *Ohio Capital Journal* review found just one case in which a noncitizen was ultimately charged with voter fraud. The review noted that this was due to a combination of accidental registration and a lag in how the department of motor vehicles updates an individual’s citizenship status after naturalization.
- **Utah** performed a citizenship review of its entire voter registration list from April 2025–May 2026. After a time-intensive, multi-step review of more than 2 million registered voters, they identified only 27 confirmed instances of noncitizen registration.²
- **Georgia:** In October 2024, Georgia Secretary of State Brad Raffensperger announced that a citizenship audit of 8.2 million registered voters identified 20 noncitizens who had registered to vote. Of those 20 individuals, just nine had cast ballots in prior elections, most before Georgia implemented enhanced citizenship verification through the Department of Driver Services in 2012. The cases were referred to local prosecutors for investigation.

Nationwide, records from a federal citizenship verification tool show that just 0.04% of voter verification cases are returned as noncitizens.

Federal data shows that very few voter verification cases are returned as noncitizens

This chart shows the distribution of USCIS Systematic Alien Verification for Entitlements program responses for voter verification cases as of August 2025.



Source: ACLU, Bower v. Social Security Administration, USCIS FOIA Response 10 of 14

In the rare instances in which noncitizens have been registered to vote—or have voted—the fault usually lies in administrative error. For example:

- **Oregon:** Oregon officials in 2024 revealed that a clerical error caused 1,940 individuals to be added to the voter rolls, an unknown number of whom may have been noncitizens. Due to a poorly designed computer program, Department of Motor Vehicle workers mistakenly affirmed that these individuals had provided proof of citizenship when, in fact, they had not. Although it is possible that some portion of these 1,940 individuals were noncitizens, many were later found to be citizens. Nevertheless, given that only 44 of the 1,940 later voted, the clerical error could not have affected the outcome of any elections in a state that, in 2024, cast more than 2.3 million ballots.
- **Texas:** Recently disclosed internal communications between former Texas Secretary of State Jane Nelson and U.S. Citizenship and Immigration Services reveal that the state mistakenly registered noncitizens to vote, even though these individuals had acknowledged their noncitizen status on a voter registration application.
- **New Jersey:** On July 21, 2026, New Jersey Governor Mikie Sherrill announced that a software glitch in the state's Motor Vehicle System caused approximately 6,600 ineligible noncitizens to be registered to vote, even though those individuals reported that they were not citizens during the registration transaction. The governor acknowledged that roughly 400 of these individuals cast ballots. However, there is no evidence to date that these votes altered the outcome of any races in New Jersey—a state that, in 2024, recorded over 4 million cast ballots.

While federal law prohibits voting by noncitizens in federal elections, prosecution typically requires demonstrating that the individual knowingly violated federal law. Therefore, the cases outlined above—of ineligible noncitizens being registered to vote through no fault of their own, and often without even their knowledge—are best addressed through administrative improvements. Such improvements, which can be found in a prior BPC report, include investing in modern motor vehicle department and state election office technology and infrastructure; strengthening coordination and data-sharing between motor vehicle departments and voter registration officials; and expanding back-end verification processes, which use existing government data to verify the citizenship statuses of registered voters.

How do election offices verify voters' citizenship status?

The National Voter Registration Act of 1993 requires that individuals registering to vote anywhere in the United States attest under penalty of perjury that they are a U.S. citizen.

Depending on the state, election offices then employ a combination of other tools to further verify status:

- 01 Review of documents that an individual used to obtain a state-issued ID or driver's license.** In states using this model, the motor vehicle department shares the types of documents a voter used to obtain an ID with the state or local election office. Those documents, such as a birth certificate or passport, can often confirm a voter's citizenship. When they don't, the election office can do additional investigation.³
- 02 Use of federal data to verify citizenship.** 23 states have an agreement with the U.S. Citizenship and Immigration Services SAVE System to verify voters' citizenship status.
- 03 Use of local and state data to verify citizenship.** Election officials in some states also consult jury list dismissals when the reason for dismissal is a lack of citizenship status.

For more on citizenship verification best practices, read BPC's report, Modernizing Voter List Maintenance: An Evidence-Based Framework for Access and Integrity.

What are penalties for voting as a noncitizen? Does voting by a noncitizen affect their immigration status?

There are significant penalties for registering or voting as a noncitizen. Illegally voting in a federal election can result in a fine and up to one year in federal prison, and noncitizens found guilty of this crime may also face deportation and revocation of their legal status under immigration law. Falsely claiming U.S. citizenship for the purpose of registering to vote may also result in deportation or denial of future immigration status, even if no voting occurs.

The enormity of these penalties means that deterrence is an important factor in ensuring compliance with laws that prohibit noncitizens from voting in federal elections. The risk of deportation, jail time, and fines often deter intentional efforts by noncitizens to register and vote.

Footnotes

1. New York City enacted a law allowing noncitizens to vote in local elections in 2021, but it was ruled unconstitutional by a state judge in 2022. ↴
2. On May 27, 2026, the Utah Lieutenant Governor's office further explained that in addition to the 27 confirmed instances of noncitizen registration, "there are 5,007 registrants whose citizenship status we were unable to confirm, many of whom registered to vote years before driver license or Social Security numbers were required. This week, these individuals will receive notice of the new citizenship requirements in state law. To be eligible to vote in upcoming state and local races, they will need to show proof of citizenship to their county clerks, otherwise they will receive a federal-only ballot." Those individuals registered prior to the Help America Vote Act of 2002 and are very likely U.S. citizens. The office continued to note that they "also identified 25 registered voters who are probable noncitizens. These individuals will have 30 days to provide proof of citizenship before being removed from voter rolls by their respective county clerks." ↴
3. Real ID's require proof of lawful presence and not citizenship (meaning noncitizens with lawful presence, such as permanent residents, can get a Real ID). However, by requiring proof of such lawful status, departments of motor vehicles often have documentation on file indicating what someone's status is. ↴



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<https://bipartisanpolicy.org/article/four-things-to-know-about-noncitizen-voting/>

EXHIBIT C

(213) 974-1234 GENERAL INFO



lacounty.gov



October 14, 2026

Contact:

Media Info [<mailto:mediainfo@rrcc.lacounty.gov>] : (213) 462-1422

Statement from Dean Logan Regarding U.S. Department of Justice Correspondence

LOS ANGELES – Los Angeles County Registrar-Recorder/County Clerk (RR/CC) Dean C. Logan issued the following statement regarding correspondence received from the U.S. Department of Justice concerning voter eligibility and citizenship:

"Our office received correspondence and information from the U.S. Department of Justice the afternoon of October 13, 2026 (21 days prior to Election Day) concerning assertions related to voter eligibility and citizenship. We are reviewing the information in coordination with the California Secretary of State and Attorney General to determine the next appropriate steps.

The letter included a USB drive purportedly containing the referenced records, along with a handwritten note providing a password. We have not accessed the drive because doing so would conflict with established data privacy and information security protocols. We do not consider the device a secure medium. Additionally, the letter does not specify the number of individuals involved or describe the information contained in the records.

Maintaining accurate voter registration records is a fundamental responsibility of our office. Federal and state laws are clear on how voter eligibility is established – and any action to remove a voter from eligibility must be based on verifiable information, not assertions of unconfirmed data matching.

With the 2026 General Election underway, we remain focused on administering a safe, secure, accurate, and transparent election. We will continue following established legal requirements and verification procedures while protecting the rights of every eligible voter."

A copy of the October 13, 2026, letter from the U.S. Department of Justice, along with the accompanying handwritten note, is available below.

Link: <https://rrcc.box.com/s/jwladrl77dwd9ud2hexcw2yeuvm1gnic>
[\[https://rrcc.box.com/s/jwladrl77dwd9ud2hexcw2yeuvm1gnic?
utm_content=&utm_medium=email&utm_name=&utm_source=gov](https://rrcc.box.com/s/jwladrl77dwd9ud2hexcw2yeuvm1gnic?utm_content=&utm_medium=email&utm_name=&utm_source=gov)

EXHIBIT D



County of Los Angeles

October 15, 2026

Dawyn R. Harrison
County Counsel

VIA E-MAIL



R. Trent McCotter
Acting Deputy Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
election@hq.dhs.gov

Re: DOJ Demand Letter Dated October 13, 2026

Dear Mr. McCotter:

This acknowledges Los Angeles County Registrar-Recorder/County Clerk Dean C. Logan's ("RR/CC") receipt of the U.S. Department of Justice's ("DOJ") letter dated October 13, 2026, hand delivered to the RR/CC's office in Norwalk at approximately 2:55 p.m. PST. The letter was accompanied by a USB flash drive and contains a sticky note with a handwritten password on the last page. The following day, on October 14, 2026 at approximately 2:00 p.m. PST, Al Rossi, Acting Assistant Special Agent in Charge for Homeland Security Investigations, emailed the same letter and a list in Excel format, with the same password provided for the USB flash drive.

Your letter requests that the RR/CC access the USB flash drive or Excel list using the provided password to review "a list of names of people the Federal Government believes are likely noncitizens who were sent a vote-by-mail ballot to participate in the November 2026 federal election" and "determine whether any citizens are listed." Your letter also requests a response within 48 hours as well as by 9:00 am PST on October 15, 2026, which would be less than 48 hours after receipt of the letter. Your letter further requests that, in the middle of an election cycle and without any identified authority, the County withhold ballots for certain individuals on the list until "we confirm their citizenship status," or take other actions without any commitment to finalizing that process prior to the legal close of the voting period.

R. Trent McCotter
October 15, 2026
Page 2

Based on a cursory review of the Excel list DOJ provided, this appears to be a list that contains sensitive and personal identifiable information of 20,000+ individuals with associated addresses across the State of California, and not a distinct list associated with and specific to Los Angeles County ("County"). The RR/CC is unclear why a list with records not associated with Los Angeles County was transmitted to the RR/CC, as it only maintains records for County voters and notes that the letter reads as if it is directed to the California Secretary of State rather than the RR/CC.

For the reasons addressed below, the RR/CC is legally prohibited from taking the actions requested in the letter and is, therefore, unable to comply with the requests. As a preliminary concern, we note the letter does not provide any information on how the Government compiled the list of "likely noncitizens" or on what evidentiary basis the Government has reason to suspect that those listed are registered voters who *may* be noncitizens. Further, the letter asks the RR/CC to "independently confirm citizenship status," yet provides no process or information for the RR/CC to do so, and, again, contains records that are not associated with Los Angeles County.

In your letter, DOJ cited no statutory or legal authority for directing a county's administration of ballots. The opposite is true: DOJ is asking RR/CC to engage in an unlawful course of conduct. RR/CC makes the following legal objections to the DOJ's requests.

First, as you may know, federal and state law support and require voter registration when eligibility requirements are met by attestation from an applicant. 52 U.S.C. § 20501 et seq., § 20504; Cal. Elec. Code §§ 2102, 2103, 2105, 2106. For voting purposes, a person may prove they are a citizen by their certification under penalty of perjury on the affidavit of registration. Cal. Elec. Code § 2111. Such attestation shall be deemed evidence of citizenship for voting purposes only. Cal. Elec. Code § 2114. As such, RR/CC is required to register voters when eligibility requirements are met by the voter's own attestation and associated identification information that is verified through the California statewide voter registration database maintained and regulated by the California Secretary of State, in addition to a number of other voter eligibility criteria reviewed and managed by other agencies. RR/CC, therefore, does not, nor is the RR/CC authorized to, independently investigate an applicant's citizenship status. Any investigation regarding a registered voter's eligibility must be based on individualized evidence that would be referred to and handled by other enforcement and investigative agencies such as the California Secretary of State or the California Attorney General.

R. Trent McCotter
October 15, 2026
Page 3

Second, under the National Voter Registration Act, federal law imposes a 90-day “quiet period” to safeguard against systematic removals of ineligible voters ahead of a federal election. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#). That 90-day window started on August 5, 2026.

Third, under [52 U.S.C. § 10307\(a\)](#), “[n]o person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote . . . or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person’s vote.” Notice of unverified and uncorroborated allegations of voter ineligibility does not authorize the RR/CC to not comply with this statute.

For these reasons, DOJ’s requests to the RR/CC would violate the law. Indeed, a failure to register voters as required by federal and state law can subject the RR/CC to civil enforcement and a private right of action. [52 U.S.C. § 20510](#); [Cal. Elec. Code § 2142](#).

In addition to these legal objections, there are also several practical reasons why DOJ’s requests cannot be complied with. The November 2026 General Election is well underway. Registered voters across the County have been mailed vote-by-mail ballots as required by state law, which your letter acknowledges, and the RR/CC has been processing vote-by-mail ballots since October 5, 2026. In-person voting is also underway at the RR/CC and will expand to more than 640 vote centers across the County starting on October 24, 2026 and continue until 8:00 p.m. on Election Day. In the weeks following the election and until the end of November, the RR/CC will be fully engaged with ballot processing activities, conducting the official canvass, the one-percent manual tally and post-election audit, and certifying election results. Notably, state law requires county elections officials to finish counting all regular incoming ballots on or before the 13th day following the election and certification of election results must occur within 30 days. [Cal. Elec. Code §§ 15307, 15372](#). Thus, this is an extremely critical period for the RR/CC’s administration of the November 2026 General Election.

R. Trent McCotter
October 15, 2026
Page 4

Based on the foregoing, the RR/CC is unable to comply with DOJ's requests. Aside from the questionable circumstances surrounding how the letter and statewide list were transmitted to the RR/CC and the impossibility of reviewing and responding to a list of 20,000+ individuals with addresses throughout California in less than 28 hours, we are not authorized to, or are prohibited from, taking the actions requested in your letter under both federal and state law. The actions described would disenfranchise those in question without due process.

Very truly yours,

DAWYN R. HARRISON
County Counsel

By 
PETER M. BOLLINGER
Assistant County Counsel
Government Services Division

PMB

c: Al Rossi, Acting Assistant Special Agent in Charge, Homeland Security
Investigations.

EXHIBIT E



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 practices implement 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

EXHIBIT F



From 16,000 to 185 to Zero: Trump's Claims of Illegal Voting in Nevada Fizzle.

It was the Trump administration's latest stumble in its effort to find proof of widespread noncitizen voting, despite decades of evidence that it is extremely rare.



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By Nick Corasaniti

Sept. 24, 2026

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When the Department of Homeland Security sent Nevada a list of 185 names last month that it claimed identified noncitizens who had been improperly allowed to register to vote, state election officials got to work.

On Tuesday, the state sent a strongly worded rebuke to the federal government: Every single person on the list was a lawful citizen.

“As for the 185 individuals, our records indicate that they were citizens,” Greg D. Ott, a deputy attorney general in Nevada, wrote, according to a copy of a letter sent to Department of Homeland Security officials obtained through open records requests. “You have provided nothing of substance to suggest otherwise.”

Mr. Ott also stated that D.H.S. officials had still not provided enough data for election officials to investigate their claims. Nor have they turned over the list of nearly 16,000 individuals they claim may be noncitizens.



records do not support DHS's claims, and DHS has still not provided evidence to change that," Francisco Aguilar, the Democratic secretary of state in Nevada, said in a statement. "Instead, DHS officials continue their attempts to intimidate election officials into compliance and deter voters with huge claims of fraud with no evidence. Repeating unsupported claims does not make them true."

It was the Trump administration's latest stumble in a broad campaign to find proof of widespread noncitizen voting in American elections, despite decades of evidence that it is extremely rare.

The Department of Homeland Security said in a statement that Nevada's characterization was "false" and "the list of 185 were simply a subset of individuals that had gone through a rigorous manual review process" at the time of the last meeting between the two agencies.

The back and forth began in July, when President Trump and Markwayne Mullin, the homeland security secretary, said they had identified more than 270,000 noncitizens on voter rolls in just four states: Nevada, California, New Jersey and Pennsylvania.

Both men stated the claims as fact, yet letters sent to election officials in the four states in the days that followed indicated that the numbers may have been inflated. Each letter qualified Mr. Trump's concrete assertions with the phrase "there may be as many as." None offered actual proof of noncitizens on voter rolls.

In Nevada's case, Mr. Mullin initially claimed that there were as many as 15,903 noncitizens on the voter rolls. But in a meeting between Nevada election officials and the Department of Homeland Security last month, department leaders admitted that their initial claim was unsubstantiated. That prompted some pointed questions from Nevada election officials, according to a video recording of the virtual meeting.

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“What you’re saying is the 15,000 number has not been vetted?” asked C. Murphy Hebert, the chief deputy in the Nevada secretary of state’s office.

“I probably wouldn’t use the sentence, ‘It hasn’t been vetted,’” replied Kimberley Vogt, an official with Homeland Security. “Because definitely we’ve done something with it to get down to 15,000. So I wouldn’t say that. But it hasn’t had a full manual review of each one.”

Following the meeting, Ms. Vogt sent a clarifying email to Nevada officials. “I also wanted to be sure I clarified that we did not reduce the 15,903 to 185,” she wrote. “We’ve manually reviewed some of the 15,903 and confirmed 185 are not U.S. Citizens.”

Now, Nevada officials are saying even that 185 number is wrong. They also took issue with a letter D.H.S. sent them in early September, in which the agency reiterated its initial claims about nearly 16,000 noncitizens on the rolls and pressured state officials to review each case in a letter to Nevada officials in early September.

“Each one of the 15,903 individuals identified should be carefully reviewed by your state to determine eligibility for voting in a federal election,” read a letter from the Department of Homeland Security sent on September 9.

But Nevada election officials said in their letter that D.H.S. “has never provided Nevada with a list of 15,903 individuals.” Instead, they said, the department sent them a smaller batch of roughly 6,000 individuals, identified only by what Homeland Security called a voter case number.

“D.H.S. still has not provided any additional verifiable information for the individuals it suggests are noncitizens,” they wrote.

The Department of Homeland Security said in a statement that the 6,218 individuals had “the highest number of matching attributes” to a potential noncitizen in their records, and that the smaller tranche of voters “was at the request of Nevada. They wanted to start with a subset less than the 15,903 registrants DHS originally identified.”

ada officials disputed that claim, and records reviewed by the Times did not show Nevada making that request.

Mr. Ott also said the use of so-called voter case numbers, which Nevada officials took to mean voter registration numbers, was imprecise.

Using only “voter case numbers” without any other information such as a name, date of birth, address, or another verifiable data point, could lead to the identification of multiple individuals, Mr. Ott said. This is because Nevada recently transitioned to a statewide voter-registration system that was previously run by counties. So an individual may have been assigned one number by a county in the past and a different number under the new statewide system.

