

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

4 MAUREEN RIORDAN
5 Acting Chief, Voting Section
6 Civil Rights Division

7 ERIC NEFF
8 Trial Attorney, Voting Section
9 Civil Rights Division
10 U.S. Department of Justice
11 4 Constitution Square
12 150 M Street, Room 8.139
13 Washington, D.C. 20002
14 Telephone: (202) 704-5430
15 Email: Eric.Neff@usdoj.gov

16 Attorneys for Plaintiff, UNITED STATES OF AMERICA
17
18
19
20
21
22
23
24
25
26
27
28

1 **UNITED STATES DISTRICT COURT**
2 **WESTERN DISTRICT OF WASHINGTON**

3
4 UNITED STATES OF AMERICA

CASE NO:

5 Plaintiff,

COMPLAINT

6
7 v.

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

11 Defendant.

12
13 **INTRODUCTION**

14 1. Title III of the Civil Rights Act of 1960 (“CRA”) imposes a “sweeping”
15 obligation on election officials, *Kennedy v. Lynd*, 306 F.2d 222, 226 (5th Cir. 1962),
16 to “retain and preserve ... *all* records and papers which come into [their] possession
17 relating to any application, registration, payment of poll tax, or other act requisite to
18 voting in such election,” 52 U.S.C. § 20701 (emphasis added).

19 2. Title III likewise grants the Attorney General the sweeping power to
20 obtain these records: “Any record or paper required by section 301 to be retained
21 and preserved shall, upon demand in writing by the Attorney General or [her]
22 representative directed to the person having custody, possession, or control of such
23 record or paper, be made available for inspection, reproduction, and copying at the
24 principal office of such custodian by the Attorney General or [her] representative....”
25 52 U.S.C. § 20703. The written demand “shall contain a statement of the basis and
26 the purpose therefor.” *Id.*
27
28

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

4. In this “summary” proceeding, *In re Gordon*, 218 F. Supp. 826, 826-27 (S.D. Miss. 1963), the Attorney General need only show that she made a “written demand” for records covered by Section 301 of the CRA and that “the person against whom an order for production is sought ... has failed or refused to make such papers ‘available for inspection, reproduction, and copying,’” *Lynd*, 306 F.2d at 226 (quoting 52 U.S.C. § 20703). The court does not adjudicate “the factual foundation for, or the sufficiency of, the Attorney General’s ‘statement of the basis and the purpose’ contained in the written demand” or “the scope of the order to produce.” *Id.*

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1345, and 2201(a); 52 U.S.C. §§ 20510(a) and 21111; and 52 U.S.C. § 20705.

6. Venue for this action is proper in the United States District Court for the Western District of Washington because Defendant Steve Hobbs, in his official capacity as Secretary of State, resides in this district and the actions giving rise to the suit occurred in the district. 28 U.S.C. § 1391(b)(1), (c)(2).

PARTIES

7. Plaintiff is the Attorney General of the United States. The Attorney General has authority to enforce various federal election statutes, including the CRA, *see* 52 U.S.C. § 20703; the National Voter Registration Act (“NVRA”), *id.* § 20510(a); and Title III of the Help America Vote Act (“HAVA”), *Id.* § 21111.

8. Defendant Secretary of State Steve Hobbs is sued in his official capacity as Secretary of State of Washington, the chief state election official responsible for coordinating Washington’s responsibilities under the NVRA. *See* 52 U.S.C. § 20509; RCA 29A.04.230 (“Secretary of state as chief election officer”). Secretary Hobbs is an officer of election as defined by Section 306 of the CRA. *See* 52 U.S.C. § 20706. Secretary Hobbs is sued in his official capacity only.

BACKGROUND

9. This proceeding arises from the Attorney General’s investigation into Washington’s compliance with federal election law, particularly the NVRA and HAVA.

10. Both the NVRA and HAVA require States to maintain and preserve certain records and papers that fall within the scope of Section 301 of Title III of the CRA.

THE NATIONAL VOTER REGISTRATION ACT

11. The NVRA requires each state to “designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities” under the NVRA. 52 U.S.C. § 20509. Defendant Hobbs is the chief election official of the State of Washington.

12. The NVRA requires States to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of” the death of the registrant, or “a change in the residence of the registrant, in accordance with subsections (b), (c), and (d)[.]” 52 U.S.C. §§ 20507(a)(4)(A)-(B).

13. The NVRA also requires States to maintain, with exceptions not relevant here, “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1).

THE HELP AMERICA VOTE ACT

14. HAVA requires all States to maintain and administer “a single, uniform, official, centralized, interactive computerized statewide voter registration list” that contains “the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State.” 52 U.S.C. § 21083(a)(1)(A).

15. HAVA further establishes “[m]inimum standard[s] for accuracy of State voter registration records,” 52 U.S.C. § 21083(a)(4), and prohibits States from processing voter-registration applications without obtaining and verifying certain identifying information from the applicants, *Id.* § 21083(a)(5)(A).

FACTUAL ALLEGATIONS

16. The United States Election Assistance Commission (“EAC”)—“an independent, bipartisan commission whose mission is to help election officials improve the administration of elections and help Americans participate in the election process”—conducts a biennial Election Administration and Voting Survey (“EAVS”). EAC, *About the EAC*, <http://eac.gov/about> (last visited Nov. 14, 2025).

17. For the EAC’s most recent report, “Election Administration and Voting Survey 2024 Comprehensive Report: A Report from the U.S. Election Assistance Commission to the 119th Congress” (“2024 EAVS Report”), States “reported data on their efforts to keep voter registration lists current and accurate, known as list maintenance.” EAC, 2024 EAVS Report at 7.¹

18. Based on a review of the 2024 EAVS Report, Assistant Attorney General Harmeet K. Dhillon, on behalf of the Attorney General, sent a letter to

¹ https://www.eac.gov/sites/default/files/2025-07/2024_EAVS_Report_508.pdf (last visited Nov. 24, 2025).

1 Secretary Hobbs on September 8, 2025, seeking information regarding Washington’s
2 compliance with federal election law.

3 19. The Letter requested – pursuant to Section 8(i) of the NVRA – that
4 Washington provide a current electronic copy of its computerized statewide voter
5 registration list (“VRL”), required under Section 303 of HAVA.

6 20. The Letter asked Washington to produce the requested information and
7 records by encrypted email or via the secure file-sharing system, Justice Enterprise
8 File Sharing (JEFS).

