

1 ANTHONY G. BROWN
2 Attorney General of Maryland

3 DANIEL KOBRIN*
4 Assistant Attorney General
5 dkobrin@oag.maryland.gov
6 200 Saint Paul Place, 20th Floor
7 Baltimore, Maryland 210202
8 (410) 576-6472
9 (410) 576-6955 (facsimile)
10 *Pending application for appearance *pro hac vice*

11 DAVID H. LANTZER
12 Olson Remcho, LLP
13 555 East Ocean Blvd., Suite 420
14 Long Beach, CA 90802

15 Attorneys Amici States

16 **UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 UNITED STATES OF AMERICA,

19 *Plaintiff,*

20 v.

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

25 *Defendants.*

Case No.: 2:25-CV-09149-DOC-ADS

**NOTICE OF MOTION FOR
LEAVE TO FILE AMICUS BRIEF
BY SIXTEEN STATES**

Hearing Date: December 4, 2025
Time: 7:30 a.m.
Courtroom: 10A
Judge: Hon. David O. Carter

STATES' MOTION FOR LEAVE TO FILE AMICUS BRIEF

1 Sixteen states (“the Amici States”),¹ by and through their Attorneys General,
2 respectfully move for leave to submit a brief as amici curiae supporting the
3 defendants in this matter. Over the past eight months, the Department of Justice has
4 issued an unprecedented demand to 40 States for entire, unredacted voter registration
5 databases. Brennan Center for Justice, *Tracker of Justice Department Requests for*
6 *Voter Information* (Nov. 17, 2025) <https://tinyurl.com/532npb34>. Each of the Amici
7 States received that demand; five of the Amici States have, like California, been sued
8 by the Department of Justice for their refusal to comply.² The Amici States now
9 seek leave to provide this Court with information about the broader context of the
10 Department of Justice’s demand, the harm that demand threatens to the tens of
11 millions of voters listed in Amici States’ voter registration databases, and the
12 incompatibility of that demand with applicable law.

13 This Court “has generally found it preferable to err on the side of permitting”
14 participation by amici. *WildEarth Guardians v. Haaland*, 561 F. Supp. 3d 890, 906
15 (C.D. Cal. 2021). In determining whether to grant that leave, this Court has asked if
16 the amicus party “has an interest in some other case that may be affected by the
17 decision in the present case,” or if “the amicus has unique information or perspective
18 that can help the court beyond the help that the lawyers for the parties are able to
19 provide.” *Stoyas v. Toshiba Corp.*, No. 15-CV-4194, 2021 WL 2315200, *1 (C.D.
20 Cal. Jun. 7, 2021) (quoting *Community Ass’n for Restoration of Env’t v. DeRuyter*
21 *Bros. Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999)). Ultimately, the Court
22

23
24 ¹ The States are Arizona, Colorado, Delaware, Hawai‘i, Illinois, Maine,
25 Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon,
Rhode Island, Vermont, and Washington.

26 ² The participating states with pending litigation against the Department of
27 Justice are Maine, Michigan, Minnesota, New York, and Oregon.
28

1 looks to see “whether the amicus is helpful.” *Id.* at *1 (citation omitted).³

2 The Amici States’ brief will be helpful to the Court’s consideration of the
3 pending motions to dismiss. First, because all of the Amici States have (like
4 California) received demands for voter records, this case implicates their interest in
5 whether the federal government has the authority to issue those demands. Five of
6 the Amici States, moreover, stand in a position substantially similar to California,
7 having been sued for their refusal to accede to the Department of Justice’s demands;
8 these States possess an even more direct interest in how a federal court interprets the
9 Department of Justice’s authority to demand, and potentially share, unredacted voter
10 registration databases.

11 Second, the Amici States also offer a broader perspective on the matter. The
12 Department of Justice is not solely concerned with California’s voter registration
13 database. It is suing California, and seven other States, in an effort to aggregate
14 voter registration records on a national scale. And it is doing so as part of a broader
15 effort, across the federal government, to collect personal information from States
16 about their citizen and non-citizen residents with little regard for legal constraints or
17 the ensuing harm to public trust. The Amici States seek to provide this Court with
18 information about that broader effort, so that this Court may situate the demand for
19 California’s unredacted voter registration database within its proper context as it
20 assesses the legality of that demand.