“The number also doesn’t tell us whether an individual was born in the United States, naturalized, derived citizenship through a parent, or holds any particular immigration status,” Mr. Ott wrote. “A number that matches a voter record thus establishes only that a number exists in, or once existed in, a voter registration system.”

Mr. Trump’s demand for evidence of fraud has prompted multiple governmental efforts. The New York Times this month reported that hundreds of agents with Homeland Security had been temporarily pulled from their duties investigating international crimes and terrorism for a roughly three-week intensive search noncitizens on voter rolls. The methodology was criticized by Democrats as faulty and potentially illegal, and the Virginia attorney general wrote a letter demanding more information.

Nick Corasaniti is a Times reporter covering national politics, with a focus on voting and elections.

EXHIBIT G



NORTH CAROLINA

STATE BOARD OF ELECTION



TUESDAY, OCTOBER 13, 2026

NCSBE to Send Letter to Potential Non-Citizens on Voter Rolls

The North Carolina State Board of Elections will send letters this week to 1,392 registered voters identified as potential non-U.S. citizens through the federal Systematic Alien Verification for Entitlements (SAVE) database.

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RALEIGH, NC

The North Carolina State Board of Elections will send letters this week to 1,392 registered voters identified as potential non-U.S. citizens through the federal Systematic Alien Verification for Entitlements (SAVE) database. SAVE is a federal database used by government agencies to verify immigration and citizenship status.

The findings represent approximately 0.02% of North Carolina's 7.9 million registered voters.

The letters will provide registrants with instructions on how to voluntarily request removal from the voter rolls if they were registered in error or provide information verifying their U.S. citizenship. See a [copy of the letter](#) 

(https://s3.amazonaws.com/dl.ncsbe.gov/Legal/SAVE/Ltr%20Identified%20Voter_v1_20261008.pdf)

“Maintaining accurate voter rolls and ensuring that only U.S. citizens participate in our elections are fundamental duties of the State Board,” said Sam Hayes, executive director of the State Board of Elections. “While these registrations represent a small percentage of our voter rolls, one ineligible registrant is still one too many. We have a duty to enforce the law while protecting the rights of every eligible legitimate voter.”

Earlier this year, the Department of Homeland Security identified nearly 1,600 potential non-citizens on the voter rolls. However, further comparisons with the SAVE database, combined with additional reviews by the State Board and checks against state DMV records, have reduced that number.

In July, the State Board announced that it would review potentially ineligible registrations before initiating any removal proceedings. The mailing represents the next step in that process.

On September 25, the U.S. Supreme Court issued a ruling allowing continued use of the SAVE database for voter list maintenance purposes while litigation proceeds. The State Board will continue utilizing available federal citizenship verification tools consistent with applicable law.

Verification and Review Process

Inclusion on the SAVE database does not necessarily mean an individual is ineligible to vote. Citizenship information may be incomplete or outdated, particularly for individuals who have become naturalized U.S. citizens. This is why the State Board conducts a review of available records when receiving data back from the SAVE database.

Once data is returned from SAVE, the State Board conducts additional reviews. This includes checking voter records to see if a registrant previously showed a U.S. passport when voting or provided citizenship documents to the N.C. Division of Motor Vehicles.

When available records do not establish citizenship, the registrant will be asked to provide corrected or updated information before any removal proceedings are initiated.

Protecting Eligible Voters

No voter will be automatically removed from the voter rolls based solely on information obtained through SAVE. Any removal proceedings must comply with applicable state and federal laws, including requirements for notice and due process.

Individuals who receive a letter and believe they have been identified in error should follow the instructions provided and contact the State Board to resolve any discrepancy

Receiving a letter does not cancel an individual's voter registration or automatically prevent an otherwise eligible voter from participating in the November 3 general election. Any voter

challenge or determination of ineligibility must follow the procedures established under North Carolina and federal law.

Public Information and Transparency

The State Board will provide information about the review process while protecting individual registrants' information and the integrity of any ongoing investigations or eligibility reviews.

The State Board will continue to review citizenship information, resolve discrepancies, and maintain accurate voter registration records ahead of the election.

For additional information about the SAVE verification process and voter list maintenance, visit [Maintaining Accurate Voter Rolls](https://www.ncsbe.gov/about-elections/maintaining-accurate-voter-rolls)  (<https://www.ncsbe.gov/about-elections/maintaining-accurate-voter-rolls>).

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CONTACT

Jason Tyson

✉ ncsbe.comms@ncsbe.gov (<mailto:ncsbe.comms@ncsbe.gov>)

EXHIBIT H

United States Senate

WASHINGTON, DC 20510

September 13, 2026

The Honorable Markwayne Mullin
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, SE
Washington, D.C. 20528

The Honorable Joseph B. Edlow
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20529

Dear Secretary Mullin and Director Edlow:

On September 8, 2026, Senator Alex Padilla received a protected whistleblower disclosure (the “Disclosure”) that reveals serious allegations of illegal and inappropriate activities within the Department of Homeland Security’s (“DHS” or “the Department”) U.S. Citizenship and Immigration Services (“USCIS”) Fraud Detection and National Security Directorate (“FDNS”).

According to the attached Disclosure, the Department and USCIS leadership have abruptly diverted FDNS personnel to an “Unlawful Voter Initiative” using highly questionable data and methods to identify purported unlawful voters. DHS materials admit these investigations will include naturalized U.S. citizens, some of whom will have federal law enforcement records created against them. FDNS employees are expressing concern that they are being directed to take actions that are against the law and Department policy, which will harm Americans. The whistleblower’s Disclosure includes compelling evidence of wrongdoing and abuse of power by agency leadership including:

- (1) USCIS personnel have been directed to access sensitive voter information in violation of state laws prohibiting unauthorized access to individual voter records potentially thousands of times;¹
- (2) USCIS personnel are under significant pressure from headquarters to enter federal TECS² records against individuals that are likely to be false in many cases, potentially harming thousands of people in likely violation of federal privacy requirements;³
- (3) With minimal training, agency leadership is imposing reckless quotas that demand USCIS personnel investigate 40 subjects per day, a rate of roughly 12 minutes per subject, to complete this rushed investigation by September 12;⁴ and,
- (4) USCIS personnel are being tasked with unreliable DHS voter data of dubious origins, that is compiled with “supplemental magic”, which they are required to accept as accurate.⁵

¹ Disclosure Letter to Senator Padilla from Anonymous Whistleblower re: Department of Homeland Security and U.S. Citizenship and Immigration Services Direction to Identify “Unlawful Voters”, (Sept. 8, 2026), 1.

² “TECS” is a system where “users are able to input, access, or maintain law enforcement, inspection, intelligence-gathering, and operational records.” See DHS/CBP/PIA-021 TECS System: Platform, available at: <https://www.dhs.gov/publication/dhscbppia-021-tecs-system-platform>

³ Disclosure Letter, 1.

⁴ *Id.* at 2.

⁵ *Id.* at 3.

On Friday, August 21, 2026, USCIS FDNS personnel were instructed to drop everything and watch one training video. By the following Tuesday, August 25, they were directed to begin reviewing data provided by DHS to FDNS to hunt for “unlawful voters.” Hundreds of employees have been diverted to chasing the Administration’s unfounded claims of significant noncitizen voting. This sudden surge indicates that the Department’s top priority is now manufacturing evidence for election conspiracy theories, rather than FDNS’s fraud detection and national security mission.

It is notable that these activities come as federal courts have unanimously rejected the Administration’s attempts to coerce states to share their citizens’ voter data.⁶ The Disclosure shows how DHS is deploying federal law enforcement resources to go around those judicial rulings and gather state voter information by any means, regardless of state laws. Further, the Administration’s continued claims of election fraud signal its intent to use this unreliable evidence of “unlawful voters” in ways that can disenfranchise eligible voters, disrupt state and local election administration, and subject election officials to additional unwarranted threats of prosecution.⁷

1. Illegal Access to State Voter Records Using PII

The whistleblower’s Disclosure shows this initiative appears to involve thousands of violations of state laws protecting voter data against unauthorized access. Several states, including Virginia, require a specific attestation that one is authorized to access the voter’s information, under penalty of law.⁸ However, the Department and USCIS are directing assigned personnel to make false claims, using Personally Identifiable Information (PII) from DHS data, on state government websites by affirming that they are the voter or have been authorized by the voter to obtain the desired state voter data. This appears to be a clear-cut violation of state laws regarding access to individual voter information and raises serious questions about federal privacy laws and data policies as well.

As documented by the Disclosure, federal employees are being directed to misrepresent themselves based on questionable guidance from USCIS’s Office of Chief Counsel (“OCC”). This guidance stated that FDNS officers may conduct such searches on these websites as “open-source research for ‘adjudicative or investigative’ purposes,” seemingly disregarding certain states’ laws. This guidance also conflicts with 5 U.S.C. §552a(a)(7), which defines “routine use” “with respect to the disclosure of a record” as “the use of such record for a purpose which is compatible with the purpose for which it was collected.” Further, statements made by Department leadership that personnel would not be “personally liable” for conducting these searches indicates a known concern about the legality of these actions.

2. Creation of Erroneous Federal Law Enforcement Records

The Disclosure also outlines the serious consequences for individuals whose information is being reviewed through this initiative. FDNS officers were instructed to create records known as “TECS records” for individuals who have been determined to be “unlawful voters” despite questions from

⁶ Avery Lotz, *DOJ’s voter roll crusade hits a courthouse wall*, Axios (Aug. 5, 2026), <https://www.axios.com/2026/08/05/trump-doj-voter-roll-lawsuits-fail>

⁷ Assistant Attorney General Dhillon Letter to All States’ Chief Election Officials Threatening Prosecution, Example Letter to Michigan Secretary of State Benson (July 7, 2026), available at: <https://www.documentcloud.org/documents/28425163-20260707-doj-letter-and-memo-voter-eligibility/>

⁸ Disclosure Letter, 1.

officers regarding the source and accuracy of voting and immigration history information to make these determinations. TECS records are law enforcement records maintained by U.S. Customs and Border Protection (CBP) that carry significant downstream impacts on individuals, including naturalized U.S. citizens.

Now, tens of thousands of individuals are being investigated by FDNS officers through this initiative without their knowledge or ability to correct erroneous data. The Department's own training information acknowledges there will be serious flaws in the data, even stating "there will be U.S. citizens in this population."⁹ At a time when immigration enforcement is significantly increasing at airports, U.S. citizens or other lawfully present noncitizens could be referred to secondary inspections by CBP personnel at ports of entry upon return to the United States from legally authorized travel abroad due to a TECS record based on questionable sources. While USCIS' materials caution about the possibility of unreliable data, personnel are nevertheless directed to generate records regardless of whether they believe that the DHS-provided data is correct, which can trigger referrals to Homeland Security Investigations (HSI).

3. Minimal Training and Reckless Quotas Leading to Criminal Investigations

As revealed in the Disclosure, staff were given just one session of training as part of this initiative – consisting only of a video that lasted approximately 1 hour and 45 minutes. Less than 3 business days later, assigned staff were expected to begin reviewing data, with quotas of 5 subjects per hour, or 40 per day over 8 hours. Not only is such a breakneck pace likely to cause fatigue amongst these staff, but it equates to approximately 12 minutes per subject – a completely inadequate timeline for investigating and reconciling multiple Alien Registration Numbers mistakenly or inadvertently issued to an individual, increasing the likelihood of error. Individual cases identified by this initiative can then be taken up by HSI for further action, including criminal investigations.

4. Questionable Source Data Compiled With "Supplemental Magic"

The Disclosure establishes a glaring lack of transparency around the source data provided by the Department for these investigations. The official training video states that the data was compiled with "supplemental magic." The video also establishes that both headquarters and USCIS personnel understand the shortcomings of both the state voter data and the federal immigration and citizenship data, including individuals with multiple alien numbers, but personnel are required to accept the data even when they believe it to be inaccurate. This use of "supplemental magic" on this data set to create records to be used against citizens shows a shocking disregard for the federal privacy and data laws enacted to protect the American people.

The Department has already shown repeated disregard for the Privacy Act and other laws and policies limiting federal agencies' collection, use, and sharing of individuals' records.¹⁰ The Disclosure shows that some of the data being used to check against state voter rolls comes from the SAVE program. The

⁹ *Appendix*, 25.

¹⁰ *League of Women Voters v. Department of Homeland Security*, No. 25-cv-3501, Order Denying Federal Defendants' Motion for Stay Pending Appeal (D.D.C. July 8, 2026), *aff'd*, Order Denying Federal Defendants' Motion for Stay (D.C. Cir., Sept. 4, 2026).

modified use of SAVE is now barred by a federal court injunction, raising questions about whether the Department is following that court order.¹¹

Continuation of Administration's Baseless Claims of Election Fraud

These activities are especially alarming just weeks before the 2026 midterm elections. They also must be seen in the context of the repeated, unverified claims by President Trump of widespread noncitizen voter fraud, including those made during his July 16, 2026, prime-time address from the White House. Over the past several weeks, *CNN*, *The New York Times*, *The Washington Post*, and *ProPublica* and other outlets have reported on the intense White House pressure on DHS and other agencies to back up the President's baseless claims of widespread election fraud.¹² Now, the Administration appears likely to use the "unlawful voters" supposedly identified with "supplemental magic" in ways that disenfranchise eligible voters and threaten state and local election officials before, during and after Election Day 2026.

In light of this Disclosure, DHS and USCIS must (1) be transparent about what they intend to do with the unreliable records they are generating; (2) immediately stop this initiative and related activities; and (3) remove any TECS or other law enforcement or administrative records generated from it. In addition to taking immediate corrective action, please provide answers to the attached questions no later than September 21, 2026.

Thank you for your prompt attention to this important matter.

Sincerely,



Alex Padilla
United States Senator
Ranking Member, Committee on
Rules and Administration;
Ranking Member, Judiciary
Subcommittee on Border
Security and Immigration



Charles E. Schumer
United States Senator
Senate Democratic Leader

¹¹ Disclosure Letter, 3; *Appendix*, 18.

¹² Peter Elkind, et. al., *Inside Trump's Failed Hunt for Noncitizen Voters*, *ProPublica* (Aug. 14, 2026), <https://www.propublica.org/article/noncitizen-voting-trump-homeland-security-investigations>; Alvarez, et. al., *Exclusive: DHS plans to launch voter fraud investigation surge Tuesday*, *CNN* (Aug. 31, 2026), <https://www.cnn.com/2026/08/31/politics/homeland-security-voter-fraud-investigations>; Nick Corasaniti & Hamed Aleaziz, *Trump Administration Begins Blitz to Find Elusive Voter Fraud Ahead of Midterms*, *New York Times* (Sept. 2, 2026), <https://www.nytimes.com/2026/09/02/us/politics/trump-election-voter-fraud.html>; Ted Hesson, *Immigration Officers Are Being Diverted to Trump's Voter Fraud Effort*, *Washington Post* (Aug. 25, 2026), <https://www.washingtonpost.com/immigration/2026/08/25/immigration-officers-are-being-diverted-trumps-voter-fraud-effort/>.

cc: Chairman Mitch McConnell, Senate Committee on Rules and Administration
Chairman Chuck Grassley, Senate Committee on the Judiciary
Ranking Member Dick Durbin, Senate Committee on the Judiciary

**Questions for DHS and USCIS Regarding the Whistleblower Disclosure from
Ranking Member Alex Padilla and Leader Chuck Schumer**

- 1) How does DHS or any of its agencies plan to use the information generated by the USCIS “Unlawful Voter Initiative” (USCIS Initiative)? Has DHS or any of its agencies provided any information generated from the USCIS Initiative to HSI, the FBI, or any U.S. Attorneys’ Offices? Has DHS or any of its agencies provided such information to any state or local election office for purposes of determining voter eligibility or does it intend to do so before or after November 3, 2026?
- 2) How many DHS employees, broken down by component agency and title, have been devoted to the USCIS Initiative, HSI “criminal voter fraud surge initiative,” or any other initiative concerning alleged noncitizen voter registration or voting since January 20, 2025?
- 3) What assessment have DHS and USCIS conducted of the operational consequences of these reassignments on other missions, including fraud reviews and national security screenings? What work has DHS and USCIS chosen to pause or forego in order to reassign resources to the “Unlawful Voter Initiative”?
- 4) Which senior DHS or White House officials ordered, approved and oversee each election-related DHS initiative, including the HSI “criminal voter fraud surge initiative” and USCIS FDNS diversion?
- 5) What factual or statistical analyses did DHS conduct to determine that the prevalence of suspected voting by noncitizens warranted the personnel and resources assigned to these efforts? Please provide any analyses and explain how DHS determined that a surge immediately before Election Day 2026 was necessary and appropriate.
- 6) How is DHS obtaining voter data from states which have not voluntarily submitted it to the Department? Which office(s) at DHS headquarters or component agency is responsible for collecting and maintaining these records?
- 7) Provide all legal analysis for the USCIS Initiative, including any analysis of the Department’s legal authority to access information on state voter websites, and specifically the direction for FDNS officers to enter false attestations or access state voter information websites identified for the use of voters or their authorized representatives.
 - a) Did DHS or USCIS notify states that they intended to use these websites for this purpose?
 - b) Does DHS or USCIS keep records of the numbers of false attestations by officers accessing state voter data by claiming to be a voter or their authorized representative?
 - c) Has any officer who has access such websites ever truthfully identified themselves, and if so, under what circumstances?
- 8) Which federal, state or nongovernmental databases or other information sources are DHS employees using or accessing to identify, verify, or check for noncitizens on state voter rolls?