9 21. In response, on September 23, 2025, Secretary Hobbs sent a letter
10 refusing to provide the statewide VRL, stating that Washington State law prohibits
11 its release – even to the Attorney General – because the VRL contains private
12 information.

13 22. The Attorney General’s written demand was made pursuant to the CRA.
14 *See* 52 U.S.C. § 20703. The letter expressly demanded “an electronic copy of
15 Washington complete and current VRL” and advised that “[t]he purpose of the
16 request is to ascertain Washington’s compliance with the list maintenance
17 requirements of the NVRA and HAVA.” The Letter directed that the SVRL should
18 contain “all fields, which includes either the registrant’s full name, date of birth,
19 residential address, his or her state driver’s license number, or the last four digits of
20 the registrant’s social security number as required under the Help America Vote Act
21 (‘HAVA’) to register individuals for federal elections. *See* 52 U.S.C. §
22 21083(a)(5)(A)(i).” (footnote omitted).

23 23. The Letter explained “that HAVA specifies that the ‘last 4 digits of a
24 social security number . . . shall not be considered a social security number for
25 purposes of section 7 of the Privacy Act of 1974’” (5 U.S.C. § 552(a) note); 52
26 U.S.C. § 21083(c)). In addition, any prohibition of disclosure of a motor vehicle
27 record contained in the Driver’s License Protection Act, codified at 18 U.S.C. §
28 2721(b)(1), is exempted when the disclosure is for use by a government agency in

1 carrying out the government agency's function to accomplish its enforcement
2 authority as the Attorney General is now doing.

3 24. Letter also provided that "the information that the U.S. Justice
4 Department collects will be maintained consistent with Privacy Act protections as
5 explained on the Department's website at [https://civilrights.justice.gov/privacy-](https://civilrights.justice.gov/privacy-policy#:~:text=Our%20Statutes-,Privacy%20Act%20Statement,the%20scope%20of%20our%20jurisdiction)
6 [policy#:~:text=Our%20Statutes-](https://civilrights.justice.gov/privacy-policy#:~:text=Our%20Statutes-,Privacy%20Act%20Statement,the%20scope%20of%20our%20jurisdiction)
7 [,Privacy%20Act%20Statement,the%20scope%20of%20our%20jurisdiction](https://civilrights.justice.gov/privacy-policy#:~:text=Our%20Statutes-,Privacy%20Act%20Statement,the%20scope%20of%20our%20jurisdiction). The
8 full list of routine uses for this collection of information can be found in the System
9 of Records Notice ("SORN") titled, JUSTICE/CRT – 001, "Central Civil Rights
10 Division Index File and Associated Records", 68 Fed. Reg. 47610-01, 611 (Aug. 11,
11 2003); 70 Fed. Reg. 43904-01 (July 29, 2005); and 82 Fed. Reg. 24147-01 (May 25,
12 2017). It should be noted that the statutes cited for routine use include NVRA,
13 HAVA, and the CRA. The records in the SORN are kept under the authority of 44
14 U.S.C. § 3101 and in the ordinary course of fulfilling the responsibility assigned to
15 the Civil Rights Division under the provisions of 28 C.F.R. §§ 0.50, 0.51.ON."

16 25. On September 23, 2025, Secretary Hobbs refused the Attorney
17 General's written demand.

18 **COUNT ONE**

19 **VIOLATION OF THE CIVIL RIGHTS ACT OF 1960, 52 U.S.C. § 20703**

20 26. On September 8, 2025, the Assistant Attorney General on behalf of the
21 Attorney General sent a written demand to Secretary Hobbs for the production of
22 specific election records, as authorized by the CRA, 52 U.S.C. § 20703.

23 27. The written demand "contain[ed] a statement of the basis and the
24 purpose therefor." 52 U.S.C. § 20703.

25 28. Secretary Hobbs refused to provide the records requested as described
26 in his September 23, 2025, letter.

27 Wherefore, the United States respectfully requests this Court:

1 A. Declare that Defendants' refusal to provide the election records upon a
2 demand by the Attorney General violates Title III of the Civil Rights Act
3 as required by 52 U.S.C. § 20703;

4 B. Order Defendants to provide to the United States the current electronic
5 copy of Washington's computerized statewide voter registration list, with
6 all fields, including each registrant's full name, date of birth, residential
7 address, and either their state driver's license number, or the last four digits
8 of their Social Security number as required by 52 U.S.C. § 21083; and
9 awards such additional relief as the interests of justice may require
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Dated: December 2, 2025

Respectfully submitted,

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

6 *Maureen Riordan*

7 MAUREEN S. RIORDAN
8 Acting Chief, Voting Section
9 Civil Rights Division
10 ERIC NEFF
11 Trial Attorneys, Voting Section
12 Civil Rights Division
13 4 Constitution Square
14 150 M Street, Room 8.141
15 Washington, D.C. 20002
16 Eric.Neff@usdoj.gov
17 Attorneys for the United States
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Eric Neff

Eric Neff
Trial Attorney, Voting Section
Civil Rights Division
U.S. Department of Justice
4 Constitution Square
150 M Street NE, Room 8.139
Washington, D.C. 20002
Telephone: (202) 704-5430
Email: Eric.Neff@usdoj.gov

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 |
- Incorporated or Principal Place of Business In This State
- Incorporated and Principal Place of Business In Another State
- Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

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

4 MAUREEN RIORDAN
5 Acting Chief, Voting Section
6 Civil Rights Division

7 ERIC NEFF
8 Trial Attorney, Voting Section
9 Civil Rights Division
10 U.S. Department of Justice
11 4 Constitution Square
12 150 M Street, NE Room 8.139
13 Washington, D.C. 20002
14 Telephone: (202) 704-5430
15 Email: Eric.Neff@usdoj.gov

16 Attorneys for Plaintiff, UNITED STATES OF AMERICA
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA

Plaintiff,

v.

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

Defendant.

CASE NO:

MOTION TO COMPEL
PRODUCTION OF RECORDS
PURSUANT TO 52 U.S.C. § 20701, *et*
seq.