21 The Amici States therefore seek leave to file the amicus brief attached to this
22

23 ³ Because the Federal Rules of Civil Procedure do not speak to participation
24 by amici curiae, this Court may look to the Federal Rules of Appellate Procedure for
25 guidance on when such participation is appropriate. *See Stoyas*, 2021 WL 2315200,
26 at *2 (citing *United States v. State Water Resource Control Bd.*, No. 2:19-CV-
27 000547, 2020 WL 9144006, *3 (E.D. Cal. April 23, 2020)). Federal Rule of
28 Appellate Procedure 29(a)(2) categorically permits “a state” to file an amicus brief
“without the consent of the parties or leave of court.”

1 motion as Exhibit A. As required by Local Rule 7.3, undersigned counsel has met
2 and conferred with counsel for the United States and for the defendants; the United
3 States takes no position Amici States' request, and the defendants consent to it. *See*
4 Declaration of Daniel Kobrin, attached hereto as Exhibit B.
5

6 Dated: November 26, 2025

Respectfully submitted,

7 ANTHONY G. BROWN
8 Attorney General of Maryland

9  *

10 DANIEL KOBRIN

Assistant Attorney General

11 *Pending application for appearance
12 *pro hac vice*
13

14 /s/ DAVID H. LANTZER

DAVID H. LANTZER

15 Olson Remcho, LLP

16 Attorneys for Amici States
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24
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26
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28

EXHIBIT A

1 ANTHONY G. BROWN
2 Attorney General of Maryland

3 DANIEL KOBRIN*
4 Assistant Attorney General
5 dkobrin@oag.maryland.gov
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13 UNITED STATES OF AMERICA,

14 *Plaintiff,*

15 v.

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18 capacity as Secretary of State of the
19 State of California, and the STATE OF
20 CALIFORNIA,

21 *Defendants.*

Case No.: 2:25-CV-09149-DOC-ADS

**BRIEF OF AMICI CURIAE
MARYLAND, MINNESOTA,
ARIZONA, COLORADO,
DELAWARE, HAWAI'I, ILLINOIS,
MAINE, MICHIGAN, NEW
JERSEY, NEW MEXICO, NEW
YORK, OREGON, RHODE
ISLAND, VERMONT, AND
WASHINGTON IN SUPPORT OF
MOTION TO DISMISS**

Hearing Date: December 4, 2025
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1
2 **STATEMENT OF INTEREST**

3 Amici curiae the States of Maryland, Minnesota, Arizona, Colorado,
4 Delaware, Hawai‘i, Illinois, Maine, Michigan, New Jersey, New Mexico, New
5 York, Oregon, Rhode Island, and Washington (“the Amici States”) submit this
6 brief supporting the pending motions to dismiss. The Amici States have a strong
7 interest in this case because the federal government’s demands for States’ voter
8 data are not limited to California. Each of the Amici States has received similar
9 sweeping demands, and the United States has already sued seven States in addition
10 to California, with more lawsuits against States threatened to follow.¹ As set forth
11 more fully below, the Constitution guarantees to the Amici States primary
12 authority over election procedures. In addition to this constitutional interest, the
13 Amici States have strong statutory and policy interests in safeguarding the privacy
14 of their residents’ most sensitive data and ensuring their residents’ confidence,
15 trust, and participation in the electoral process.
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21 **ARGUMENT**

22 For the past nine months, the federal government has engaged in an
23 unprecedented campaign to sweep up significant volumes of sensitive personal
24 data on those living within its borders, including, and especially targeting data
25

26 ¹ (ECF 37-2, at 148; ECF 37-1, at 3 n.1); *see also* Jason Rantz, *DOJ to Sue*
27 *Washington Over Voter Roll Secrecy After Shutdown*, Seattle Red 770 AM (Nov.
28 5, 2025), <https://tinyurl.com/y2ve92pp>.

1 collected and possessed by States. The United States has now come for States’
2 voter registration databases, under the guise of checking for compliance with
3 federal list-maintenance laws. But the federal government is not charged with
4 maintaining voter registration lists, and the information sought does not aid the
5 federal government’s limited compliance-enforcement role. Because the
6 Constitution and legislation enacted by Congress preclude the United States’
7 demands, the complaint should be dismissed.