- 9) Did DHS or USCIS analyze whether any new or modified SORN, “routine use” justification, Privacy Impact Assessment, computer-matching/information sharing agreement, or other public notice or agreements were required before beginning these operations?
- Identify every Privacy Threshold Analysis, SORN, “routine use” justification, Privacy Impact Assessment, memorandum of understanding or agreement, data-use/information sharing agreement, legal opinion, Privacy Office review, state law or any other legal or compliance document applicable to these activities and explain how the Department has ensured compliance. Please provide a copy of each of the above that were completed for the USCIS Initiative, the HSI “criminal voter fraud surge initiative,” or any other initiative concerning alleged noncitizen voter registration or voting since January 20, 2025.
 - If this disclosure of information was determined to be “routine use” as defined at 5 U.S.C. §552a(a)(7), please provide the reasoning that informed this conclusion. If not, please provide the basis under 5 U.S.C. §552a or any other federal privacy law that DHS and USCIS are subject to that justified the disclosure of this information and the reasoning that informed that justification.
- 10) What does the Department and USCIS mean in its use of the term “supplemental magic” in the training provided to FDNS officers? Please define the term and provide information about where the data FDNS staff were given to further their research originated from.
- How did the Department create its list of individuals to be investigated?
 - What factors were considered when determining whether an individual merited review by USCIS?
 - How many individuals were referred to USCIS for review under the USCIS Initiative?
 - How many individuals have been reviewed by FDNS? How many individuals had TECS records created?
- 11) What training did DHS employees receive before initiating these voter efforts, including training concerning legal guardrails and limitations of DHS databases, state voter registration systems and the applicable restrictions on their use? Please provide a full copy of any training and guidance materials provided to officers and their supervisors on August 21, 2026, and any subsequent materials provided since the start of the USCIS Initiative.
- 12) What recourse do naturalized citizens and other noncitizens reviewed under this USCIS Initiative have to address an erroneous TECS record?
- 13) Please preserve and provide all guidance, policies, training materials, training videos, presentations, manuals, and other records regarding the USCIS “Unlawful Voter Initiative,” the HSI “criminal voter fraud surge initiative,” and related DHS activities to identify noncitizen voters on state voter rolls.



September 8, 2026

The Honorable Alex Padilla
Ranking Member, Committee on Rules and Administration
U.S. Senate Committee on Rules and Administration
331 Hart Senate Office Building
Washington, D.C., 20510

**Re: Systemic Pattern of Potential Illegal Conduct and Data Falsification at DHS's
"Unlawful Voter Initiative" — Anonymous Whistleblower Disclosure**

Senator Padilla:

Democracy Defenders Fund represents an anonymous federal whistleblower (hereinafter "Whistleblower" or "client") with direct knowledge of potential repeated illegality in connection with the U.S. Citizenship and Immigration Services-Fraud Detection and National Security Directorate Headquarters (USCIS-FDNS HQ) Unlawful Voter Initiative. The Whistleblower has reason to believe that, with the knowledge and at the direction of leadership at headquarters, the Unlawful Voter Initiative has potentially already committed thousands of violations of state law in an effort to improperly access individuals' voter records. The Whistleblower is similarly aware of detailed evidence of pressure to falsify federal records and believes that may have occurred on a large scale, potentially in violation of federal law. The details supporting our client's reports are set forth in the Appendix to this letter.

Our client reports that leadership of the Unlawful Voter Initiative are requiring DHS employees to utilize Personally Identifiable Information (PII), accessed through DHS internal data, to access state voter registration websites. The employees may be required to use the PII to make false attestations that they are the voter or are acting with the voter's express authorization, in order to access these individual voters' records. Such false representations would likely violate relevant state law. *See, e.g.,* Va. Code § 18.2-152.3. DHS has previously tried to obtain the unredacted voter files of nearly every State. *See* Nick Corasaniti & Alan Feuer, *Justice Department Issues Subpoenas for Voter Data in Nevada*, N.Y. Times (Sept. 4, 2026), <https://tinyurl.com/yhdsjsn6>. Because those demands violate the statutory and constitutional election framework, Democratic and Republican election officials have refused to comply. In response, DOJ has filed at least 31 lawsuits against those states and the District of Columbia to obtain the voter data. Melissa Quinn, *The Trump Administration has filed 31 lawsuits seeking states' voter data. Here's where they stand.*, CBS News (Aug. 17, 2026), <https://tinyurl.com/3rvna3ut>. DOJ has not been successful in a single case so far. The DHS Initiative appears to be an illegal alternative to DOJ's unlawful efforts.



The Whistleblower reports that given the nature of the Initiative, the pressures put on officers, and the instructions given by headquarters, it is likely the case that no officer who has sought to access information on a state website has been truthful about his or her identity. The Unlawful Voter Initiative includes all 50 states and is targeted at up to hundreds of thousands of individuals. The officers received their first and only training on Friday, August 21, and were considered ready to begin the Initiative on Tuesday, August 25. They are required to review and determine if the PII belongs to an “unlawful voter,” and each officer was given a quota of at least five subjects to be reviewed per hour and 40 subjects per day, with USCIS-FDNS-HQ leadership tracking their output—giving officers only twelve minutes to determine if a subject is a U.S. citizen, if they should be considered an “unlawful voter,” and enter a record against them (called a “TECS” record).¹ The Whistleblower understands that the goal is to complete this stage of the initiative by September 12.

When the Whistleblower and others expressed concerns about the legality of this conduct to USCIS-FDNS HQ, the response was that individual officers would not be personally liable for conducting the searches when they are done as part of their official duties and properly documented. No explanation was offered as to why officers would not be legally liable. That statement implies awareness that the activity is illegal and nevertheless requires DHS officials to continue improperly accessing state voter records. Only one substantive response was provided to the concerns raised by the Whistleblower and others, namely that these searches are permissible as open-source research for “adjudicative or investigative” purposes. However, that appears inconsistent with the guidance listed in DHS’s Rules of Behavior required for accessing other, less sensitive information, such as social media posts; and also the USCIS Rules of Behavior, in which employees agree that they “will not attempt to access systems [they are] not authorized to access” and “will not attempt to bypass access control measures.” No attempt was made to explain these discrepancies, leading the Whistleblower and others to believe that DHS leadership may be knowingly requiring them to break the law and DHS policies.

Furthermore, the Whistleblower reports widespread doubts among officers working on the Initiative about the accuracy of the source data DHS is providing to its employees, through USCIS-FDNS HQ, as part of the Unlawful Voter Initiative. The data DHS provides often consists of unverified voter registration and/or voting dates and is known to conflict with data found in other sources. Indeed, the inaccuracies of this DHS data are widely known and acknowledged by DHS itself. The State Citizenship Lists DHS is putting together, pursuant to the President’s Executive Order No. 14399, *Ensuring Citizenship Verification and Integrity in*

¹ “TECS” is officially an acronym with no definition. It originally stood for Treasury Enforcement Communication System. <https://www.aila.org/library/cbp-memo-muster-on-tecs-name-change>.



Federal Elections, 91 Fed. Reg. 17125 (Mar. 31, 2026), must be compiled from “citizenship and naturalization records, SSA records, SAVE data, and other relevant Federal databases.” 2026 Elections EO, § 2(a). Yet both SSA and DHS have both acknowledged systematic data gaps and unreliability in the underlying data set for purposes with respect to determining voter eligibility and citizenship. *See e.g.*, Letter from Nancy Morales Gonzalez, Assoc. Gen. Couns., SSA, to Jon Sherman, Litig. Dir. & Senior Couns., Fair Elections Ctr., Re: Application for Records and Testimony of a Social Security Administration (SSA) Employee in a Federal Civil Case 2 (Jul. 13, 2023), <https://perma.cc/KS2N-U2US>.²

Moreover, the internal data often does not include the sources of the information, and USCIS-FDNS HQ does not and will not elaborate on the specific sources and dates of data it provides to the officers conducting reviews. When officers expressed their misgivings about the unreliability of the data to leadership, they were told they were required to create the TECS law enforcement records of unlawful registration and/or voting irrespective of their concerns. Although the training acknowledges that the voter data set contains inconsistent information, officers were told to assume that the data provided by DHS to USCIS-FDNS HQ was accurate enough to determine whether an individual may have voted or registered to vote by a specific date.

At one point in the training video, there was an express recognition of these flaws. The video tells DHS employees that certain information that is not included in the source data will be “brought in through supplemental magic.” Magic is not a recognized form of record keeping under state or federal law.

As a result, our client reports that TECS law enforcement records are regularly created against individuals based solely on DHS data that is unverified, inconsistent with other information, and/or is unexplained to the officers working on the Initiative. Our client also reports that TECS law enforcement records have been created against U.S. citizens. Such records can have ramifications for individuals far beyond the voting context. TECS law enforcement records can be used against them in *any* interaction they may have with the federal government, such as crossing the border during travel or seeking a benefit.

² *See also* DHS, Privacy Threshold Analysis for the SAVE Program 17, 34, 38–39 (approved Jul. 17, 2025), <https://perma.cc/9AXY-WCLU> (DHS knew that there were “shortfalls in data accuracy” for SAVE, and warned that SAVE “may share inaccurate information with registered agencies”); DHS, DHS Ref. No. DHS/USCIS/PIA-006(d), Privacy Impact Assessment for the Systematic Alien Verification for Entitlements “SAVE” Program 19 (Oct. 31, 2025), <https://perma.cc/G92U-LYPM>; USCIS, Voter Registration and Voter List Maintenance Fact Sheet (Aug. 27, 2025), <https://perma.cc/Q5F7-YBCA> (“if an individual with acquired citizenship has not received a Certificate of Citizenship from USCIS (e.g., some foreign-born children of U.S. citizens) or is not designated as a U.S. citizen in SSA records, SAVE may not be able to confirm that individual’s U.S. citizenship”).



Our client wants it known that they believe the responsibility for this potentially illegal activity lies solely with USCIS-FDNS HQ. The Whistleblower believes that their colleagues below that level, up to and including regional leadership, are likely also victims of an abuse of power. Our client wants it known that they would not have had the courage to come forward if not for them speaking up internally, many before our client did. They are outstanding public servants and do not deserve to be vilified for being placed in an impossible situation by headquarters.

Our client, a lawful anonymous whistleblower, feels it is their duty to come forward and reveal potentially unlawful conduct related to the "Unlawful Voter Initiative." Our client is understandably extremely concerned about retaliation by Administration officials should their identity become known. As such, we ask that reasonable steps be taken to maintain their anonymity throughout the whistleblowing process. The Whistleblower makes this disclosure out of concern that law enforcement records used against individuals, including U.S. citizens, are being created through potentially unlawful means and based upon unreliable information. That is a dangerous abuse of the power of the federal government. We respectfully submit this disclosure for inquiry and investigation. Our client welcomes referral of the matter to any other oversight bodies with relevant authority and jurisdiction.

Sincerely,

/s/ Norman L. Eisen

Norman L. Eisen

Executive Chair

Democracy Defenders Fund

[REDACTED]

/s/ Stephen A. Jonas

Stephen A. Jonas

Chief Counsel & Director, Rapid Response Legal

Democracy Defenders Fund

[REDACTED]

Appendix — Anonymous Whistleblower Disclosure

This document reflects the Whistleblower’s personal knowledge and assessment. Given the size of the Initiative and the speed being demanded of officials, USCIS-FDNS HQ has put extraordinary pressure on employees despite the legal risk involved. Our client has an extreme fear of retaliation, but they feel an obligation to speak up about the misconduct and gross mismanagement they have witnessed.

1. “UNLAWFUL VOTER INITIATIVE”

On Friday, 08/21/2026, FDNS IOs received instructions to stop everything being worked on and immediately watch a 1 hour 45 minute training video provided by USCIS-FDNS HQ. The video, referenced throughout this statement, is the only formal training provided by USCIS-FDNS HQ for the Unlawful Voter Initiative surge. It was also the first time officers may have heard of the Initiative that they would be mandatorily assigned, to effective immediately. USCIS-FDNS HQ also provided a link to an internal FDNS website listing all 50 states and provided links to each state’s official state voter registration website, along with some other guides, links, and a PowerPoint presentation.

Three days later, on 8/24/2026, FDNS completed a reorganization that brought IOs throughout the country under more direct control of headquarters. The Unlawful Voter Initiative appears to be the very first action taken by headquarters using the newly reorganized FDNS.

By Tuesday, 8/25/2026, officers were considered trained and ready to begin reviewing data provided by DHS to the officers through USCIS-FDNS HQ. This data contains the personal information of tens or hundreds of thousands of individuals throughout all 50 states, including US citizens. Officers are supposed to review and determine if the information belongs to an “unlawful voter” and were given a quota of at least five subjects to be reviewed per hour. If the officer determines the subject to be an unlawful voter, they are to create a TECS record against them so that they may be subjected to additional scrutiny. Our client understands that the goal is to complete this stage of the Initiative by 9/12/2026.

Details: Evidence supporting this statement is provided below. This is not all of the evidence that exists, but it is what the Whistleblower feels can be provided at this time without revealing their identity. Much of the evidence discussed in this statement is sourced to the mandatory training video, along with a transcript that was provided with the video. The creation of the transcript appears to have been automated and there are minor transcription errors with some words, but the transcript accurately reflects what was said in the training video. We have only redacted information that could potentially be used to identify an individual officer as there is extreme fear within FDNS of retaliation for discussing this activity. We are only including details from the transcript that we believe to be indicative of violations of law, gross

2. ACCESSING STATE VOTER REGISTRATION WEBSITES USING DECEPTIVE INFORMATION

The screenshot shows a Microsoft Teams meeting interface. The main window displays a presentation slide with the title "FDNS Unlawful Voter Surge Training" and the date/time "2026-08-20 17:06 UTC". The slide also indicates it was recorded by [REDACTED] and organized by [REDACTED]. The right-hand sidebar shows a list of meeting participants, with names [REDACTED] and [REDACTED] visible. The bottom of the screen shows the meeting controls, including a chat window with a message from [REDACTED] dated August 20, 2026.

Training Video Transcript:

It's a hyperlink to go to their state voter registration or voter site.

Image 2 (below) shows the main page for the Initiative that was referenced in the video. The first state voter registration website that is linked to (Alabama) is shown at the bottom of the screenshot and is also used as an example in the training video (Image 3 and Image 4).

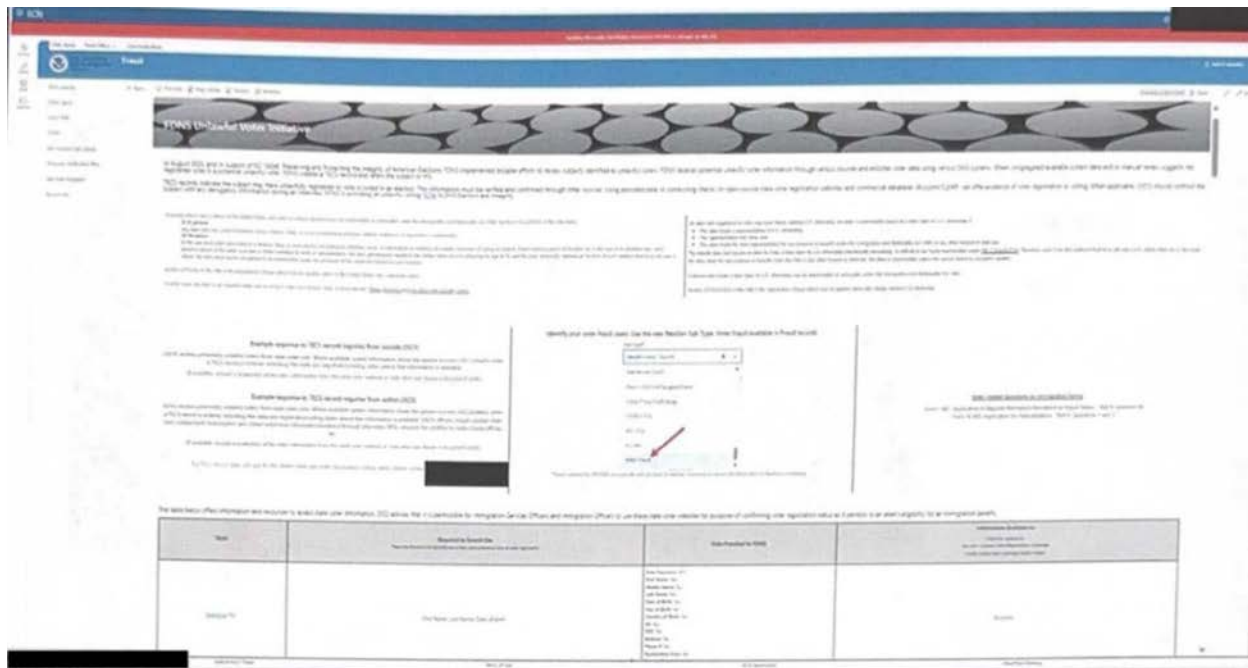


Image 2 - FDNS Unlawful Voter Initiative Internal Website with Link to Alabama State Voter Registration Website

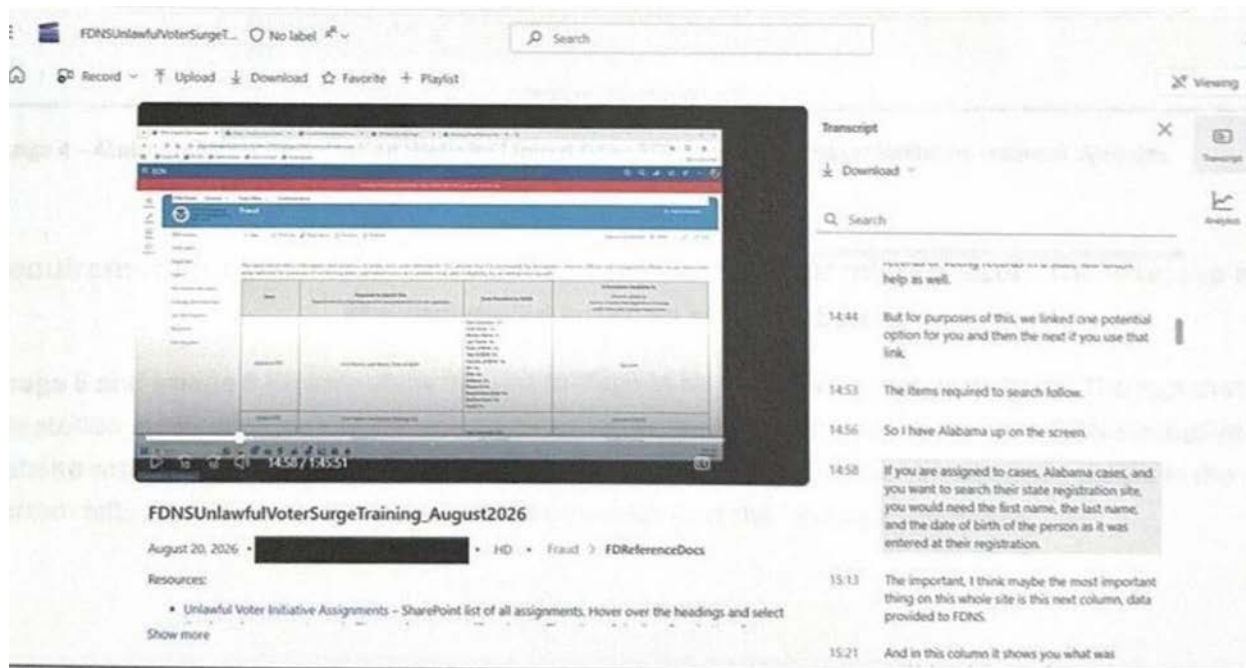


Image 3 - FDNS Unlawful Voter Initiative Internal Website Visible in Training Video (Alabama)

Training Video Transcript:

14:56

So I have Alabama up on the screen.