**MOTION TO COMPEL PRODUCTION OF RECORDS DEMANDED
PURSUANT TO THE CIVIL RIGHTS ACT OF 1960**

TABLE OF CONTENTS

I.	INTRODUCTION	5
II.	BACKGROUND	7
	A. Title III of the Civil Rights Act of 1960.....	7
	B. The Attorney General Demanded Federal Election Records Under the CRA to Assess Washington’s NVRA and HAVA Compliance.....	8
III.	ARGUMENT.....	10
	A. The United States is Entitled to an Order Compelling Defendant to Produce the Requested Documents under the CRA.....	10
	B. A State’s Claims to Protecting Privacy Interests Are Not a Basis to Withhold the Information Requested.....	13
	C. A Motion to Compel Production is Appropriate, Necessary, and Grounded in Law.....	15
IV.	PRAYER FOR RELIEF.....	16
V.	CONCLUSION.....	17

TABLE OF AUTHORITIES

Cases

<i>Alabama ex rel. Gallion v. Rogers</i> , 187 F. Supp. 848 (M.D. Ala. 1960).....	6, 12
<i>Arizona v. Inter Tribal Council of Ariz., Inc.</i> , 570 U.S. 1 (2013).....	14
<i>Coleman v. Kennedy</i> , 313 F.2d 867 (5th Cir. 1963).....	6, 8, 13
<i>Crook v. S.C. Election Comm’n</i> , No. 2025-CP-40-06539 (Richland Cty. Comm. Pleas Oct. 1, 2025)	14
<i>Dinkens v. Attorney General</i> , 285 F.2d 430 (5th Cir. 1961).....	6
<i>Gonzalez v. Arizona</i> , 677 F.3d 383 (9th Cir. 2012).....	14, 15
<i>In re Gordon</i> , 218 F. Supp. 826 (S.D. Miss. 1963).....	7, 17
<i>Kennedy v. Bruce</i> , 298 F.2d 860 (5th Cir. 1962).....	7
<i>Kennedy v. Lynd</i> , 306 F.2d 222 (5th Cir. 1962).....	passim
<i>Smith v. City of Jackson</i> , 544 U.S. 228 (2005).....	16

Statutes

52 U.S.C. § 20701.....	passim
52 U.S.C. § 20703.....	passim
52 U.S.C. § 20704.....	10
52 U.S.C. § 20501.....	8
52 U.S.C. § 20507.....	8, 13, 15
52 U.S.C. § 21083.....	passim
5 U.S.C. § 522a.....	10

Plaintiff, UNITED STATES OF AMERICA, by and through the Attorney General, pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), 52 U.S.C. § 20701, *et seq.*, hereby moves this Honorable Court for an Order requiring Defendant, STEVE HOBBS, Secretary of State, to produce the documents requested by Plaintiff. The United States offers the attached Declaration of Maureen S. Riordan (“Riordan Decl.”), and its accompanying Exhibits, in Support.

I. INTRODUCTION

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

Section 303 provides the Attorney General of the United States a correspondingly sweeping power to obtain Federal election records: “Any record or paper required by [52 U.S.C. § 20701] to be retained and preserved shall, upon demand in writing by the Attorney General or [her] representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying ... by the Attorney General or [her] representative....” 52 U.S.C. § 20703. The written demand need only “contain

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

1 a statement of the basis and the purpose therefor.” *Id.*; *Coleman v. Kennedy*, 313 F.2d
2 867, 868 (5th Cir. 1963) (per curiam).

3 On September 8, 2025, the Attorney General, through her representative,
4 made a written demand to Steve Hobbs to produce certain Federal election records
5 covered by the CRA. *See generally* Compl. ECF 1; *see also* Riordan Decl., Exhibit
6 1, Dep’t Ltr. to Sec’y Hobbs dated Sept. 8, 2025 (“Sept. 8 Letter”). That written
7 demand explained that the purpose was for enforcement of the list maintenance
8 requirements of the National Voter Registration Act (“NVRA”) and the Help
9 America Vote Act (“HAVA”). *Id.* In a responsive letter sent on September 23, 2025,
10 Secretary Hobbs refused to produce the requested Federal election records. Riordan
11 Decl., Exhibit 2, Sec’y Hobbs Ltr. to Dep’t dated Sept. 23, 2025 (“Sept. 23 Letter”).
12 This litigation followed.

13 Pursuant to Section 305 of the CRA, the United States moves for an order
14 requiring Secretary Hobbs and Washington to produce the Federal election records
15 identified in the written demand. *See Alabama ex rel. Gallion v. Rogers*, 187 F. Supp.
16 848, 855-56 (M.D. Ala. 1960), *aff’d and adopted in full sub nom. Dinkens v. Attorney*
17 *General*, 285 F.2d 430 (5th Cir. 1961) (per curiam). The CRA displaces the Federal
18 Rules of Civil Procedure by creating a “special statutory proceeding.” *Lynd*, 306
19 F.2d at 225. “All that is required is a simple statement by the Attorney General” after
20 making a written demand for Federal election records and papers covered by the
21 statute, explaining that the person against whom an order is sought has failed or
22 refused to make the requested records ““available for inspection, reproduction, and
23 copying...”” *Id.* at 226 (quoting 52 U.S.C. § 20703). The United States has satisfied
24 those requirements. Accordingly, the United States respectfully requests that the
25 Court issue an order requiring Defendant to produce the Federal election records
26 described in its written demand.

II. BACKGROUND

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

Under Section 301 of the CRA, every “officer of election” must “retain and preserve ... all records and papers which come into his possession relating to any ... act requisite to voting in [a Federal] election” for a period of twenty-two months from that election, 52 U.S.C. § 20701. Section 303 of the CRA provides, “Any record or paper required by section 301 to be retained and preserved shall, upon demand in writing by the Attorney General or [her] representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or [her] representative....” 52 U.S.C. § 20703. The written demand “shall contain a statement of the basis and the purpose therefor.” *Id.*

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

The special proceeding is “summary” in “nature” and neither “plenary [n]or adversary.” *In re Gordon*, 218 F. Supp. 826, 826-27 (S.D. Miss. 1963); *see Kennedy v. Bruce*, 298 F.2d 860, 863 (5th Cir. 1962) (noting that this procedure “does not amount to the filing of a suit of any kind”). “All that is required is a simple statement by the Attorney General that after a ... written demand” for Federal election records covered by Section 301 of the CRA (52 U.S.C. § 20701), “the person against whom an order for production is sought ... has failed or refused to make such papers ‘available for inspection, reproduction, and copying’” *Lynd*, 306 F.2d at 226 (quoting 52 U.S.C. § 20703). The court does not entertain “any other procedural