14:58

If you are assigned to cases, Alabama cases, and you want to search their state registration site, you would need the first name, the last name, and the date of birth of the person as it was entered at their registration.

Image 4 – Alabama Voter Registration Website Linked from FDNS Unlawful Voter Initiative Internal Website

As can be seen from both the transcript of the training video and the screenshot of the Alabama Voter Registration website, in order to access the voter information and obtain the voter’s information as instructed by the training, an officer must input the name and DOB of the voter as if it were that voter (“confirm *your* registration status....”).

Images 5 and 6 (below) show the link to Virginia on the FDNS initiative website. The fact that an attestation is required for Virginia and some other states is highlighted on the FDNS initiative website with (“Attestation”). The link to Virginia’s Department of Elections website is visible in the bottom left corner from moving the on-screen cursor over the “Virginia” hyperlink.

State	First Name	Last Name	Date of Birth	Sex	SSN	Locality	Attestation
Virginia (VA)	First Name	Last Name	Date of Birth	Sex	SSN	Locality	Attestation
Virginia (VA)	First Name	Last Name	Date of Birth	Sex	SSN	Locality	Attestation
Virginia (VA)	First Name	Last Name	Date of Birth	Sex	SSN	Locality	Attestation

Image 5 - FDNS Unlawful Voter Initiative Internal Website Showing Virginia with “(Attestation)” Highlighted

State	First Name	Last Name	Date of Birth	Sex	SSN	Locality	Attestation
Virginia (VA)	First Name	Last Name	Date of Birth	Sex	SSN	Locality	Attestation

Image 6 - Close-Up of Virginia State Voter Registration Website Link with “(Attestation)” Highlighted

Image 7 (below) shows the Virginia Department of Elections website linked on the FDNS initiative website. Note that in order to conduct a search on this site, the officer is required to make an attestation certifying and affirming that they are the voter or acting with their express authorization. It also makes clear that it is unlawful to access the information of any other voter.

The screenshot shows the Virginia Department of Elections website. At the top, there is a navigation bar with the Virginia state seal and the text "VIRGINIA DEPARTMENT of ELECTIONS". Below this, a section titled "WHAT YOU CAN DO AS A REGISTERED VOTER USING THIS PORTAL" lists several options: "Update your address", "Apply to Vote Absentee by Mail", "Join the permanent absentee list", "Find your polling place", and "Check your voting history". Below this list, there is a section for logging in, which includes fields for "First name*", "Last name*", "Date of birth*", and "Last 4 of SSN*". There is also a "Locality*" dropdown menu. At the bottom of the form, there is a checkbox for the attestation: "I certify and affirm that the information provided to access my voter registration is my own or I am expressly authorized by the voter to access this information. I understand that it is unlawful to access the record of any other voter, punishable as computer fraud under Va. Code § 18.2-152.3." Below the checkbox are two buttons: "Previous" and "Submit". At the very bottom of the page, there is a footer with the text "©2026 Virginia Department of Elections. All rights reserved. Privacy Policy" and "Some documents contained on this site require Adobe Reader for viewing."

Image 7 – Virginia State Voter Registration Website Linked from FDNS Unlawful Voter Initiative Internal Website.

What follows is the full text of attestation on Virginia website:

“I certify and affirm that the information provided to access my voter registration is my own or I am expressly authorized by the voter to access this information. I understand that it is unlawful to access the record of any other voter, punishable as computer fraud under Va. Code § 18.2-152.3.”

The two other states in the Initiative internal website with highlighted attestation requirements are Florida and Massachusetts (Image 8, Image 9, Image 10, and Image 11 below).

The screenshot shows a web application interface with a sidebar on the left containing navigation links like 'Home', 'Reports', 'Tools', and 'Help'. The main content area is titled 'Fraud' and contains a table with columns for 'Contract ID', 'First Name Last Name Date of Birth Driver's License or State ID #', and 'Account ID'. The table has three rows of data. The word 'Attestation' is highlighted in yellow in the second row's 'First Name Last Name Date of Birth' column. The table also includes various fields for personal information such as 'Date of Birth', 'Country of Birth', 'Address', 'Phone', 'Email', and 'Registration Date'.

Image 8 – FDNS Unlawful Voter Initiative Internal Website Showing Florida with “(Attestation)” Highlighted.

The screenshot shows the 'Voter Information Lookup' page on the Florida Department of State website. The page features a header with navigation links: 'Corporations', 'Cultural Affairs', 'Elections', 'Historical Resources', and 'Library and Information Services'. The main heading is 'Voter Information Lookup'. Below the heading, there is a section for 'CHECK YOUR REGISTRATION AND VOTING STATUS' with instructions on how to find polling places and ballot information. A note states: 'A supervisor of elections' office must process a voter registration application no later than 13 days after receipt, (s. 97.053(7), F.S.). It may take an additional 1-2 business days thereafter for the information to be available online.' The page also includes a 'Voter Information Lookup' form with fields for 'First Name', 'Last Name', and 'Birth Date (MM/DD/YYYY)'. A disclaimer at the bottom states: 'This website is intended for use by a registered voter to determine his or her voter registration and voting status. It is unlawful to knowingly alter another person's voter registration information or to attempt, assist with, or otherwise commit fraud in connection with the right to vote. See §§ 104.011, 104.041, and 104.41, Fla. Stat. For more information, visit our Voter Registration information webpage.' There is a checkbox for 'I understand and agree.' and buttons for 'Submit' and 'Cancel'.

Image 9 - Florida State Voter Registration Website Linked from FDNS Unlawful Voter Initiative Internal Website

The website makes clear that “This website is intended for use by a registered voter to determine his or her voter registration and voting status.”

Name	Address	Account
Berkeley (MA)	First Name Last Name Date of Birth	Account/ID/BA
Lincoln (MA)	First Name Last Name Zip Code Date of Birth	Account/ID/BA
State (MA)	Municipality Town or City Residence Address Street Number and Street Name	
State (MA)	First Name Last Name Date of Birth Zip Code	Account/ID/BA
State/County (MA)	First Name Last Name Date of Birth Zip Code Attestation	Account/ID/BA
Woburn (MA)	First Name Last Name Birth Month Birth Year Zip Code	Account/ID/BA

Image 10 - FDNS Unlawful Voter Initiative Internal Website Showing Massachusetts with “(Attestation)” Highlighted

Secretary of the Commonwealth of Massachusetts
William Francis Galvin

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Find my voter registration status

To find your voter registration information:

- Enter your name, date of birth, and the zip code at which you are qualified to vote.
- Required fields are marked with an asterisk (*).

* Enter your name
First Name: Last Name:

* Enter Your Date of Birth
Month: Day: Year:

* Enter the 5-digit Zip code of your residential address
Zip code:

This webpage is intended for use by the individual voter to determine their voter registration status.

☐ I understand and agree to the statement above.

Clear fields Search

Image 11 - Massachusetts Voter Registration Website Linked from FDNS Unlawful Voter Initiative Internal Website

The website states that “This webpage is intended for use by the individual voter to determine their voter registration status.”

While other states may not have an explicit attestation requirement, the wording and nature of their websites make it clear that their use is intended for the registered voter only. California is another example.

Request ID	First Name	Last Name	Date of Birth	California Driver's License Identification Date	Request Status
1000000001	John	Doe	1980-01-01	2020-01-01	Completed
1000000002	Jane	Doe	1980-01-01	2020-01-01	Completed
1000000003	John	Doe	1980-01-01	2020-01-01	Completed
1000000004	Jane	Doe	1980-01-01	2020-01-01	Completed

Image 12 - FDNS Unlawful Voter Initiative Internal Website Showing Link to California State Voter Registration Website

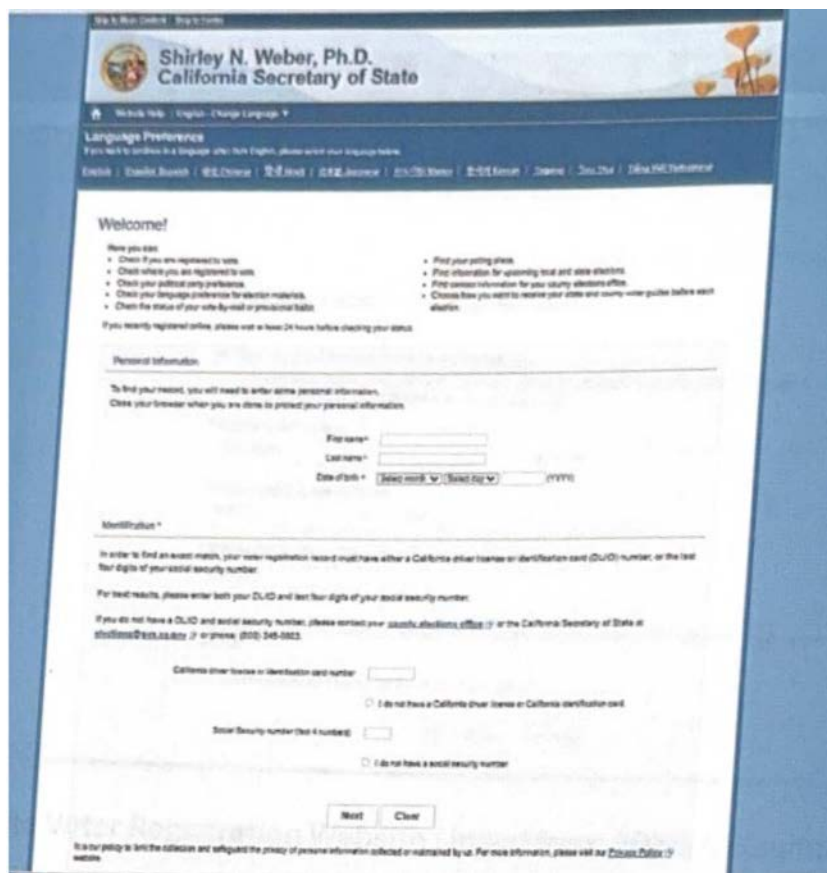


Image 13 - California State Voter Registration Website Linked from FDNS Unlawful Voter Initiative Internal Website

As stated on the website: “To find your record, you will need to enter some personal information. Close your browser when you are done to protect your personal information.” It goes on to say: “In order to find an exact match, your voter registration record must have either a California driver license or identification card (DL/ID) number, or the last four digits of your social security number. For best results, please enter both your DL/ID and last four digits of your social security number.”

In light of these instructions about access to the state websites, officers expressed concerns that accessing registered voter information on these websites may be illegal as officers are essentially misrepresenting themselves as the potential registered voter (with or without a specific attestation).

There is a statement on the FDNS initiative website that “OCC advises that it is permissible for Immigration Services Officers and Immigration Officers to use these state voter websites for purposes of confirming voter registration status as it pertains to an alien’s eligibility for an immigration benefit.” A similar statement is also found in the PowerPoint presentation provided for this initiative (Image 14 below).

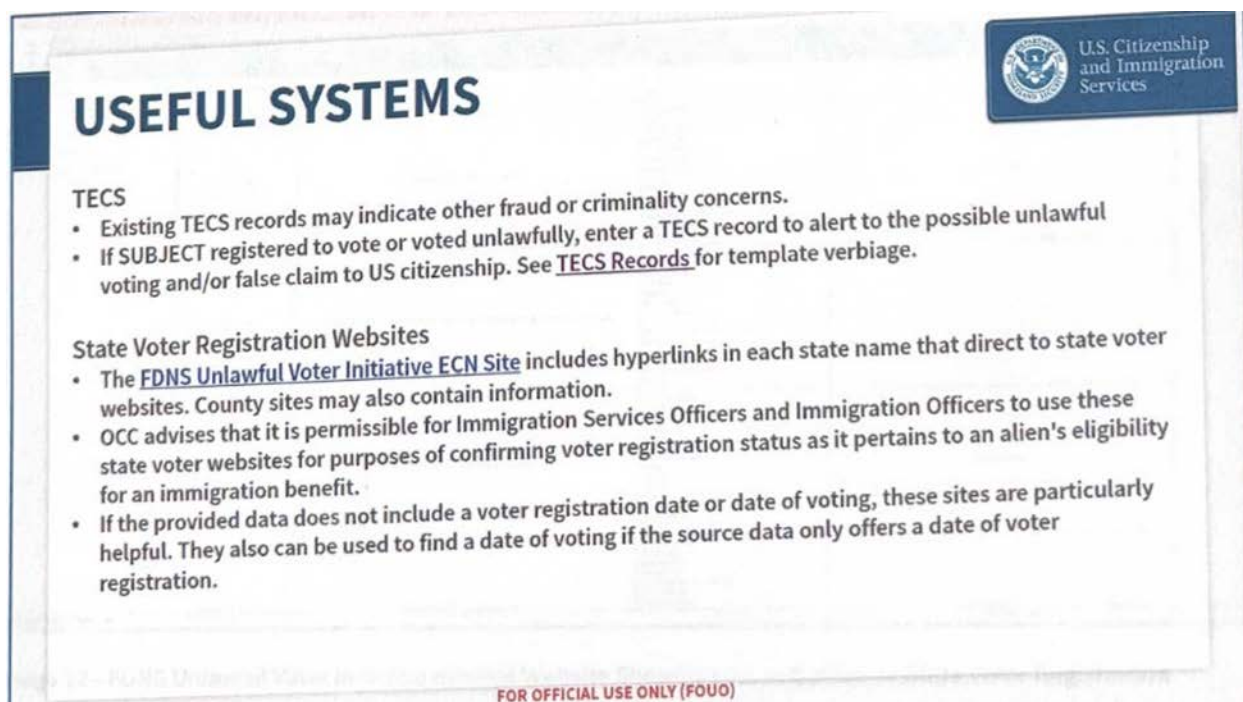


Image 14 - FDNS Unlawful Voter Initiative PowerPoint Presentation Slide 12

However, this broad statement appears to conflict with the state law cited in the Virginia state voter registration site's attestation and likely other state laws requiring truthful information when accessing the state's websites. Moreover, it does not clarify the legal authority used to access state voter registration websites despite this clear and obvious conflict.

As noted, not all state websites call for attestations or possibly even identification as a voter to access information. But because of the nature and pressures put on officers participating in the Initiative and the instructions given by USCIS-FDNS HQ, it is likely the case that no officer who has sought to access information on a state website has been truthful about his or her identity.

The training video said that OCC "advised that it is perfectly OK for IS OS, for adjudicators and for FDNSIOS to use those websites [the "state websites on the ECN site"] to search records," and provided the links to those sites. (41:53).

Despite this conclusory statement in the training video, requests were made in the last week of August to leadership for details on the legal justification and authority for seemingly violating state law and making false attestations. The response was twofold:

- OCC advised that this type of review is permissible as open-source research when conducted for purposes related to adjudicative or investigative responsibilities.

- IOs and Immigration Services Officers (ISOs) are not personally liable for conducting these searches when done as part of their official duties and properly documented.

Notably, the statement “IOs and ISOs are not personally liable for conducting these searches when done as part of their official duties and properly documented” does not provide adequate legal justification or any authority for conducting these searches. Part of an officer’s basic training includes a detailed overview of the legal basis for their authority, so it is not at all improper for an officer to ask for the specific laws that they are relying on to exercise it. However, this statement suggests that there may be legal implications for accessing these websites, but that the officers themselves are simply not personally liable. This leads us to believe that USCIS-FDNS HQ is aware that the activity may be illegal, and yet they are still requiring officers to engage in this illegal activity with promises of personal liability protection.

Stating that these searches are permissible as open-source research for “adjudicative or investigative” purposes relating to voting is a change from the earlier justification that the searches pertain to “an alien’s eligibility for an immigration benefit.”

This also appears to be inconsistent with USCIS and DHS guidance. The USCIS Rules of Behavior (which uses the same language as found in “Information Technology System Security Program, Sensitive Systems Attachment G Rules of Behavior”) states that every USCIS employee must acknowledge and abide by a System Access section that specifically says, “I will not attempt to access systems I am not authorized to access.” The next section (Passwords and Other Access Control Measures) specifies “I will not attempt to bypass access control measures.” Accessing those state websites is therefore a fundamental violation of the most basic rules of behavior that all employees must acknowledge.

Furthermore, it is also inconsistent with the DHS Rules of Behavior required for accessing other, less sensitive information such as social media posts. For example, page 8 of the publicly available Privacy Policy for Operational Use of Social Media Instruction 110-01-001 states that employees should “Respect individuals’ privacy settings and access only information that is publicly available unless the individual whose information the employee seeks to access has given consent to access it.” It is inexplicable for private social media information to be afforded more protection than an individual’s voter registration information and voting record, especially when sensitive PII is necessary to access the voter information without the individual’s knowledge or consent and with the officer falsely attesting to be the registered voter.

3. SOURCE, ACCURACY, AND SCOPE OF PII DATA PROVIDED BY DHS TO USCIS-FDNS HQ

There are multiple steps to the Unlawful Voter Initiative: 1) verifying that the data provided by DHS to USCIS-FDNS-HQ matches USCIS holdings; 2) making a determination as to whether or not the identified individual is a U.S. citizen and voted/registered to vote (“lawfully” or “unlawfully” based on when their U.S. citizenship was acquired); and 3) creating a record in TECS to alert any government agency with access to TECS (including HSI) that the subject was identified as a potential unlawful voter.

Training Video Transcript:

0:38

In a nutshell, you're going to review information, specifically voter data and determine if it is a match to USCIS subject data, USCIS holdings, and ultimately if it is, is that person an unlawful voter or not?

—

1:07

And then ultimately for unlawful voters, you will be creating a TECS record.

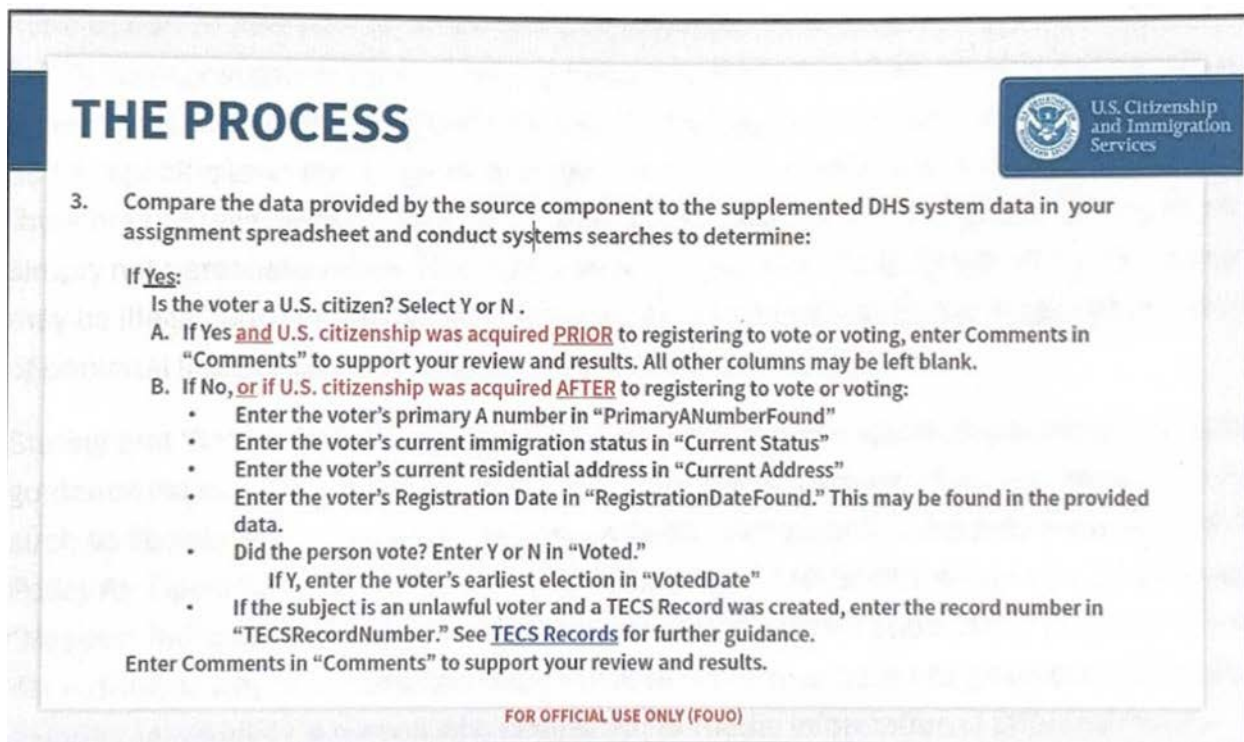


Image 15 - FDNS Unlawful Voter Initiative PowerPoint Presentation Slide 8

There are, however, widely known problems with the accuracy of the data provided by DHS to USCIS-FDNS HQ, which manifest in the second and third steps described above. As already documented earlier in this statement, officers are being directed to verify voter registration dates

and voting dates provided by DHS using state voter registration websites. Aside from the legal issues already discussed, officers have noted that sometimes the information provided by DHS to USCIS-FDNS HQ contradicts results from the state voter registration websites; a state voter registration website may show that there is no match to an individual, while the data provided to officers by USCIS-FDNS HQ lists specific voter registration dates and a date on which the subject may have first voted. With such a direct contradiction, knowing the specific source and date of the information is necessary to determine reliability before taking any action.

USCIS-FDNS HQ does not and will not elaborate on the specific sources and dates of data it provides to the officers conducting the review. In the training video and when directly questioned, generalized or canned statements are provided. The problem is further compounded by the fact that explicit instructions were given that the data provided by DHS to USCIS-FDNS HQ should be assumed to be accurate enough to determine that an individual may have voted or registered to vote by a specific date. Yet the training repeatedly points to the inconsistencies in the data, noting that sometimes the voter registration date is provided in the initial data set and sometimes it is not.

Training Video Transcript:

7:15

You might also not have a registration date, but you would find that through other other research and we'll go over some of that in in just a minute.

The training leaves it up to the officer to check whether the person may have voted, again acknowledging that the data is inconsistent:

7:50

So based on what you have available and information you find, did they vote yes or no?

7:55

And if they did vote, you want to enter the earliest election date in the next field.

8:02

Again, this might be a data point provided to you from the source data, and in some cases it might not be.

8:10

You might have only a registration date provided in the source data.

8:15

And when you go on to do some additional research, for example, looking up the subject in a state voter website, you might find an election in addition to a registration date provided in the data.

8:33

Or vice versa, we might get an election date.

The training acknowledges that there is a confusing collection of data from many different sources as well as differences across the states. The training video compares Connecticut to Illinois, as an example. While Connecticut’s records provide both the voter’s registration date and their earliest election date, Illinois provides only the voter registration date and no election date whatsoever. (16:25-17:20).

The training video transcript then states that the information is coming from multiple sources, and acknowledges incongruities between the systems and the states, and between the states themselves:

17:43

So accurate [*sic*: “Accurint” - see below] and clear [see below] both have voter records available.

17:47

Some states are in both systems, some states are in one or the other, some states are in neither.

17:53

So just know that in addition to the data points provided with your assignment, you also will have an opportunity to look up voter records in accurate and clear.

18:03

I would say if like here for Arizona, Arizona isn't in accurate or clear.

18:10

So you probably don't have to waste your time even looking because it's just not a record that is there at this time.

(Note that “accurate” refers to the commercial database Accurint, with the pronunciation similar enough to cause an error in the likely-automated transcription. “Clear” refers to the commercial database Thomson Reuters CLEAR.)

In some states, the only source for voter registration dates or voting dates besides the state voter registration website is DHS data. This is plainly visible on the internal Unlawful Voter Initiative website, with the rightmost column indicating where state voter registration data may also be found besides the state voter registration website (e.g., commercial databases like Accurint or Clear). For example, the training video states that the Social Security number included in the aforementioned Connecticut data comes from Accurint. (16:12). In the case of California, however, there is no such other source (Image 16 and Image 17):

State	Required to Search Site (This information is provided by the state and is not subject to change)	Data Provided to FDNS	Available Data Sources (This information is provided by the state and is not subject to change)
Alabama (AL)	First Name; Last Name; Date of Birth	- First Name: Yes - Middle Name: Yes - Last Name: Yes - Date of Birth: Yes - Year of Birth: Yes - Country of Birth: Yes - AP: Yes - SSN: No - Address: Yes - Phone #: Yes - Registration Date: Yes - Election Date: Yes - Email: Yes	Source: CAIR
Arizona (AZ)	First Name; Last Name; Address	- First Name: Yes - Middle Name: Yes - Last Name: Yes - Date of Birth: Yes - Year of Birth: Yes - Country of Birth: Yes - AP: Yes - SSN: No - Address: Yes - Phone #: Yes - Registration Date: Yes - Election Date: Yes - Email: Yes	Source: CAIR
California (CA)	First Name; Last Name; Date of Birth	- First Name: Yes - Middle Name: Yes - Last Name: Yes - Date of Birth: Yes - Year of Birth: Yes - Country of Birth: Yes - AP: Yes - SSN: No - Address: Yes - Phone #: Yes - Registration Date: Yes - Election Date: Yes - Email: Yes	Source: CAIR
Colorado (CO)	First Name; Last Name; Date of Birth; California Driver's License/Identification Card or Last 4 of SSN	- First Name: Yes - Middle Name: Yes - Last Name: Yes - Date of Birth: Yes - Year of Birth: Yes - Country of Birth: Yes - AP: Yes - SSN: No - Address: Yes - Phone #: Yes - Registration Date: Yes - Election Date: Yes - Email: Yes	Source: CAIR

Image 16 – FDNS Unlawful Voter Initiative Internal Website Showing Column Headers, Available Data Sources

California (CA)	First Name; Last Name; Date of Birth; California Driver's License/Identification Card or Last 4 of SSN	Data Source(s): DHS First Name: Yes Middle Name: Yes Last Name: Yes Date of Birth: Yes Year of Birth: No Country of Birth: Yes AP: No SSN: No from source; Yes from Account Address: Yes Phone #: Yes Registration Date: Yes Election Date: Yes (all elections) Email: Yes	
-----------------	--	---	--

Image 17 - Close-up of California State Voter Registration Website Link

For California, there is no way to verify the voter registration dates or voting dates in the data provided by DHS without accessing the California state voter registration website, which may not be legal and has been stated by officers to often be inaccessible due to technical errors. Officers are specifically told to rely on the data DHS provided for California and use the voter registration dates and voting dates provided in that data to indicate that the subject may be an unlawful voter and create a TECS record. Throughout the training video, officers are told to do their own research and make their own determinations as to whether an individual may have unlawfully voted or registered to vote. In practice, the officers' determinations must hold the DHS-provided voter registration dates and voting dates to be accurate despite any reasonable concerns or evidence to the contrary.

Training Video Transcript:

18:28

I just want to, I want to really stress how important the source data is.

18:32

So like [REDACTED] mentioning in the third column, the data provided to FDNS.

18:36

So the data sources, it has IRIS.

18:38

If it says IRIS, that means it was received via save.

18:42

If it says DOJ DHS or is there an ICE, [REDACTED], that might be an ICE too.

18:47

All of those values, that's just the, that's just the agency that passed us the public voter file.

18:54

So these are all still public voter files.

18:56

The data source.

18:56

It doesn't mean that the initial source was DHS.

18:58

It means that that's how we received the file.

19:00

So, this public voter file for California was passed to us by the department.

19:05

So like that's how we received it.

—

21:56

To illustrate the point, this will be populated with 10s of thousands of actual cases in the very near future.

22:06

And this is what you will access.

22:09

So this is what it will look like.

22:12

And for those of you who just click on the link, there's just going to be 10s of thousands of records here.

—

26:29

All of these things come in the source data if it's available, if it's blank, you know, or if the ECN site says for example the date of birth did was not something provided and you see a date of birth here, then that is possible that was brought in as a supplemental effort through FDNS enhancements.

26:52

So if the ECN site says no date of birth and you see a date of birth that did not come from the source data, that would be applicable to any of these fields that could potentially come in the source data.

27:07

So the reason we have it broken up here, we have a full date of birth and then we have a month and year, and we have a year of birth is because some states provide only a year of birth.

27:18

It'll be a first name, middle name, a last name, and a year of birth only.

27:23

So that's why you'll see so many variations of the date of birth.

27:29

The voter address, some states do provide a voter address that they entered at the time of registration.

—

29:20

We do not get A numbers in source data not so we that is something that's going to be brought in through *supplemental magic*. (emphasis added).

There may be no better description of the DHS source data, or at least the lack of visibility afforded to us in how it was compiled, than “supplemental magic.” In the end, this “supplemental magic” is being relied upon to enter TECS records against people, including U.S. citizens, despite known issues with the source data.

As the Training Video Transcript states:

4:00

Be aware of what is, what information was provided by the source compared to what information you have available, and you're ultimately going to compare those two things and determine is this a subject match?

4:14

Is the voter a match to DHS systems?

—

5:54

We pull in the A number based on USCIS holdings, but in some instances you'll see people have multiple A numbers or for one reason or another, maybe there's an error in the data.

—

8:56

So if the subject, if you determine that the subject is an unlawful voter and you need to

enter a text record, in those instances for all unlawful voters, we're going to be entering text records.

(Note that “text records” in the transcript refer to “TECS records,” with the pronunciation similar enough to cause an error in the likely-automated transcription.)

The Whistleblower emphasized that verifying data provided by DHS through USCIS-FDNS HQ is not an objectionable requirement. If the data for an individual is found to be accurate, lawfully using available systems and resources to determine if an alien did in fact vote or register to vote would also not be an objectionable requirement (at least not rising to the level of abuse of authority and/or gross mismanagement). Creating a TECS record on an individual (which is the responsibility of and attributable to an individual officer) would also not be an objectionable requirement, assuming the officer is reasonably certain that the data upon which the record relies is accurate enough that a TECS record is merited. However, it is clear to our client and other DHS employees that the data they are being forced to rely upon is not reliable.

Officers have expressed concerns about the requirement to enter TECS records that would not otherwise be created without the voter registration date and/or voting dates provided in the DHS source data. When explicitly asked if officers could complete the assignment without creating TECS records that rely solely on the DHS source data for voter registration and/or voting dates, officers were told “no” by FDNS leadership. This will have a significant impact on certain states, e.g. California, where voter registration and voting dates were often provided only in the DHS data because of inaccessibility or inconsistency with the California state voter registration website data and the absence of sources such as Accurant or Clear. The result is that a significant number of TECS records, potentially thousands or tens of thousands, will be created against California residents based on data that an officer may have good reason to believe is unreliable or inaccurate without corroboration.

This requires the officer to create a record in TECS under their own name that they may believe to be inaccurate or false due to reasonable reliability concerns with the DHS data. The Whistleblower, given their extensive experience serving in government, believes this rises to the level of gross mismanagement and abuse of authority by USCIS-FDNS HQ, as many of these records are likely being created by officers based on a fear of reprisal and discipline as opposed to confidence in their assessment of the data. From what our client has directly observed in the completed assignments, it appears more California residents than not that were included in the DHS source data have had TECS records created against them. From what our client has directly observed, multiple officers have specifically noted in their comments that the only accessible source for a voter registration date or voting date was the DHS data. Additional accuracy issues with the source data are also described throughout the video, including regarding US citizens which will be expanded on in the next section.

For example, the training video discussed the implications of multiple alien numbers (“A numbers”) and Social Security numbers associated with a person:

29:32

And then we have if there's multiple [A] numbers, perhaps consolidated a numbers, multiple related to subjects for whatever reason, you see that in the set column, the [A] number set and it just shows the primary versus what is possibly, you know, multiple [A] numbers for the same person that will help you drive your research.

29:55

This social is the next column.

29:57

If that is available in the data, it will be brought in.

30:02

Generally, you will have this provided it is not provided in the source data generally, but it could be, it perhaps will be in the future, but it is *or* brought in from supplemental, you know, from supplementing the data.

30:17

So you'll likely have a value there when you get these cases.

30:22

And I'll just, sorry, I'll just add that [REDACTED] touched on this, but it's very likely that a lot of these assignments will have multiple and alien numbers and multiple Social Security numbers, right?

—

30:49

So there's a lot of different criteria here.

30:50

When there are multiple alien number sets in that next column, there could be multiple alien numbers that both relate to the voter or there could be multiple alien numbers that relate to completely different people.

31:02

And what we do is this is a sign because one of those alien numbers might be a non citizen.

31:07

So it's important to check both alien numbers and see whether they relate back to your voter.

31:11

And the same goes for the social.

31:13

When you're reviewing cases, you will see you you will see a lot of cases that have multiple Social Security numbers as well.

31:19

So, you know, they might not both relate to the same person.

And later in the video, the trainer says:

54:45

Social Security numbers, last thing before we move on, they may not be accurate.

54:50

Do not rely solely on the Social Security information.

4. U.S. CITIZENS

Officers are required to use the PII of confirmed U.S. citizens in order to access state voter registration websites without their knowledge or consent. This is done to find evidence that a naturalized US citizen may have registered to vote or voted prior to naturalization. If the “supplemental magic” associates someone with an alien number, even if it is outdated because that individual has long since become a citizen, and the reviewing officer confirms there is a match between the subject and the alien number in USCIS databases, they will use the known U.S. citizen’s PII in an attempt to find evidence that they registered to vote or voted prior to naturalization. The only way for a U.S. citizen to escape this scrutiny is for the officer to determine that there is not a subject match. It is irrelevant if a subject naturalized decades ago, has no current applications with USCIS, or even if they’re deceased. All that matters is that the DHS source data indicates that they are a subject with an alien number that registered to vote or voted.

As the Training Video Transcript states:

10:19

So we have public voter files that people that voted in these states, that raw data includes a lot of U.S.

10:24

citizens.

10:24

So what we did is we took the voters and we tried to match them up against USCIS holdings.

10:30

And then once we match them up against USCIS holdings, we tried to identify whether that CSUSCIS holding is a current citizen.

10:39

But what I'll say is the two biggest determinations that you're going to make is 1, whether the person is a match, right?

10:45

So whether the voter is a match to the USCIS holding and two, whether that USCIS holding is a current alien or whether they're current USCS holding as a citizen.

19:16

So the two big elements to our review is 1, reviewing to see whether it's a subject match and two, and we'll stress this throughout the presentation.

19:24

And two, reviewing to see whether the person is [a US] citizen.

19:28

If you're reviewing the voter and you determine that the alien number that's brought in through USCIS holdings is not a subject match to the voter, then you are not, you know, you, you won't be reviewing citizenship, you'll be focusing on just the subject match.

19:56

So, you know, review the, the, the, the information you're reviewing is the voter source data and not the USCS holdings that we bring in.

20:03

So even if that [A] number is an alien, you wouldn't be marking that it's not a citizen because it doesn't correspond to the voter source data, which is always the most important data.

32:14

So starting with subject match, you will fill that in and when you sorry, it's not it's not working at the moment, but you will have a yes or no option here to select.

32:30

If you select yes, you will continue through the form.

32:33

If you do not have a subject match, you will select no and then you can move.

32:41

You can move to the comments, which is the very last field and just say why it was not a subject match and move on to your next assignment.

32:53

USC.

32:54

This is how the subject match will work as well.

32:57

So it's a yes or no.

32:59

So if you have a subject match, you now move to the are they [a US] citizen, yes or no?
33:06

If yes, you know you look at when that occurred pre or post restoring election and make that determination.

Again, FDNS requires that the DHS-provided voter registration date and/or voting date in the source data must be considered accurate. An officer would therefore be required to create a TECS record against a known U.S. citizen if the voter registration date and/or voting date provided in the DHS data predates their confirmed naturalization date, even if an officer reasonably believes that the DHS source data is not reliable enough to justify creating a TECS record. In other words, the current process is knowingly sweeping known US citizens in as potentially “unlawful voters.”