1 device or maneuver—either before or during any hearing of the application—to
 2 ascertain the factual support for, or the sufficiency of, the Attorney General’s
 3 ‘statement of the basis and the purpose therefor’ as set forth in the written demand.”
 4 *Id.* (quoting 52 U.S.C. § 20703). Rather, “[t]he Court, with expedition, should grant
 5 the relief sought or, if the respondent-custodian opposes the grant of such relief, the
 6 matter should be set down without delay for suitable hearing on the matters open for
 7 determination.” *Id.*

8 Those matters, though, are “severely limited.” *Id.* The court may adjudicate
 9 only: (1) “whether the written demand has been made”; and (2) “whether the
 10 custodians against whom orders are sought have been given reasonable notice of the
 11 pendency of the proceeding.” *Id.* Neither “the factual foundation for, or the
 12 sufficiency of, the Attorney General’s ‘statement of the basis and the purpose’
 13 contained in the written demand” nor “the scope of the order to produce” is open for
 14 review. *Id.*; *see Coleman*, 313 F.2d at 868. As the Fifth Circuit has explained, “No
 15 showing even of a prima facie case of a violation of Federal law need be made.” *Id.*
 16 (citation omitted). Instead, “[i]f, after issuance of an order to produce, a genuine
 17 dispute subsequently arises as to whether or not any specified particular paper or
 18 record comes within [52 U.S.C. § 20701’s] broad statutory classification,” that issue
 19 may be decided by the court. *Lynd*, 306 F.2d at 226.

20 **B. The Attorney General Demanded Federal election records under**
 21 **the CRA to assess Washington’s NVRA and HAVA compliance.**

22 On September 8, 2025, the Attorney General, acting through her
 23 representatives at the Department of Justice (“Department”), sent a letter to
 24 Secretary Hobbs, an officer of election, regarding Washington’s compliance with
 25 Federal list maintenance requirements. Sept. 8 Letter. The NVRA and HAVA have
 26 list maintenance requirements “to protect the integrity of the electoral process.” 52
 27 U.S.C. § 20501(b)(3). The statutes impose certain recordkeeping duties and require
 28 reasonable efforts to maintain lists of eligible voters for Federal elections. *See* 52

1 U.S.C. §§ 20507(a)(4)(A)-(B), 20507(i)(1), 21083(a)(1)(A). Assistant Attorney
2 General Harmeet K. Dhillon, on behalf of the Attorney General, sent a letter to
3 Secretary Hobbs on September 8, 2025 seeking information regarding Washington’s
4 compliance with federal election law based on a review of the U.S. Election
5 Assistance Commission’s biennial Election Administration and Voting Survey
6 (“EAVS”) report released in June 2025 (“2024 EAVS Report”). *See* Compl. ¶¶ 17-
7 19, ECF 1; *see also* Sept. 8 Letter.

8 The September 8 Letter requested, among other information and documents,
9 pursuant to Section 8(i) of the NVRA, a current electronic copy of Washington’s
10 computerized statewide voter registration list (“VRL”), which is required by HAVA.
11 Sept. 8 Letter. In the September 8 Letter, the Department made an express written
12 demand for the Federal election records in Washington’s VRL pursuant to Section
13 303 of the CRA. *Id.* The demand reiterated that the electronic SVRL must be
14 produced within fourteen days and contain “*all fields*, which includes either the
15 registrant’s full name, date of birth, residential address, his or her state driver’s
16 license number or the last four digits of the registrant’s social security number as
17 required by HAVA.” *Id.* (emphasis in original).

18 The Department made clear in the September 8 Letter that the Attorney
19 General and her representatives would comply with Federal privacy laws applicable
20 to the demanded Federal election records. For example, the Department pointed out
21 that in addition to the Privacy Act, the CRA provides:

22 Unless otherwise ordered by a court of the United States, neither the
23 Attorney General nor any employee of the Department of Justice, nor
24 any other representative of the Attorney General, shall disclose any
25 record or paper produced pursuant to this chapter, or any reproduction
26 or copy, except to Congress and any committee thereof, governmental
27 agencies, and in the presentation of any case or proceeding before any
28 court or grand jury.

Sept. 8 Letter (quoting 52 U.S.C. § 20704).

1 The September 8 Letter further explained, “HAVA specifies that the ‘last 4
 2 digits of a social security number . . . shall not be considered a social security number
 3 for purposes of section 7 of the Privacy Act of 1974...’” *Id.* (citing note to 5 U.S.C.
 4 § 522(a) and 52 U.S.C. § 21083(c)). In addition, the letter noted that any prohibition
 5 of disclosure of a motor vehicle record contained in the Driver’s License Protection
 6 Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use
 7 by a government agency, such as the Department, that is carrying out its enforcement
 8 functions. *Id.* To facilitate Secretary Hobbs’ safe transmission of the Federal election
 9 records, the Department provided instructions to use encrypted email or to send via
 10 the Department’s secure file-sharing system. *Id.*

11 On September 23, 2025, Secretary Hobbs sent a letter refusing to produce the
 12 complete statewide voter registration list demanded in the Attorney General’s
 13 September 8 letter, erroneously citing RCW 29A.08.710 and .720—statutes that
 14 govern only *public* disclosure requests and the commercial sale of voter data and are
 15 wholly irrelevant to disclosure to the federal government for official purposes. Sept.
 16 23 Letter. Moreover, Secretary Hobbs erroneously asserted that Washington law
 17 (RCW 29A.08.710 and .720) prohibits disclosure of any voter file containing date
 18 of birth, driver’s license number, or partial Social Security number—an argument
 19 that is plainly incorrect. The requested fields are mandated by federal law (HAVA)
 20 and explicitly required to be preserved and produced to the Attorney General under
 21 the Civil Rights Act of 1960 (52 U.S.C. §§ 20701, 20703), and federal law in any
 22 event preempts any conflicting state restriction.

23 III. ARGUMENT

24 A. The United States is entitled to an Order Compelling Defendant to 25 produce the requested documents under the CRA.

26 An order for production of documents under the CRA is appropriate when the
 27 United States files a “simple statement” describing its written demand for inspection,
 28 reproduction, and copying, and explaining that the officer of election to whom it was

1 directed has “failed or refused to make such papers ‘available for inspection,
 2 reproduction, and copying.’” *Lynd*, 306 F.2d at 226 (citation omitted). The written
 3 demand must include “a statement of the basis and the purpose therefor.” 52 U.S.C.
 4 § 20703.

5 The Department’s September 8 Letter satisfies these requirements by: (1)
 6 making a written demand for inspection, reproduction, and copying of Federal
 7 election records, including the VRL and records of voter registration application
 8 within twenty-two months of a Federal election; (2) directing that demand to
 9 Secretary Hobbs, an officer of election as defined by Section 306 of the CRA;² (3)
 10 stating that the purpose of the demand is “to ascertain Washington’s compliance with
 11 the list maintenance requirements of the NVRA and HAVA,” Sept. 8 Letter; and (4)
 12 stating the basis for the request is based on a review of data that Washington reported
 13 in its response to the EAVS survey that was included in the biennial 2024 EAVS
 14 Report and to ascertain whether the responses are consistent with the reasonable list
 15 maintenance required by HAVA and the NVRA. Sept. 8 Letter.

16 Secretary Hobbs’ refusal to provide the requested information and/or any
 17 attempt to limit the Attorney General to inspection only of Washington’s VRL is
 18

19 ² Section 306 provides:

20 As used in this title, the term “officer of election” means any person
 21 who, under color of any Federal, State, Commonwealth, or local law,
 22 statute, ordinance, regulation, authority, custom, or usage, performs or
 23 is authorized to perform any function, duty, or task in connection with
 24 any application, registration, payment of poll tax, or other act requisite
 25 to voting in any general, special, or primary election at which votes are
 26 cast for candidates for the office of President, Vice President,
 27 presidential elector, Member of the Senate, Member of the House of
 28 Representatives, or Resident Commissioner from the Commonwealth
 of Puerto Rico.

52 U.S.C. § 20706.

1 insufficient to meet the CRA’s requirements. Officers of election have no discretion
2 to limit the Federal election records or papers or the content of those records made
3 available to the Attorney General. *See* 52 U.S.C. § 20703; *see also* 52 U.S.C.
4 § 20701 (referring to “all records and papers”). Nor do they have discretion to limit
5 the Attorney General solely to inspection, contrary to the statutory requirement of
6 “inspection, reproduction, and copying.” 52 U.S.C. § 20703; *see also Gallion*, 187
7 F. Supp. At 855-56 (granting “the application for an order to require the *production*
8 of records for inspection, reproduction, and copying”) (emphasis added). The United
9 States has discussed this point at length previously. *See United States v. Weber, et al.*
10 2:25-cv-09149-DOC-ADS (CDCA 2025), United States’ Opp. to Mot. to Dismiss at
11 9-11, 14-17, ECF 63.

12 Moreover, a redacted copy would undermine the investigative purposes of
13 Section 303 of the CRA. The Attorney General cannot assess compliance with
14 HAVA and the NVRA without the full, unredacted VRL and other requested Federal
15 election records pertaining to Washington’s list maintenance efforts. HAVA
16 prohibits a state from processing a voter registration application without the
17 applicant’s driver’s license number, where an applicant has a current and valid
18 driver’s license, or, for other applicants, the last four digits of the applicant’s social
19 security number; for those lacking both identification numbers, the state must assign
20 a unique HAVA identifier. *See* 52 U.S.C. §§ 21083(a)(5)(A)(i)-(ii). Without the
21 unredacted data including those identification numbers, the United States cannot
22 evaluate the state’s compliance with HAVA.

23 Similarly, HAVA requires list maintenance to “be conducted in a manner that
24 ensures” the elimination of duplicate names from the statewide list. 52 U.S.C. §
25 21083(a)(2)(B)(iii). Unredacted voter files, including the three identification
26 numbers described above, are needed to determine if the state has a reasonable
27 program of identifying and removing duplicate voter registrations. That is why
28 twenty-five states and the District of Columbia (including Washington) participate

1 in the Electronic Registration Information Center (“ERIC”) and routinely share that
 2 data with one another. *See United States v. Weber, et al.* 2:25-cv-09149-DOC-ADS
 3 (CDCA 2025), United States’ Opp. to Mot. to Dismiss at 16-17, 26, ECF 63.

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

10 Secretary Hobbs has rejected the United States’s written demand pursuant to
 11 the CRA to produce Washington’s statewide VRL and other Federal election records.
 12 Consequently, the United States respectfully requests that this Court issue an Order
 13 requiring Secretary Hobbs and the State of Washington to immediately produce
 14 those records through a secure method. *See Lynd*, 306 F.2d at 226; *Coleman*, 313
 15 F.2d at 868.

16 **B. The CRA does not permit Defendant to withhold Federal elections**
 17 **because of privacy concerns.**

18 Defendant have refused to produce the Federal election records demanded by
 19 the Attorney General under the CRA because they contend that Washington’s privacy
 20 laws are controlling. The Supremacy Clause of the Constitution says otherwise. It is
 21 a basic tenet of our Federal system that when Federal and state law conflict, the
 22 federal law governs. *See* U.S. Const. art. VI. As this Circuit has explained, if a
 23 Federal election law like the NVRA and state law “do not operate harmoniously in
 24 a single procedural scheme for federal voter registration, then Congress has
 25 exercised its power to ‘alter’ the state’s regulation, and that regulation is
 26 superseded.” *Gonzalez v. Arizona*, 677 F.3d 383, 394 (9th Cir. 2012) (en banc), *aff’d*
 27 *sub nom. Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013).

28 A South Carolina court recently confronted the same argument from an

individual voter seeking to enjoin state officials from cooperating with the Department. Addressing Federal preemption over state statutes governing privacy, the court explained, “Federal law likely requires the Election Commission to provide the requested information to DOJ, and while DOJ has also pointed to the National Voter Registration Act and the Help America Vote Act, Title III [of the Civil Rights Act] alone is sufficient to reach that conclusion.” *Crook v. S.C. Election Comm’n*, No. 2025-CP-40-06539 (Richland Cty. Comm. Pleas Oct. 1, 2025), attached to the Declaration of Maureen Riordon as Ex. 3, at 10. The court noted, “Title III requires that, for 22 months after a federal election, a state election official ‘retain and preserve’ ‘all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.’ 52 U.S.C. § 20701.” *Id.* at 10-11. The court reasoned,

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

Id. at 11. As a result, the court found, “DOJ’s request for South Carolina’s voter registration list fits comfortably within this legal framework” and denied the voter’s request to enjoin the state’s production of its list to the Department. *Id.* at 11-12. For those reasons, *id.*, and the reasons previously briefed by the United States, *see See United States v. Weber, et al.* 2:25-cv-09149-DOC-ADS (CDCA 2025), United States’ Opp. to Mot. to Dismiss at 23-29, ECF 63, any state-law privacy right to the contrary is preempted by the CRA’s broad grant of access to the Attorney General. *See* 52 U.S.C. § 20703; *Gonzalez*, 677 F.3d at 394. Consequently, the Attorney

General is entitled to the Federal election records she has demanded from Washington under the CRA, notwithstanding any conflicting state privacy laws.