5. ADDITIONAL CONSIDERATIONS

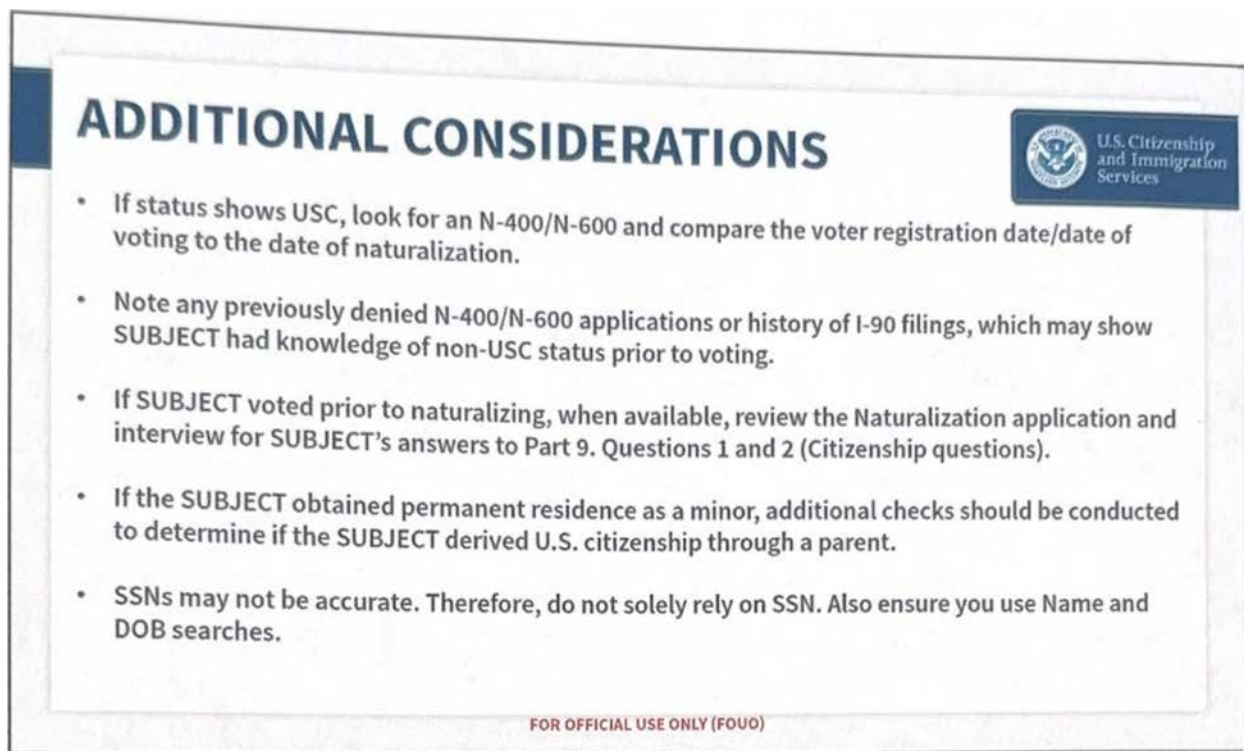


Image 18-FDNS Unlawful Voter Initiative PowerPoint Presentation Slide 15

USCIS-FDNS HQ also acknowledges that there are U.S. citizens included in this data and references using Social Security Administration and Department of State data for assessing possible U.S. citizens. They also specifically state that U.S. citizens with petitioning spouses can have their Social Security Numbers inaccurately linked to their alien spouses. Officers, however, were instructed that the petitioning U.S. citizen spouses were “likely entitled to vote.”

Training Video Transcript:

36:30

OK, I'm just going to, I'm going to state a couple of things really quick.

36:34

So first, there will be U.S.

36:37

citizens in this population.

36:39

So we've done the best we can.

36:41

We're going to talk about, you know, how we, the review process at the end, but like, unfortunately, we're relying on the data we have available.

36:48

We have taken it and bet and done batch, batch queries against Social Security Administration and Department of State for US passports.

36:55

But the way that, the way that the systems work, it's not perfect.

37:00

So during your reviews, you will identify U.S.

37:02

citizens.

37:03

So I just want to throw that out there.

37:04

My apologies.

37:05

You know, thank you.

37:06

We're, we're still, we're just doing the best we can.

—

55:41

One thing we've seen is that sometimes USC petitioning spouses, their socials are linked to their alien spouse.

55:53

So one thing to keep in mind is that as you search the social and for example, PCIS, it might be returned to like an alien that I'm for sure the alien spouse.

56:03

But in reality, the social belongs to the petitioning spouse, who is the US citizen who was likely entitled to vote.

56:10

So that's just something to keep in mind.

As USCIS-FDNS HQ has acknowledged, it can be very difficult to determine if a subject is a U.S. citizen or not. They may be natural-born citizens and have no interactions with the federal government that can be easily queried (passports, cross-border travel, etc.), or they may have derived citizenship automatically even if they are not considered natural born. There is no single, clear data source to confirm that a subject is a U.S. citizen. In many cases, the only proof of U.S. citizenship for a person may be held in local or county birth records.

The last approximately 50 minutes of the hour-and-45-minute training video is specifically about derivative citizenship and complex scenarios, mentioned here to illustrate the potential complexity and difficulty in determining if someone is a U.S. citizen.

Here's one example from the Training Video Transcript:

54:20

And if they obtain their permanent residence as a minor look, you know, consider the derivative elements of that.

54:29

I'm not going to go into that right more because right now because the whole, you know, next section is on the Child Citizenship Act and we're going to go over the derivative part of this a bit.

—

56:35

But one thing we have found that the most complicated part or the most challenging part, these are pretty straightforward reviews.

56:43

And but the challenging, the most challenging ones we have seen are when they relate to people who have potentially derive citizenship.

Below is a case example that was discussed in the video.

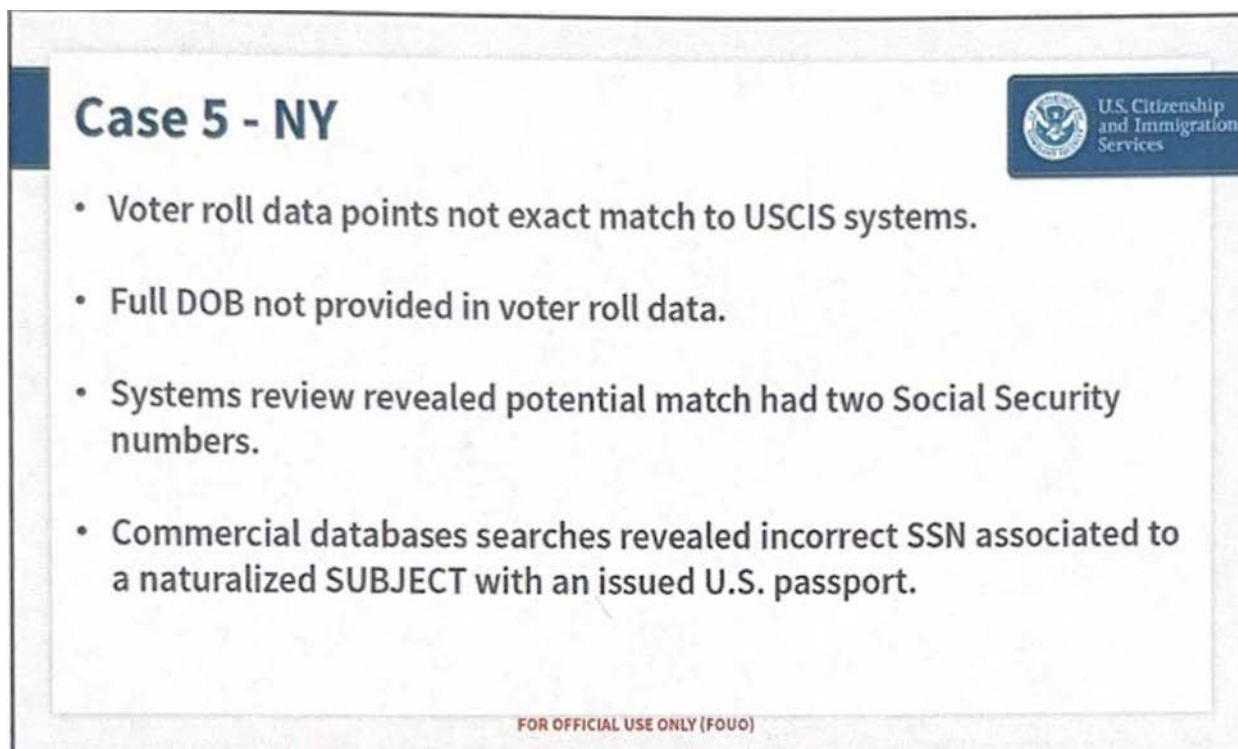


Image 19 - FDNS Unlawful Voter Initiative PowerPoint Presentation Slide 34

Training Video Transcript:

1:23:53

And for our last example, this particular one is an instance when we talked about having multiple alien numbers or Social Security numbers associated in the systems.

1:24:08

What we were looking at for the particular this particular provided data was the voter name and the voter data was not a complete or exact match.

1:24:21

The DOB information provided only included a year.

1:24:26

[REDACTED] talked about in some instances you may have month and year, full date of birth and some of the other provided data it may only be the year.

1:24:35

This particular example, the year was also off by one year in terms of the partial name hit.

1:24:44

So first name was a match, last name was a match.

1:24:47

There was a little bit of a difference in terms of the formatting.

1:24:51

It was as if the surname had been combined together, but there also was a middle initial provided that middle initial could not be associated to the individual in our systems.

1:25:04

And then the other piece that we're looking at within the data is the address provided.

1:25:09

So the voter information, voter roll provided address when you're looking at our systems, is that an address that has been used on another USCIS filing.

1:25:22

Can we, if not within our systems, can we associate that that that address to the individual using one of our commercial databases?

1:25:32

Clear, accurate, those are all things that as you're reviewing, you'll be sort of looking at in this instance that could not be associated when *you* do a little bit further dive into the two Social Security numbers provided.

1:25:49

One of those Social Security numbers in clear in this particular instance was associated to one individual.

1:25:58

The other Social Security number was actually and clear then associated to the actual voter.

1:26:06

It did require a little bit more of a deep dive in that we, you know, taking a closer look at the other Social Security number provided searches then showed an ACRQ record for [a US] passport issuance.

1:26:22

The other individual had naturalized it was prior to that voting date.

1:26:27

This one just allowed us to then determine, you know, it wasn't a match.

1:26:31

But because of the close similarities, the cross of the two Social Security numbers, the name, it required just a little bit more searching of that other Social Security number to determine if it was a match, if the individual voted and also, you know, were they a citizen prior to voting.

1:26:53

So these examples you'll see sort of common in terms of maybe being associated to more than one alien number, Social Security number.

Officers are expected to complete at *minimum* 40 subject reviews a day, or 5-6 per hour for 8 hours. This means that officers are expected to take no more than 12 minutes to determine if a

subject is a U.S. citizen or not, determine if they are to be considered an “unlawful voter,” and enter a TECS record against them before moving on to the next subject. Officers are reminded that FDNS leadership is tracking their output and will question why they are not meeting quotas.

CLOSING STATEMENT

Anyone reading this account from our client could find themselves (or elements of their identity) linked in the DHS data through “supplemental magic.” If so, will a federal officer use their identity to access their private voter records? Will the officer decide their identity to be that of a U.S. citizen and "lawful voter" within the allotted 12 minutes? Or will they be labeled an "unlawful voter" before the officer proceeds to the next person to meet their quota?

These are critical questions that our client believes must be presented to the American public.

EXHIBIT I



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



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25 Registrar-Recorder/County Clerk

26 *Additional Counsel Listed on Following Page*

27 UNITED STATES DISTRICT COURT
28 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

Case No. 2:26-cv-12025

**DECLARATION OF AMAN
BHULLAR IN SUPPORT OF
DEFENDANT DEAN C. LOGAN'S
OPPOSITION TO PLAINTIFF'S
REQUEST FOR TEMPORARY
RESTRAINING ORDER**

Date Action Filed: 10/15/2026

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DECLARATION OF AMAN BHULLAR

I, Aman Bhullar, declare as follows:

Background of Declarant

1. I am the Assistant Registrar-Recorder/County Clerk of the Information Technology Bureau of the County of Los Angeles Registrar-Recorder/County Clerk (hereinafter “Registrar”). In such capacity, I am responsible for the configuration, maintenance, and operation of election management and tally systems and the preparation of ballot materials for all federal, state, county, school district, and special district elections conducted by the Registrar. I have worked at the Registrar for 9 years. I have personal knowledge of the facts set forth in this declaration based on my role at the Registrar. If called as a witness, I could and would testify competently to all facts stated herein.

2. I submit this declaration in support of the Registrar’s Opposition to the U.S. Department of Justice’s (“DOJ”) Request for Temporary Restraining Order in the above-captioned case to provide additional context regarding how the technology behind the Registrar’s election systems works when administering an election.

3. As explained further below, based on my technical expertise, I have grave concerns about the potential catastrophic impact of implementing the DOJ’s request to “set aside vote-by-mail ballots from persons identified by the Federal Government likely to be noncitizens” based on a list of approximately 20,000 individuals (the “October List”), the majority of which are records for individuals located outside of Los Angeles County. The Registrar does not make programmatic changes in the middle of an election cycle and, in fact, has policies against making programmatic changes during election cycles, consistent with federal and state law. The potential consequences of implementing DOJ’s demand are severe and range from halting all counting; halting in-person voters’ ability to cast votes; or otherwise interfering with the ability to accurately count votes. From a technical

1 standpoint, I do not believe it would be possible to implement the changes
2 requested by the DOJ without violating state and federal law regarding election
3 deadlines.

4 **Change Management Process**

5 4. “Setting aside” vote-by-mail ballots pursuant to the DOJ’s request
6 would require changes to the Registrar’s election systems that are governed by
7 what is collectively referred to as the change management process. Under that
8 process, a requested change is first initiated and documented. Programmers then
9 develop the code necessary to implement the change in the system. The change is
10 tested multiple times in a non-production environment to identify any unintended
11 impacts. A non-production environment is a separate computing or software
12 environment used for development, testing, and staging before software is deployed
13 to live users. Other programmers then conduct a peer review to validate that the
14 change is safe. The change is typically implemented during off-peak hours; under
15 ordinary circumstances, changes are made over a weekend when there are no users
16 on the system and no processing is occurring. A large change is also accompanied
17 by a “fail period,” which is a defined window during which a system, service, or
18 application is expected to be unavailable, degraded, or producing errors, and during
19 which that behavior is considered acceptable or anticipated. Rollback procedures
20 are also prepared in the event the change must be reversed.

21 5. These steps reflect industry best practices. They are well understood
22 by IT professionals. They all help protect the system and its users from unintended
23 consequences of software changes.

24 **Freeze Period**

25 6. To protect the stability and security of the County’s election systems,
26 the Registrar requested that the Los Angeles County Internal Services Department
27 (“ISD”) implement a tiered election freeze for the November 3, 2026, General
28 Election, which limits changes to the systems and infrastructure that support the

1 election (“Freeze Policy”). A true and correct copy of the Registrar’s August 21,
2 2026 memorandum to ISD titled “Election Freeze for the November 3, 2026,
3 General Election” is attached hereto as **Exhibit A**.¹ The freeze proceeds in three
4 levels.

5 7. Level One, in effect from September 18, 2026, at 5:00 p.m. through
6 December 3, 2026, at 5:00 p.m., limits changes to Voice over Internet Protocol
7 (“VoIP”) at Registrar headquarters, the Ballot Processing Center, the Election
8 Operations Center, the Voting Solutions for All People (“VSAP”) Operations
9 Center, the Tally Disaster Recovery environment, and six Registrar branch offices,
10 as well as to Registrar servers hosted by ISD, wide area and local area network
11 infrastructure, all Registrar Wi-Fi access points, and facilities infrastructure at all
12 Registrar facilities.

13 8. Level Two, in effect from October 2, 2026, at 5:00 p.m. through
14 November 19, 2026, at 5:00 p.m., further restricts changes to both the physical
15 infrastructure and the virtual environment of all systems used to support the
16 election, and requires Information Technology Systems (“ITS”) General Manager
17 approval for any such change.

18 9. Level Three, in effect from October 14, 2026, at 5:00 p.m. through
19 November 6, 2026, at 5:00 p.m., suspends standard requests for change entirely;
20 **any** change must be submitted as a normal or emergency request with ITS General
21 Manager approval, and all other requests are approved only to restore service or
22 prevent imminent outages. The purpose of the freeze is to reduce risk to the
23 system’s integrity by ensuring that system maintenance is performed only during
24 the times that pose the lowest risk to the elections environment.

25 **Executing the DOJ’s Demand**

26 10. Attempting to execute the DOJ’s demand would require violating the
27

28 ¹ The Registrar generally creates a freeze policy during elections and this is not unique to the
current election cycle, but standard practice for all elections.

1 Registrar's Freeze Policy. Changes of this magnitude are considered major changes
2 and have been restricted as Level Two changes since October 2, 2026. In the
3 normal course of business, any change that is not meant to restore service or
4 prevent imminent outages should not be approved.

5 11. The DOJ's request would require system updates to multiple, separate
6 software programs and hardware devices. Different changes would be required for
7 in-person voting and vote-by-mail voting, although some would overlap. The
8 affected software and hardware include, but are not limited to, the Registrar's
9 Election Management System ("DIMS"), BlueCrest Vantage sorters, and Electronic
10 Pollbooks ("ePollbooks"). I address each change in turn.

11 **Adjustments to DIMS**

12 12. Before any ballot could be set aside, DIMS, the centralized voter
13 registration database and election management application, would first have to be
14 adjusted. DIMS is a software system that manages voting operations and tracks
15 voter registration information for close to 5.9 million voters in the County. DIMS
16 supports essential functions such as maintaining voter records and voter
17 preferences, conducting elections, managing petitions, facilitating vote-by-mail
18 processes, content management, administrative functionality, and real-time
19 information exchange between ePollbooks and the statewide voter registration
20 database ("VoteCal").

21 13. Because DIMS houses all voter registration information, it is the first
22 step regardless of whether the individual votes by mail or in person. The Registrar
23 would first be required to place a database flag on these individuals, if they appear
24 in DIMS. No such flag currently exists, so a new flag would need to be developed
25 and tested by the DIMS manufacturer, Runbeck Election Services, LLC. The
26 Registrar would then need to validate and test it in a non-production environment.
27 The Registrar would also need to work with its third-party vendors for automatic
28 signature verification, BlueCrest, Inc., and for ePollbooks, KnowInk, to ensure that

1 the proposed adjustment would interact properly with their respective software. In a
2 normal change-management process, designing this sort of change could take some
3 time and would need to include a rollback and fail period. Changes on this scale,
4 even in ideal circumstances, may take far longer than expected because the
5 downstream consequences are unclear. It is not clear how long it would take during
6 an active election cycle.

7 14. Importantly, it is impossible to do this type of programmatic change
8 without shutting down the DIMS system due to the need to update all of the
9 Registrar's desktop computers with the new DIMS software, among other items.
10 During the election cycle, full staff resources are operational through the weekend.