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

The CRA displaces the Federal Rules of Civil Procedure and creates a “special statutory proceeding” under which Secretary Hobbs, as an officer of election for Washington, must produce the voter-registration lists and other Federal election records demanded by the Attorney General.³ *Lynd*, 306 F.2d at 225. The court in *Lynd* reasoned that a special proceeding was necessary to obtain Federal election records because no other procedural device or maneuver was available:

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

Id. at 226.

The “special statutory proceeding” of these statutes is “a summary proceeding.” *Id.* at 225-26. To institute this proceeding, the United States need only

³ Although this Motion is made under the CRA, the United States notes that the NVRA includes a similar requirement for production of Federal election records. *See* 52 U.S.C. §§ 20507, 20510(a). “[W]hen Congress uses the same language in two statutes having similar purposes ... it is appropriate to presume that Congress intended that text to have the same meaning in both statutes.” *Smith v. City of Jackson*, 544 U.S. 228, 233 (2005) (plurality opinion).

1 file a “simple statement” describing its written demand for the Federal election
 2 records and explaining that Secretary Hobbs, acting as an officer of election for
 3 Washington, “failed or refused to make such papers ‘available for inspection,
 4 reproduction, and copying.’” *Id.* at 226 (citation omitted). Accordingly, the Court
 5 “should grant the relief sought or, if the respondent-custodian opposes the grant of
 6 such relief, the matter should be set down without delay for suitable hearing on the
 7 matters open for determination.” *Id.* The Attorney General’s right to reproduction
 8 and copying of Federal election records is not dependent upon any other showing.
 9 *Id.* Therefore, the United States respectfully requests that this Court issue an Order
 10 directing Secretary Hobbs and Washington to produce the Federal election records
 11 described in the Attorney General’s written demand.

12 IV. PRAYER FOR RELIEF

13 For the foregoing reasons, Plaintiff requests that this Court enter an Order
 14 directing Defendant to produce the demanded records. Plaintiff further requests this
 15 Court:

16 A. Order Defendant to produce an electronic copy of the Washington
 17 statewide Voter Registration List, to include each registrant’s name, date
 18 of Birth, address, and as required by HAVA, the last four digits of the
 19 registrant’s social security number, driver’s license/state identification
 20 number or the unique HAVA identifier;

21 B. Order Defendant to produce the other documents demanded by the
 22 Attorney General to ascertain Defendant’s compliance with federal law;
 23 specifically, the National Voter Registration Act (“NVRA”), 52 U.S.C. §
 24 20501, *et seq.*, and the Help America Vote Act of 2002 (“HAVA”), 52
 25 U.S.C § 20901, *et seq.*;

26 C. Order Defendant to submit electronically to the Attorney General, Civil
 27 Rights Division Voting Section, within 5 (five) days of this order;

28 D. Order Defendant to produce all documents requested immediately; and

1 E. Grant such other and further relief as the Court may deem just and proper.
2

3 **V. CONCLUSION**

4 For the foregoing reasons, the United States requests that this Court enter an
5 Order directing Defendant to comply with the Attorney General's request for all
6 Federal election records described in its September 8 Letter. Those records should
7 be provided electronically to the United States within fifteen days, or within such
8 time as this Court deems reasonable. *See Gordon*, 218 F. Supp. at 827 (deeming
9 "fifteen days [a]s a reasonable time"). For the Court's convenience, a proposed form
10 of order is provided with this filing.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Dated: December 2, 2025

Respectfully submitted,

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

6 MAUREEN S. RIORDAN
7 Acting Chief, Voting Section
8 Civil Rights Division

9 /s/ Eric Neff

10 ERIC NEFF
11 Trial Attorney, Voting Section
12 Civil Rights Division
13 U.S. Department of Justice
14 4 Constitution Square
15 150 M Street NE, Room 8.139
16 Washington, D.C. 20002
17 Telephone: (202) 704-5430
18 Email: Eric.Neff@usdoj.gov
19 Attorneys for the United States
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Eric V. Neff

Eric V. Neff
Trial Attorney, Voting Section
Civil Rights Division
U.S. Department of Justice
4 Constitution Square
150 M Street NE, Room 8.139
Washington, D.C. 20002
Telephone: (202) 704-5430
Email: Eric.Neff@usdoj.gov

CERTIFICATION OF WORD COUNT

I hereby certify that I used Microsoft Word word count feature to confirm that the applicable body of this memorandum is 3809 words.

/s/ Eric V. Neff

Eric V. Neff

Trial Attorney, Voting Section

Civil Rights Division

U.S. Department of Justice

4 Constitution Square

150 M Street NE, Room 8.139

Washington, D.C. 20002

Telephone: (202) 704-5430

Email: Eric.Neff@usdoj.gov

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

4 MAUREEN RIORDAN
5 Senior Counsel, Voting Section
6 Civil Rights Division

7 ERIC NEFF
8 Trial Attorney, Voting Section
9 Civil Rights Division
10 U.S. Department of Justice
11 150 M St. NE, Room 8.139
12 Washington, D.C. 20002
13 Telephone: (202) 704-5430
14 Email: Eric.Neff@usdoj.gov

15 Attorneys for Plaintiff, UNITED STATES OF AMERICA
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA

CASE NO:

Plaintiff,

v.

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

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

Defendant.

ORDER

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

1. That the above-named Defendant shall:

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

United States of America v. Hobbs
[Proposed] Order

1 2. That a copy of this Order be served upon Defendant Steve Hobbs, Washington
2 Secretary of State by email and U.S. mail to PO Box 40220, Olympia, WA
3 98504-0220.
4

5 Entered this __ day of _____, 2025.

6 BY THE COURT:
7

8 _____
9 UNITED STATES DISTRICT COURT
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

4 MAUREEN RIORDAN
5 Senior Counsel, Voting Section
6 Civil Rights Division

7 ERIC NEFF
8 Trial Attorney, Voting Section
9 Civil Rights Division
10 U.S. Department of Justice
11 4 Constitution Square
12 150 M Street NE, Room 8.139
13 Washington, D.C. 20002
14 Telephone: (202) 704-5430
15 Email: Eric.Neff@usdoj.gov

16 Attorneys for Plaintiff, UNITED STATES OF AMERICA
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA

Plaintiff,

v.

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

Defendant.

CASE NO:

DECLARATION OF MAUREEN
RIODAN IN SUPPORT OF THE
MOTION FOR ORDER TO
PRODUCE RECORDS PURSUANT
TO 52 U.S.C. § 20701, *et seq.*

DECLARATION

I, Maureen S. Riordan, declare, pursuant to 28 U.S.C. § 1746, that:

1. I am currently a Senior Counsel to the Assistant Attorney General of the Civil Rights Division and oversee the Voting Section within the Civil Rights Division of the United States Department of Justice. I am fully and personally familiar with the facts stated herein. I make this declaration in support of the United States's motion, brought on by Motion for an Order to Compel for refusal to produce election registration records, pursuant to the Civil Rights Act codified at 52 U.S.C. § 20701, *et seq.*

2. The National Voter Registration Act, 52 U.S.C. § 20501, *et seq.*, and the Help America Vote Act ("HAVA"), 52 U.S.C. § 20901, *et seq.*, require each state to perform voter-list maintenance to ensure that only eligible voters remain on the statewide voter registration list. Under Section 11 of the NVRA and Section 401 of HAVA, the Attorney General is charged with the responsibility for enforcement of

1 the list maintenance requirements of both statutes. *See* 52 U.S.C. § 20510(a) and 52
2 U.S.C. § 21111. This enforcement responsibility has been delegated to the Civil
3 Rights Division by Congress.

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

7 4. On September 8, 2025, the Civil Rights Division sent a request pursuant
8 to 52 U.S.C. § 20507 to Secretary of State Hobbs, requesting, *inter alia*, an electronic
9 copy of Washington’s statewide voter registration list (“VRL”), containing all fields.

10 5. The letter of September 8, 2025, also asked for the electronic copy of
11 the statewide VRL specifically demanding that it include registrant’s Driver’s
12 License number or last four digits of the social security number as required by HAVA
13 for federal registration.

14 6. The letter further explained that HAVA specifies that “the last four
15 digits of a social security number...shall not be considered a social security number
16 for purposes of Section 7 of the Privacy Act of 1974 (5 U.S.C. § 522a note).” 52
17 U.S.C. § 21083. The demand also instructed that any prohibition of disclosure of a
18 motor vehicle record contained in the Driver’s License Protection Act, codified at
19 18 U.S.C. §2721(b)(1), is exempted, when the disclosure is for use by a government
20 agency in carrying out the agency’s enforcement authority, which the Department
21 of Justice is now endeavoring to do.

22 7. The letter also explained to Secretary Hobbs that the Attorney General
23 would keep all data received secure and treat it consistently with the Privacy Act.
24 The Justice Department’s requests came with instructional information the statewide
25 VRLs should be transmitted securely to the Justice Department by way of
26 encryption.

EXHIBIT 1



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

September 8, 2025

Via Mail and Email

The Honorable Steve Hobbs
Secretary of State
PO Box 40220
Olympia, WA 98504-0220
steve.hobbs@sos.wa.gov;
secretaryofstate@sos.wa.gov

Re: Request for Complete Washington's Voter Registration List with All Fields

Dear Secretary Hobbs:

We write to you as the chief election official for the State of Washington concerning your State's compliance with the statewide voter registration list maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 *et seq.*, and the Help America Vote Act ("HAVA"), 52 U.S.C. § 20901, *et seq.* Please provide a copy of Washington's statewide voter registration list ("VRL") within fourteen days of the date of this letter.

The electronic copy of the statewide VRL should contain *all fields*, which means, your state's VRL must include the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number as required under HAVA¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We request Washington's VRL to assess your state's compliance with the statewide VRL maintenance provisions of the NVRA. Our request is pursuant to the Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20510(a).

HAVA also provides authority for the Justice Department to seek the State's VRL via Section 401, which makes the Attorney General solely responsible for actions to enforce HAVA's

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

computerized statewide voter registration list requirements. *See* 52 U.S.C. § 21111; *see also Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding no private right of action to enforce HAVA requirements).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of twenty-two months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

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

Pursuant to the foregoing authorities, including the CRA, the Attorney General is requesting an electronic copy of Washington’s complete and current VRL. The purpose of this request is to ascertain Washington’s compliance with the list maintenance requirements of the NVRA and HAVA.

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

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

52 U.S.C. § 20704. HAVA specifies that the “last 4 digits of a social security number . . . shall not be considered to be a social security number for purposes of section 7 of the Privacy Act of 1974” (5 U.S.C. § 522a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver’s License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency’s function to accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act explained at [Civil Rights Division - Department of Justice - Privacy Policy](https://civilrights.justice.gov/privacy-policy#:~:text=Our%20Statutes-Privacy%20Act%20Statement,the%20scope%20of%20our%20jurisdiction)².

Please provide the requested electronic VRL³ to the Justice Department fourteen days from the date of this letter. The information and materials may be sent by encrypted email to

² Available at: <https://civilrights.justice.gov/privacy-policy#:~:text=Our%20Statutes-Privacy%20Act%20Statement,the%20scope%20of%20our%20jurisdiction>.

³ Containing *all fields*, which includes either the registrant’s full name, date of birth, residential address, his or her state driver’s license number or the last four digits of the registrant’s social security number as required by HAVA.

voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). If Washington would be interested in a data sharing agreement with the Civil Rights Division, please reply to voting.section@usdoj.gov prior to the expiration of the fourteen-day response window. Upon receipt, we will send you an agreement template.

Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,

A handwritten signature in blue ink, appearing to read "Harmeet K. Dhillon".

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Stuart Holmes
Director of Elections
416 Sid Snyder Ave SW
Olympia, WA 98501
stuart.holmes@sos.wa.gov

EXHIBIT 2



September 23, 2025

Harmeet K. Dhillon
Assistant Attorney General, Civil Rights Division
950 Pennsylvania Avenue NW
Washington, D.C. 20530-0001

Re: Request for Complete Washington's Voter Registration List with All Fields

Dear Ms. Dhillon:

This letter responds to your September 8, 2025, letter, which requests "a copy of Washington's statewide voter registration list." As detailed below, without further explanation of the basis for your request, I cannot provide you with some of the information you have requested without violating state and federal law.

Your letter requests an electronic copy of the statewide voter registration list that "contains *all fields*," including information that Washington law prohibits me from disclosing, such as voters' full dates of birth, driver's license numbers, and the last four digits of voters' social security numbers. This request raises serious legal and privacy concerns. As the Chief Election Officer of the State, I take very seriously the responsibility to safeguard highly personal voter information protected from disclosure under both Washington and federal law. The information that you have provided is not sufficient to allow me to release voters' personal confidential information. I welcome additional clarification of your authority, as discussed below.