11 15. The ePollbooks have already been configured and prepared for
12 deployment. Preparing them took ten (10) days. Incorporating the proposed
13 programmatic change would require every ePollbook to be updated and tested. That
14 work cannot be completed safely and uniformly before Election Day, and certainly
15 not by the start of the early in-person voting period beginning on October 24, 2026.
16 Further, any change to the ePollbooks must pass the Secretary of State's testing and
17 certification requirements before the ePollbooks may be used. Initiating that process
18 during the election period would trigger new operational procedures with
19 downstream effects on other election functions. Those effects would include a
20 temporary halt to the movement of ballots, including the movement of ballots to
21 tabulation. As a result, the change would impede the administration of the election
22 for all voters. The ePollbooks have already been deployed to, and are in use at, the
23 hybrid vote center that is currently operating.

24 16. Even if the programmatic change could be made safely, the effect of
25 making a change to DIMS in the current environment cannot be determined in
26 advance. The possible consequences are significant and consequential. For
27 example, the change could function as intended for voters on the October List but
28 also flag voters who are not on that list. The system would then segregate the

1 ballots of voters beyond those on the October List. DIMS contains all voter
2 information and is the central software and data source on which the Registrar's
3 other systems rely. A failure in DIMS could therefore jeopardize the Registrar's
4 ability to meet federal and state deadlines. In addition, DIMS cannot be placed in a
5 quiet period (or "turned off") during an election cycle. As a result, the Registrar
6 would be unable to confirm, within the election period, whether the change had
7 been programmed correctly.

8 **Vote by Mail**

9 17. The Registrar would next need to make separate adjustments for vote-
10 by-mail ("VBM") voters and in-person voters. For VBM voters, the Registrar uses
11 the BlueCrest Vantage to physically sort VBM ballots. As ballots pass through the
12 BlueCrest Vantage, two processes occur. First, the BlueCrest Vantage performs
13 automatic signature verification. The signature reference files are stored in DIMS,
14 and the BlueCrest Vantage compares the signature on each ballot envelope with the
15 signature reference file in DIMS. Second, the BlueCrest Vantage sorts ballots into
16 twenty (20) separate sort categories, each of which must be programmed. To route
17 ballots from voters on the October List so that they are not sent to extraction,
18 BlueCrest would need to develop a new sort scheme for the BlueCrest Vantage.
19 That new sort scheme would then need to be tested before it could be used. Because
20 BlueCrest, a third-party vendor, would design the new sort scheme, the Registrar
21 cannot determine whether the change is feasible in the middle of the election cycle
22 and would need to further consult with BlueCrest. The Registrar also cannot
23 determine the downstream consequences of making such a change at this time.

24 **In-Person Voting**

25 18. Separate adjustments would also be required for setting aside ballots
26 for individuals who vote in person and appear on the October List. When a voter
27 appears at a vote center, vote center staff use an ePollbook, which has replaced a
28

1 printed voter registration list. Staff use the ePollbook to verify the voter's
2 registration eligibility in real time and to record whether the voter has already
3 voted. The ePollbook software is developed by a third-party vendor and certified by
4 the California Secretary of State. The Registrar plans to dispatch more than 5,000
5 ePollbooks throughout the County on October 21, 2026, and some have already
6 been deployed at the hybrid vote center in the Registrar's headquarters. Loading the
7 data onto all these devices takes ten (10) days. The ePollbooks are already fully
8 prepared for deployment for the November 3, 2026, General Election.

9 19. Ordinarily, when a registered voter checks in on the ePollbook, the
10 Ballot Marking Device ("BMD") receives no information about the voter other than
11 the voter's ballot style.² The BMD is the device on which the voter marks their
12 ballot. Apart from ballot style, no information about the voter is transmitted to the
13 BMD or associated with the voted ballot. The ballot therefore cannot be connected
14 to the voter who cast it.

15 20. In practical terms, a new process would need to be established for in-
16 person voters on the October List. That process does not currently exist. It would
17 have to be created, and vote center workers would have to be trained on it. Special
18 handling procedures would also have to be established. Under the current process,
19 even if October List voters could be identified in the ePollbook in some way, they
20 would be able to cast only provisional ballots. Vote center workers have no process
21 for treating this new category of voters differently. Vote center workers are given
22 specific scripts and are required to follow them. More than 10,000 vote center
23 workers are engaged in this election. Many of them have already completed their
24 training, which takes place over several weeks. Developing, training, and
25 rehearsing a new process is not possible at this stage.

26 21. The provisional ballots cast by October List voters would be mixed

27 ² Each voter has a ballot style based on his or her address, because different contests apply
28 depending on where the voter lives—for example, different areas have water districts,
congressional districts, and school districts.

1 with other valid provisional ballots cast by other voters. There is currently no
2 means of segregating the October List voters' ballots from those other provisional
3 ballots. Separating them would require individuals to review all in-person
4 provisional ballots and manually compare the names on each ballot envelope to the
5 October List. The Registrar cannot be confident that such a manual comparison
6 would be accurate, because of the potential for errors.

7 **Tally**

8 22. Once ballots enter tally operations, including tally pre-processing,
9 there is no way to separate or identify the ballot of any voter, including voters on
10 the October List. No association exists between a ballot and the voter who cast it
11 consistent with California voter anonymity requirements and . The Registrar
12 therefore cannot locate or remove the ballot of any particular voter. As a result, to
13 the extent any individuals on the October List have already voted, their ballots
14 cannot be segregated at this stage.

15 **Conflicts with Law**

16 23. I do not believe it would be possible from a technical perspective to
17 comply with the DOJ's demand based on my current understanding without
18 violating state and federal election legal requirements and required deadlines.

19 **October List Analysis**

20 24. At counsel's request, my Team conducted a preliminary analysis of a
21 sample of two hundred (200) records from the October List. Our analysis included
22 the following:

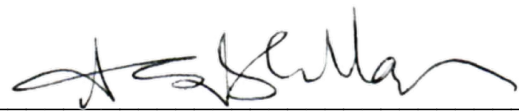
- 23 a. 42.9% of the list sampled had canceled voter registration records
24 in our system; 42.4% of the list samples had active records, i.e.,
25 i.e., that the record has cleared verification through the statewide
26 database and has met all legal requirements for voter
27 registration.; and 4.6% are considered inactive records, meaning
28 there is an issue in the record that has been flagged such as the

1 mail being undeliverable, not responding to a confirmation
2 notice, or not voting.

- 3 b. 86 of the sample listed individuals who had ballots mailed to
4 them in the November 2026 General Election; all 112
5 individuals where ballots were not mailed to them had either
6 canceled or inactive records.
7 c. 71.2% of the list sampled had never voted in the past elections.
8 d. Among the records for which birthplace information was
9 meaningfully reported, 38.9% indicated that they were born in
10 the United States.

11 25. Of the more than 20,000 records on the October List, 7,035 have
12 addresses located in Los Angeles County.

13
14 I declare under penalty of perjury under the laws of the United States of
15 America that the foregoing is true and correct. Executed this 20th day of October,
16 2026, at City of Industry, California.

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20 Aman Bhullar
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EXHIBIT A

**LOS ANGELES COUNTY
REGISTRAR-RECORDER/COUNTY CLERK**

DEAN C. LOGAN

Registrar-Recorder/County Clerk

August 21, 2026

To: Mirian Avalos, General Manager (ITS)
Internal Services Department

From: Jeremy Keller, Department Information Security Officer (DISO)
Registrar-Recorder/County Clerk

ELECTION FREEZE FOR THE NOVEMBER 3, 2026, GENERAL ELECTION

The County of Los Angeles will be conducting the November 3, 2026, General Election. The results of the election are scheduled to be certified on November 27, 2026. In support of the election, the Registrar-Recorder/County Clerk (RR/CC) is requesting that the Internal Services Department (ISD) implement a freeze on many services provided by ISD.

During the specified date range listed below, the following types of changes will be limited:

Election Freeze Level One - Friday, September 18, 2026, at 5:00 p.m. through Thursday, December 3, 2026, at 5:00 p.m.

- VoIP for:
 - RR/CC Headquarters at 12400 Imperial Hwy in Norwalk
 - RR/CC Ballot Processing Center (BPC) at 13401 Crossroads Pkwy N, City of Industry
 - RR/CC Election Operations Center (EOC) at 12680 Corral Place in Santa Fe Springs
 - RR/CC VSAP Operations Center (VOC) at 12100 Rivera Road in Whittier
 - RR/CC Tally Disaster Recovery (DR) environment at 9150 Imperial Highway in Downey and six (6) RR/CC branch offices
- RR/CC servers hosted by ISD and their eCloud/eBlock environment
- Wide Area Network (WAN) and Local Area Network (LAN) infrastructure
- All RR/CC Wi-Fi access points
- Facilities infrastructure at all RR/CC facilities (e.g., electrical generators)

Mirian Avalos, General Manager
August 21, 2026
Page 2

Election Freeze Level Two – Friday, October 2, 2026, at 5:00 p.m. through Thursday, November 19, 2026, at 5:00 p.m.

In addition to changes covered by Level One, changes to both the physical infrastructure and the virtual environment of all systems used to support the election are restricted and require ITS General Manager approval. Changes to the following areas which are countywide or affect RR/CC, ISD, or BOS, are covered by Level Two:

- eCLOUD
- Office365
- eGIS
- VoIP
- LAN/WAN
- Desktop computer infrastructure
- Windows servers
- Email gateway
- Laptop computer infrastructure
- Hosted domain components
- Security Infrastructure
- Election-related AWS Infrastructure

Election Freeze Level Three – Wednesday, October 14, 2026, at 5:00 p.m., through Friday, November 6, 2026, at 5:00 p.m.

In addition to changes covered by Levels One and Two, during the twenty-four-day Level Three window, the following restrictions will be in place:

- Standard RFCs will be suspended, and changes normally made using the standard model must be submitted as a normal change with ITS General Manager approval or an emergency RFC with ITS General Manager approval.
- All other RFCs will only be approved to restore service or prevent imminent outages and will also require ITS General Manager approval.

Moreover, all RR/CC election platform and system owners will be permitted to schedule resources to get important system work done during non-freeze periods. It is important to note that this procedure has been created based on input from the RR/CC executive leadership – for further guidance, please contact the RR/CC DISO. Ultimately, the goal of all parties (e.g., executive leadership, DISO, DCIO, and system owners) is to reduce risk to ballot integrity by performing system maintenance during times that have the lowest risk to the elections environment in the unlikely event that something goes wrong with the update.

Mirian Avalos, General Manager
August 21, 2026
Page 3

The election freeze ensures a stable and secure environment for election activities. We appreciate your cooperation and adherence to this freeze. Please share this memo with all ITS employees and contractors.

Should you have any questions, you may contact me at (562) 462-2445 or email jkeller@rrcc.lacounty.gov.

AB:JK

C: ITS Deputy General Managers
RR/CC ITB Management
Leslie Luke
Office of the CIO

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23 Attorneys for Defendant
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25 Registrar-Recorder/County Clerk

26 *Additional Counsel Listed on Following Page*

27 UNITED STATES DISTRICT COURT
28 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

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

Defendants.

Case No. 2:26-cv-12025

**DECLARATION OF MONICA
FLORES IN SUPPORT OF
DEFENDANT DEAN C. LOGAN'S
OPPOSITION TO PLAINTIFF'S
REQUEST FOR TEMPORARY
RESTRAINING ORDER**

Date Action Filed: 10/15/2026

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DECLARATION OF MONICA FLORES

I, Monica Flores, declare as follows:

1. I am the Assistant Registrar-Recorder for the Candidate and Voter Services Bureau of the Los Angeles County Registrar-Recorder/County Clerk (the “Registrar”). In such capacity, I am responsible for voter registration maintenance, vote by mail administration, data entry and signature verification of all petitions, election consolidation requests, candidate filing and qualifications, ballot measure filing, certification of election results, recounts, recalls, and assisting with the coordination, conduct, and administration of all federal, state, county, and local elections. I have personal knowledge of the matters and facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. I submit this declaration in support of the Registrar’s Opposition to the U.S. Department of Justice’s (“DOJ”) Request for Temporary Restraining Order in the above-captioned case to provide additional context regarding the Registrar’s administration of the election process generally and in this current general election that will take place on Tuesday, November 3, 2026 (“General Election”).

3. The DOJ asserts that the Registrar is “well-equipped to implement the United States’ requested relief[,]” that is, to “set aside vote-by-mail ballots from persons identified by the Federal Government likely to be noncitizens.” It is not. The Registrar has no authority under state or federal law to withhold or set aside the ballot of a registered voter on the basis of a third party’s assertion that the voter may not be a citizen, has no information beyond the voter’s own attestation with which to determine citizenship, and has no lawful means of obtaining such information. In addition, as explained below, a substantial part of what the DOJ requests is no longer physically possible, and the remainder could not be carried out without placing the timely and accurate administration and certification of the General Election at risk. I also have strong concerns about potentially disenfranchising voters associated with records on this list and believe, if forced to

1 comply, it would be virtually impossible to timely certify the election results in
2 compliance with state law. Finally, I do not believe the Registrar has authority to
3 or can comply with either the government's proposed injunction that it "confirm the
4 citizenship of [each] person who sent a segregated vote-by-mail ballot" or that it do
5 so beyond relying on a "person's registration-related attestation" of citizenship as
6 designated in state and federal law. I write this declaration to explain why.

7 **What Does the Registrar Do?**

8 4. In California, at the County level, the Registrar is responsible for
9 registering voters, maintaining voter files, and conducting federal, state, local and
10 special elections in the County. This includes the development, purchase, licensing,
11 contracting, use and maintenance of equipment and materials used to facilitate the
12 modern, accessible and secure administration of elections, including the devices
13 used to check voters in when voting in-person - Electronic Pollbooks
14 ("ePollbooks"); the devices voters use for in-person voting - Ballot Marking
15 Devices ("BMD"); the Election Management System (EMS) and processes used to
16 issue and process vote by mail ballots; the programs and processes used for ballot
17 layout, and modernized systems for scanning ballot images, recognizing and
18 interpreting votes, tabulating vote totals and producing election results - Tally
19 Systems. Los Angeles County is unique among all jurisdictions in having
20 developed the first and only publicly-designed and publicly-owned voting system,
21 Voting Solutions for All People ("VSAP") which has been independently tested,
22 reviewed, and approved for use under provisions of the California Elections Code.

23 5. Each year, the office facilitates the administration and certification of
24 elections for approximately 200 total school districts, cities and special districts in
25 addition to all state and federal executive, legislative, and judicial elections held
26 within Los Angeles County. There are approximately 5.9 million registered voters,
27 as well as 5,000 voting precincts established for countywide elections. The County
28 is the largest and most complex local electoral jurisdiction in the country, with 88

1 cities, over 100 school and community college districts, 55 general and special
2 districts, approximately 140 unincorporated areas, and provides voting materials in
3 19 languages under provisions of the Federal Voting Rights Act and the California
4 Elections Code.

5 6. In California, voter rolls are maintained by the California Secretary of
6 State. California's statewide voter registration system is called VoteCal. The Los
7 Angeles County Election Management System (EMS) used to manage voter records
8 from Vote Cal in administering County elections is the Database Voter Information
9 Management System ("DIMS"). The DIMS EMS and VoteCal databases interact
10 with each other in order to facilitate the maintenance of up-to-date voter rolls for
11 Los Angeles County. Notably, the Registrar is not responsible for voter rolls
12 outside of Los Angeles County nor does it have access or authority to modify
13 statewide data.

14 **Voter Eligibility and Registration**

15 7. The Registrar and Secretary of State are both responsible for voter
16 registration. You can register to vote and vote if you are:

- 17 a. A United States citizen and a resident of California,
- 18 b. 18 years old or older on Election Day,
- 19 c. Not currently in state or federal prison, and
- 20 d. Not currently found mentally incompetent to vote by a court.

21 8. Voter registration is ongoing. Standard voter registration is open until
22 15 days before the election in order for voters to be mailed a vote by mail ballot.
23 Under Elections Code § 2111, a person "may prove he or she is a citizen by his or
24 her certification under penalty of perjury on the affidavit of registration." *See also*
25 52 U.S.C. § 20508(b)(2) (federal mail voter registration form must include "an
26 attestation that the applicant meets each such requirement," including citizenship,
27 and "require[] the signature of the applicant, under penalty of perjury"). Moreover,
28 each time a voter submits a ballot or appears to vote in-person, they sign an oath

1 that attests to being a qualified voter. Consistent with California and federal law, for
2 these voters, the Registrar accepts the under oath representation and proof of an
3 individual's citizenship and requires no additional verification.

4 9. The Registrar also offers Conditional Voter Registration ("CVR"),
5 which allows eligible individuals to register or re-register and vote at a vote center
6 for a 14 day in-person voting period, including on Election Day. (Elec. Code §
7 2170(a)-(b)). Ballots submitted by conditionally registered voters are processed and
8 counted once the county elections office has completed the voter registration
9 verification process for that voter. (Elec. Code § 2170(c)(1). The voted ballot is
10 sealed in a provisional envelope. This envelope is a different color from vote-by-
11 mail envelopes but is filled out the same way. It stays sealed until the Registrar
12 reviews it. (Elec. Code § 14310(b).)

13 10. INTENTIONALLY LEFT BLANK.

14 11. INTENTIONALLY LEFT BLANK.

15 12. On occasion, the Registrar may receive information from an individual
16 themselves requesting cancellation of registration with indication that they are a
17 non-citizen. For example, an individual may notify the Registrar that they are a
18 non-citizen and seeks cancellation of their voter registration either by submitting a
19 "Request Voter Registration Cancellation" form or by speaking with a Registrar
20 representative, but it happens infrequently.

21 13. On October 13, 2026, Acting Deputy Attorney General R. Trent
22 McCotter, on behalf of the Department of Justice, provided the Registrar's office
23 with a letter as well as a thumb drive purported to contain "a list of names of people
24 the Federal Government believes are likely noncitizens who were sent a vote-by-mail
25 ballot to participate in the November 2026 federal election" (the "October List").
26 The thumb drive has not been accessed by the Registrar. On October 14, 2026,
27 Homeland Security Investigations emailed the Registrar's counsel the same letter
28 together with a password-protected Excel spreadsheet (the "Spreadsheet"). The

1 observations about the October List in this declaration are based on a review of the
2 Spreadsheet conducted at the direction of the Registrar for purposes of responding to
3 the DOJ's letter and this litigation. The Office of the County Counsel responded on
4 behalf of the Registrar on October 15, 2026. On October 15, 2026, the DOJ sent
5 another letter appearing to threaten criminal prosecution.