Washington law requires that "current lists of registered voters . . . must be made available for public inspection and copying[.]" Wash. Rev. Code § 29A.08.720(3)(a). This disclosure, however, is limited to select data fields, including the voter's name, address, political jurisdiction, gender, year of birth, voting record, date of registration, and registration number." See RCW 29A.08.710. Aside from these enumerated fields, "no other information from voter registration records or files is available for public inspection or copying." *Id.* As such, many of the data fields you have requested — including the registrant's full date of birth, driver's license

== WASHINGTON



SECRETARY OF STATE ==

number, and the last four digits of their social security number — are protected from disclosure under Washington law.

None of the statutes you cite support production of such highly sensitive voter registration information. Your letter relies on Section 11 of the NVRA, but nothing in that provision requires that States provide confidential information to the Attorney General. Your letter also relies on Section 401 of HAVA, but again, nothing in that provision requires that States provide confidential information to the Attorney General. And your letter invokes the federal Civil Rights Act of 1960. But any demand for records “shall contain a statement of the basis and the purpose therefor.” 52 U.S.C. § 20703. Your letter identifies DOJ’s purpose as ensuring compliance with HAVA and the NVRA, but as stated above, the cited provisions of the NVRA and HAVA provide no basis to seek confidential information.

Moreover, the CRA does not authorize collection of information for purposes not authorized under the statute. While you claim in your September 8 letter that “the purpose of this request is to ascertain Washington’s compliance with the list maintenance requirements of the NVRA and HAVA,” I have significant concerns that this is not the real reason for your request. Public reporting indicates that DOJ intends to use these lists to attempt to create a national voter registration database, to share information with the Department of Homeland Security to assist in immigration enforcement efforts, and for other purposes not authorized by law.¹ My concerns are underscored by DOJ’s evolving explanations for requesting such information, as well as public reporting that DOJ already has or imminently plans to send a virtually identical request to all states, without citing any basis to believe that any state is failing to meet its responsibilities under the NVRA or explaining why voters’ highly personal information is necessary to assess any state’s list-maintenance process. DOJ has also filed lawsuits against both Oregon and Maine, in which it, again, conspicuously fails to explain how this sensitive data is needed to assess states’ list maintenance programs.

¹ [Trump Administration Quietly Seeks to Build National Voter Roll Using State Data - The New York Times](#)

== WASHINGTON



SECRETARY OF STATE ==

Election law experts have noted that data on individual registrants would not be particularly useful in DOJ's claimed effort to assess states' general programs.² Washington is more than willing to provide you with the publicly available voter registration list that we are required to make public by law, which provides each voters' name, address, and year of birth. That should be more than sufficient information to assess Washington's list maintenance efforts.

Finally, I have significant concerns that DOJ's collection of personal information on hundreds of millions of voters may violate federal law. Under the Privacy Act of 1974, any creation of a system of records must comply with specific legal requirements to safeguard against abuse. Please explain in detail how DOJ's request complies with the Privacy Act. Specifically, please explain the following:

- 1) A citation to the notice published in the Federal Register with all the information required under 5 U.S.C. § 552a(e)(4) about the system of records DOJ is creating;
- 2) Whether DOJ has transferred or plans to transfer any state voter data collected from any State outside DOJ's Voting Rights Section, including to any other law enforcement agencies, and your basis for believing that such transfer complies with the Privacy Act;
- 3) Why highly sensitive information, including voters' drivers' license numbers and social security numbers, is necessary to assess Washington's general program for voter list maintenance, how precisely DOJ would use such information to assess the State's list maintenance processes, and why that evaluation cannot be accomplished with voters' names, addresses, and years of birth.
- 4) How the system of records DOJ is establishing complies with the prohibition in 5 U.S.C. § 552a(e)(7) on maintaining records "describing how any individual exercises rights guaranteed by the First Amendment," considering that voter registration lists include party affiliation for some states and voter participation history; and
- 5) What, if any, measures DOJ is taking to ensure the new system of records will be

² [The Trump Administration Wants Your Voter Registration Data. Why? - Democracy Docket](#)

== WASHINGTON



SECRETARY OF STATE ==

maintained with “such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination.” 5 U.S.C. § 552a(e)(5).

As an elected state official, I have taken an oath to obey the United States Constitution. The Constitution is clear about the power to regulate elections — the power is vested in state governments, subject only to alteration by Congress. Nowhere does the Constitution give the President or the Executive Branch independent power to control how States regulate elections or to force States to surrender their voters’ highly sensitive personal information. My obligation is to support and defend the Constitution of the United States and the Constitution of the State of Washington and ensure election laws are being enforced. In addition to ensuring that Washington’s voter registration list complies with all applicable federal and state laws, my obligation also includes protecting Washington voters from unnecessary and illegitimate intrusions on their privacy.

In light of these concerns, I am providing a link to where you can request a copy of the publicly available voter registration list. I welcome clarification of your authority to access confidential voter information.

Regards,

A handwritten signature in blue ink that reads "Steve R Hobbs".

Steve Hobbs

Washington Secretary of State

EXHIBIT 3

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No. 2025-CP-40-06539

ANNE CROOK,)
Plaintiff,)

vs.)

ORDER

SOUTH CAROLINA ELECTION)
COMMISSION A/K/A STATE)
ELECTION COMMISSION,)
Defendant,)

HENRY DARGAN MCMASTER, IN HIS)
OFFICIAL CAPACITY AS GOVERNOR)
OF THE STATE OF SOUTH)
CAROLINA,)
Intervenor-Defendant.)

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

Introduction

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

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

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

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

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

Factual Background

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

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

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

Legal Standard

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

1. Irreparable harm

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

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

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

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

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

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

2. Adequate remedies

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

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

3. Success on the Merits

Statutory Authorization

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

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

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

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

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

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

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

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

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

Right to Privacy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Separation of Powers

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

Federal law

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

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

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

Conclusion

State Sovereignty

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

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

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

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

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

AND IT IS SO ORDERED.

The Honorable Daniel McLeod Coble

October 1, 2025



Richland Common Pleas

Case Caption: Anne Crook vs South Carolina Election Commission , defendant, et al
Case Number: 2025CP4006539
Type: Order/Other

So Ordered

s/ Daniel Coble, 2774