6 14. Prior to the receipt of the October List, I was not aware of any requests
7 by or authority for federal or state agencies to segregate votes based on non-
8 citizenship. I am not aware of any state or federal law establishing standards for
9 evaluating evidence of non-citizenship or independent authority for the Registrar to
10 question voter eligibility other than by acknowledging and acting upon voter
11 attestation. I am also not aware of any request, prior to the instant matter, by any
12 state or federal authorities for the Registrar to investigate a voter's eligibility based
13 on assertion of non-citizenship. The Registrar is not an investigative agency and I
14 am not aware of any state or federal law granting it investigative authority.

15 15. I am also not aware of any authority for the Registrar to cancel a voter's
16 registration based on third party allegations of ineligibility, with the exception of a
17 notification (including from family or household member) that a voter is deceased,
18 notification of incarceration in a state prison for a felony offense, or a court order
19 declaring an individual incompetent for purposes of voting. Instead, depending on
20 the nature of third-party allegations or information, the Registrar has limited
21 authority to inactivate a voter's registration and issue a confirmation notice to seek
22 confirming or clarifying information (generally, this occurs when a resident indicates
23 receiving mail for someone who no longer resides at an address).

24 **Voting Method**

25 16. Generally speaking, all voters with active status in Los Angeles
26 County are issued and can cast their vote using a Vote-By-Mail ("VBM") ballot.
27 They also have the option of voting in-person at a Vote Center during the 10 days
28 prior to or on Election Day. For simplicity's sake for the purpose of this

1 declaration, any vote not cast in person at a vote center is considered a VBM ballot.
2 This category includes VBM ballots returned by USPS mail, completed VBM
3 ballots brought to Vote Centers, VBM ballots deposited in official ballot drop
4 boxes, and ballots faxed by citizens who are outside the country and military
5 personnel stationed outside our County.

6 17. There are different processes in place for in-person versus VBM
7 voting. However, the Registrar employs uniform and nondiscriminatory standards
8 when defining what counts as a vote. It is therefore critical to the effective
9 administration of the election that a voter is not prejudiced solely based on their
10 chosen voting method.

11 18. Regardless of voting method, voters have a right to ballot secrecy and
12 votes cast on ballots are fully anonymous—even to the Registrar itself. Cal. Const.
13 art. II, § 7; Elec. Code § 2300; 52 U.S.C. § 21081(a)(1)(C) (Help America Vote
14 Act). Once a returned ballot is verified and extracted from any envelopes or rosters
15 identifying the voter and then counted, the ballot can no longer be associated with
16 the voter, regardless of voting method used.

17 VBM Process

18 19. California state law requires all voters to receive VBM ballots. (Elec.
19 Code § 3000.5, subd. (a)). VBM ballots are required to be mailed 29 days before
20 the election. (Elec. Code §§ 3001, 4005, subd. (a)(8)(A).)

21 20. The law is slightly different for military or overseas voters who are
22 away from the county where they are eligible to vote:

23 e. Cal. Elec. Code § 3105(b)(1) requires the county elections
24 official to send the ballot “not earlier than 60 days but not later
25 than 45 days before the election.” The ballot must include a list
26 of the qualified candidates and measures.

27 f. For federal elections, 52 U.S.C. § 20302(a)(8)(A), part of the
28 Uniformed and Overseas Citizens Absentee Voting Act

1 (“UOCAVA”), separately requires the state to send a validly
2 requested ballot no later than 45 days before the election, if the
3 request arrives at least 45 days out.

4 21. All VBM ballots require voter signature verification before the ballot
5 can be counted. While voting laws in California maximize the opportunity for
6 eligible voters to vote, there is detailed attention to the verification of cast ballots.
7 This process includes a comparison of signatures on envelopes to the signatures on
8 file with the County elections official. If a signature is missing or does not compare
9 to the signature on file, state law requires county elections officials to reach out to
10 voters to verify their signature to ensure that their ballot can be counted. By law,
11 voters are allowed to cure their signature up to two days before the county certifies
12 their results.

13 **Ongoing and Upcoming Activities for the November 2026 General Election**

14 22. The Registrar is currently conducting and preparing for the November
15 2026 General Election. Leading up to the General Election and up through the close
16 of standard voter registration on October 19, 2026, as consistent with other
17 elections, the Registrar has received an influx of voter registration affidavits,
18 National Change of Address Reports, Voter Residency Confirmation Cards, and
19 other state and federal reports/forms. This has resulted in the Registrar having to
20 update approximately 150,000 voter records in the two months leading up to the
21 General Election. The staff responsible for updating these voter records is the same
22 staff used for signature verification operations and VBM ballot processing
23 operations.

24 23. The Registrar has mailed approximately 5.9 million VBM ballots to
25 registered voters in the County, and there are 491 active contests in the General
26 Election. As of October 13, 2026, the date we received the letter from DOJ, there
27 were no ballots waiting to be mailed other than replacement ballots.

28 24. Voting by mail in the General Election is underway. The Registrar

1 opened more than 420 VBM ballot drop boxes for the General Election starting on
2 October 1, 2026, and also began its VBM ballot processing operations on October
3 5, 2026. VBM ballots are currently being returned to the Registrar's office by mail
4 and through VBM ballot drop box retrievals. Since the Registrar began its VBM
5 ballot processing operations on October 5, 2026, the Registrar has processed more
6 than 331,000 VBM ballots to date and anticipates much higher volumes of VBM
7 ballots to be received as Election Day approaches, consistent with prior major
8 elections.

9 25. The Registrar operates under the Voter's Choice Act (Elections Code
10 Section 4005 et seq.) ("VCA") and conducts its elections using vote centers. For the
11 General Election, and pursuant to the requirements of the VCA, the Registrar will
12 be operating 646 vote centers, 123 of which will open on October 24, 2026, ten
13 days prior to and continuing through Election Day, and an additional 523 of which
14 will open on October 31, 2026, four days before and continuing through Election
15 Day. The Registrar is currently in the process of preparing for the opening of these
16 646 vote centers, which include training and assigning election workers,
17 deployment and set-up on voting equipment and supplies at vote centers, setting up
18 call centers and other information technology ("IT") resources to support the
19 election, as well as the logistical operations of ensuring voting equipment and
20 supplies will be appropriately and securely transported to and set up at each vote
21 center.

22 26. In addition, the Registrar provides ballots and language assistance to
23 voters in 19 languages pursuant to Elec. Code § 14201 and Section 203 of the
24 Federal Voting Rights Act of 1965 ([52 U.S.C. § 10503](#)).

25 27. The VCA requires counties to use electronic pollbooks ("e-
26 Pollbooks") for in-person voting at vote centers, to allow immediate access to voter
27 registration data. Since 2020, Los Angeles County has administered elections using
28 its County-owned voting system, VSAP. VSAP is a paper ballot based voting

1 system consisting of hardware and software components enabling voters to mark
2 their selections on a ballot with an electronic ballot marking device that generates a
3 paper ballot to be reviewed and cast by the voter, or by marking paper, human-
4 readable VBM ballots, as well as hardware and software processing and tallying
5 components to tally the votes cast in the election. In order to assist voters and
6 support the election, election workers have to be trained on how to use e-pollbooks
7 and VSAP components at vote centers, and election support operations require both
8 non-technical and technical staff including clerical, multi-lingual, warehouse, IT,
9 call center, and supervisory staff.

10 28. From the opening of Vote Centers on October 24, 2026 and up through
11 Election Day, the Registrar will employ and activate thousands of permanent,
12 temporary, and contracted personnel resources to support the conduct, canvass, and
13 certification of the General Election.

14 29. After 8 p.m. on Election Day, the Registrar will redirect staff and
15 resources toward tabulating votes, completing the official canvass, and certifying
16 election results to the Secretary of State within 30 days.

17 30. Registrar officials must begin reporting results to the Secretary of State
18 no more than two hours after they begin tallying votes after the polls close. County
19 elections officials then continue to report results periodically throughout Election
20 Night until all Election Day vote totals have been reported. Election results posted
21 on Election Night are semi-official results based on the in-person ballots cast at
22 voting locations on Election Day, any voted ballots cast in person prior to Election
23 Day, and any vote-by-mail ballots received and processed prior to Election Day.

24 31. While media outlets and others may “call” an election contest, or
25 candidates may “concede” to their opponent, on Election Night or in the days
26 following, these calls and concessions are based on the semi-official results and not
27 the final election results. The election results are never final until the Secretary of
28 State has compiled the official statewide results after all county elections officials

1 have reported their official canvass of the votes.

2 32. This canvassing process requires a significant amount of staff and
3 resources to complete in a timely manner, ensuring that newly elected federal, state
4 and local officials can assume offices without governmental disruption and
5 uncertainty surrounding election outcomes. It includes, without limitation, the
6 processing of conditional voter registrations, VBM ballots (including signature
7 verification), write-in ballots and provisional ballots, the remaking of torn, bent or
8 defective ballots, the adjudication of ballots, and conducting the one percent manual
9 tally post-election audit.

10 33. As noted, elections officials are required to conduct a public manual
11 tally audit of one percent of batches of ballots tabulated by the County's vote tally
12 system in order to verify the accuracy of the automated count. The sample for the
13 audit is augmented with additional batches of ballots to ensure all contests and
14 ballot measures are represented in the manual tally.

15 34. Also, during the canvass period, counties must count and report on all
16 ballots (with some exceptions) by the 13th day after the election, November 16,
17 2026. *See* Elec. Code § 15307. Exceptions include ballots requiring duplication,
18 forwarded ballots, provisional and conditional ballots, vote-by-mail ballots with
19 signature cure issues, and ballots with valid postmarks received after the fourth day
20 following the election. The final County results must be submitted by December 3,
21 2026, and certified by December 11, 2026. Los Angeles County has publicly
22 noticed its intent to certify local election results on Friday, November 27, 2026. *See*
23 Elec. Code § 15372.

24 **Government's Demand**

25 35. The government is demanding the Registrar and the State to "set aside
26 vote-by-mail ballots from persons identified by the Federal Government likely to be
27 noncitizens" for over 20,000 voters on the October List, the majority of which are
28 not associated with addresses in Los Angeles County. The Registrar was first

1 provided the October List to review on October 13, 2026, well into the election
2 cycle.

3 36. The Registrar has *never* attempted a “temporary ballot segregation”
4 where explicit authority or regulation does not exist. Setting aside concerns about
5 disenfranchising voters based on an unconfirmed list, I have practical concerns
6 about the ability to perform this exercise without placing the timely and effective
7 administration and certification of the election at risk. And, even if it is possible to
8 segregate these ballots, I do not believe it will be possible to come to a resolution
9 on the DOJ’s demand if such authority and methodology was identified or ordered,
10 afford these individuals appropriate due process under state and federal law, and
11 have their votes count toward the General Election while meeting all deadlines.
12 The Registrar has already complied with its federal and state requirement.

13 37. First, all VBM ballots were sent out by October 5, 2026 consistent
14 with California and federal law and have been in the process of printing since
15 September 8, 2026. Accordingly, it is not possible to segregate unreturned ballots,
16 i.e., ballots that are still in the voter’s possession. Second, it is also not possible to
17 segregate any of the October List ballots where the individual has already voted and
18 the Registrar has processed that vote. As noted above, California law requires
19 maintaining voter anonymity. Nobody, including the Registrar, knows how a
20 particular individual voted. This is because, once the signature on a VBM ballot
21 envelope is verified, the ballot is removed from its identification envelope and
22 processed along with other ballots for tabulation. As of today, the Registrar has
23 already processed 331,000 ballots. Finally, the DOJ seems to suggest that the
24 Registrar will not need to address any of the voters on the October List who choose
25 to vote in-person rather than by mail. However, I am not aware of a state or federal
26 law that would permit the Registrar to disparately treat voters based on voting
27 method. The DOJ has also threatened criminal enforcement based on non-
28 compliance with the segregation of “likely” non-citizen ballots, and it is not clear to

1 the Registrar how, if at all, this is different.

2 38. Thus, the question is whether or not the Registrar can segregate
3 thousands of ballots after they have been submitted by mail or in person. There are
4 a number of roadblocks that would make this impossible. And all of those
5 roadblocks would require the Registrar to redirect key staff from the administration
6 of the election; potentially delay the certification of the election; disenfranchise
7 voters; potentially interfere with counting the results themselves; and may cause
8 general uncertainty in the election results. More critically, those actions seem in
9 conflict with California laws and regulations.

10 **Step 1: Identifying the Voters**

11 39. The first step would require devoting substantial resources to
12 confirming any differences between the October List and our voter registration
13 database; investigating the reason for any discrepancies; tracking those records;
14 and communicating such discrepancies back to the DOJ. Indeed, it is inevitable
15 that there will be differences in the files that will make matching difficult, time-
16 consuming, and potentially inaccurate, as people's names, addresses, and other
17 information may vary slightly (e.g., Robert vs. Bob, Apartment #3 vs. Apt. 3, Sara
18 Jones-Smith vs. Sara Jones Smith). I know from my experience that data matching
19 is a complex process and extreme care must be taken when the consequences of
20 errors may lead to voter disenfranchisement.

21 40. As an additional hurdle, the DOJ has provided a statewide list to Los
22 Angeles County and Los Angeles County cannot identify the legitimacy of records
23 outside of its jurisdiction.

24 **Step 2: Manual Review of Matches**

25 41. Any review of approximate matches would have to be performed
26 manually, with multiple checks, by the Registrar's most experienced voter-records
27 staff. Those are the same staff who are responsible for signature verification and
28 vote-by-mail processing during the election period, and the review would have to

1 be completed before the counting and certification deadlines described above.

2 **Step 3: “Flagging” Voters**

3 42. The interim step of flagging voters within the DIMS database who
4 vote by mail or in person and other required changes to software or hardware would
5 involve IT and require technical skill to assess. I understand from our IT
6 Department that this is a risky endeavor that could put the entire General Election
7 in jeopardy. *See* Declaration of Aman Bhullar.

8 **Step 4: Manual Segregation**

9 43. The Registrar’s voting system and ballot-processing workflow have no
10 function for setting aside the ballots of designated voters. Creating one during an
11 election would require changes to systems and procedures that have already been
12 tested and finalized for this election, the development and documentation of a new
13 process, and the training of staff on it, all while the work described above is
14 required to be completed on the statutory schedule. I do not believe the Registrar
15 could do that and still meet its post-election deadlines, including the timely count
16 and certification of the vote.

17 **Step 5: Verify Citizenship or Non-Citizenship**

18 44. The DOJ’s proposed order would also require the Registrar to verify
19 the citizenship of each affected voter. The Registrar is not equipped or authorized
20 to verify voter citizenship because it does not independently house citizenship-
21 related information beyond the voter attestation as identified in federal and state
22 law (such as, among other things, immigration records, travel records,
23 naturalization records, etc.) and certainly is not equipped to do so within the
24 election period. California has not authorized use of the federal Systematic Alien
25 Verification for Entitlements (“SAVE”) program for the 2026 General Election, and
26 the Registrar has no direct access to federal citizenship data. The DOJ has not
27 explained what information would be provided to the Registrar to assist with this
28 determination nor described any process by which the Registrar would be given

1 information or authority such that it could verify citizenship. Further, while the
2 DOJ has stated that it would also verify citizenship, it has stated, despite its
3 investigative authority, it cannot investigate the people on its list before the election
4 concludes. Compl. ¶ 60. It is not clear how Los Angeles County, in the middle of
5 the election cycle, would be better positioned to verify U.S. citizenship than the
6 Federal Government or that it has any identified authority to do so. And it is
7 certainly not clear how Los Angeles County can be expected to complete this
8 verification within the election period when the government itself has stated it
9 cannot do so.

10 45. As far as I am aware, this is the first time the Registrar has been asked
11 by the Federal Government to investigate the potential non-citizenship of voters.
12 The Registrar is not an investigative body and has no identified authority to do so
13 — and, I am not aware of any law that gives the DOJ the ability to grant the
14 Registrar such authority.

15 46. There are other potential issues with carrying out an inquiry based on
16 the suspicion that the government has invoked so far. First, the DOJ itself has
17 acknowledged these are only likely non-citizens, not actual non-citizens. A
18 possibility of non-citizenship is not sufficiently reliable for the Registrar to initiate
19 the process of potentially removing an individual from the voter roll, preventing a
20 voter from access to voting, or failing to count a ballot submitted in accordance
21 with existing law.

22 47. Second, the DOJ has provided nothing more than a list of names, dates
23 of birth, and addresses. The DOJ describes in correspondence received after the
24 initial submission of the list a multi-agency investigative process that led to the
25 creation of this list—but provides none of the supporting evidence from that
26 investigation along with this barebones list. It does not even identify whether it has
27 a “high confidence” that the individuals on the October List are non-citizens.

28 48. Third, at the direction of the Registrar and for purposes of this

1 litigation, Registrar staff reviewed a sample of 200 records from the October List
2 bearing Los Angeles County addresses. The review is preliminary and quality
3 control is continuing, but it indicates that the October List is unreliable: 112 of the
4 200 records correspond to registrations that are canceled or inactive, so that no
5 General Election ballot was mailed to the person; of the voters where birthplace
6 was meaningfully reported, 38.9% indicate that they were born in the United States,
7 which is strong evidence of citizenship; and 71.2% of the records have no voting
8 history.

9 **Step 6: Providing Notice and Opportunity to Cure**

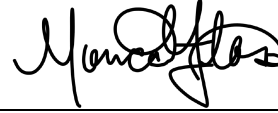
10 49. Finally, even if the Registrar had a lawful basis to question a
11 registrant's eligibility, which it does not, the registrant would be entitled under state
12 and federal law to notice and an opportunity to respond before any ballot was
13 rejected, and no such process could be completed between now and the certification
14 deadlines described above.

15 **Conclusion**

16 50. As outlined above, I am not aware of any authority under state or
17 federal law that gives me legal authority to comply with the government's demands
18 in this matter. Even if such authority exists, which it does not, it would be
19 administratively impossible and take key personnel away from their critical election
20 duties. Because the County results must be submitted by December 3, 2026, and
21 certified by the State by December 11, 2026, ballots held pending an open-ended
22 federal review may, in practical effect, never be counted. This process would risk
23 disenfranchising voters who are validly registered. The process the DOJ seeks to
24 have the Registrar undertake jeopardizes that core right for potentially thousands of
25 voters, not to mention the finalization of election results, confidence in election
26 results, and the ability to allow new elected officials to be instated in their positions.

27 I declare under penalty of perjury under the laws of the State of California that
28 the foregoing is true and correct. Executed this 20th day of October, 2026, in

1 Norwalk, California.



MONICA FLORES