10
11 **I. THE GOVERNMENT’S DEMAND FOR UNREDACTED VOTER**
12 **REGISTRATION DATABASES IS PART OF A BROADER EFFORT TO**
13 **COLLECT UNPRECEDENTED AMOUNTS OF PERSONAL INFORMATION.**

14 Multiple layers of federal law limit how the Executive Branch can gather,
15 aggregate, and share personal information. *See, e.g.*, Privacy Act of 1974, Pub L.
16 No. 93-579, 88 Stat. 1896 (1974); E-Government Act of 2002, Pub. L. No.
17 107-347, 116 Stat. 2899 (2002); Paperwork Reduction Act of 1995, Pub. L. No.
18 104-13, 109 Stat. 163 (1995). Still, in March 2025, the President issued two
19 executive orders directing federal officials to undertake novel efforts to aggregate
20 federal and state records containing millions of individuals’ personal information.
21 Governmental efforts undertaken pursuant to those orders have been challenged
22 and, for the most part, enjoined as unconstitutional or unlawful.

25 The first executive order, issued on March 20, 2025, commanded federal
26 officials across agencies to synthesize “agency records, data, software systems, and
27
28

1 information technology systems” to pursue “Administration priorities” related to
2 “waste, fraud, and abuse.” Executive Order No. 14243, *Stopping Waste, Fraud,*
3 *and Abuse by Eliminating Information Silos*, § 3(a), 90 Fed. Reg. 13681 (Mar. 20,
4 2025). The order further directed federal officials to establish “unfettered access to
5 comprehensive data *from all State programs* that receive federal funding.” *Id.*
6 § 3(b) (emphasis added).
7

8
9 A second executive order, issued on March 25, 2025, sought to impose new
10 requirements on the conduct of federal elections. Executive Order No. 14248,
11 *Preserving and Protecting the Integrity of American Elections*, 90 Fed. Reg. 14005
12 (Mar. 25, 2025). The President directed the Department of Homeland Security and
13 Administrator of the Department of Government Efficiency to “review each State’s
14 publicly available voter registration list and available records concerning voter list
15 maintenance activities,” and to compare the publicly available data to “Federal
16 immigration databases and State records requested” to ensure “consistency with
17 Federal requirements.” *Id.* § 2(b)(iii).
18
19

20
21 Subsequent to these orders, the federal government began taking
22 unprecedented steps to collect and pool Americans’ personal data and to pressure
23 States into assisting with this effort. The federal government enlisted technology
24 company Palantir to build a massive repository of data pulled from federal
25 agencies, including the Internal Revenue Service, the Social Security
26
27
28

Administration, and the Department of Health and Human Services (“HHS”), to facilitate immigration enforcement and deportations.² At the same time, federal agencies have pressed States to turn over sensitive, personal data collected in administering vital programs like the Supplemental Nutrition Assistance Program (“SNAP”). Seeking to preserve their residents’ privacy and the integrity of these programs, the Amici States have repeatedly challenged these unlawful demands. The Department of Justice’s demands for voter registration data must be viewed in the context of these broader efforts to collect and aggregate personal information, including, as set forth below, efforts targeting States’ SNAP and Medicaid data.

A. The Federal Government Has Unlawfully Demanded SNAP Data.

For sixty years, the Amici States have administered SNAP, which provides low-income families with modest monthly funds to buy groceries. Federal law delegates to the States the roles of creating and processing SNAP applications, determining eligibility, issuing benefits, and ensuring program integrity. 7 U.S.C. § 2020(a)(1); *see also* 7 C.F.R. § 271.4. To administer SNAP, each State collects extensive personal information, including applicants’ and recipients’ names, home addresses, and Social Security numbers. *See* 7 C.F.R. § 273.2(b), (f)(1)(v). Federal law requires that States develop “safeguards which prohibit the

² Priscilla Alvarez, et al., *DOGE Is Building a Master Database for Immigration Enforcement, Sources Say*, CNN (Apr. 25, 2025), <https://tinyurl.com/4bcurxw4>.

1 use or disclosure of information obtained from applicant households,” subject only
2 to narrow exceptions. 7 U.S.C. § 2020(e)(8). And State laws throughout the
3 country likewise protect the confidentiality of SNAP data. *See, e.g.*, Cal. Welf. &
4 Inst. Code § 10850(a); Md. Code Ann., Hum. Servs. § 1-201; Md. Code Ann.,
5 Gen. Prov. §§ 4-301(a) & 4-307; COMAR 07.01.07.01 – 07.01.07.12.
6

7
8 Despite these restrictions, in mid-2025, the U.S. Department of Agriculture
9 (“USDA”)—which, through a subagency, oversees the States’ administration of
10 SNAP—attempted to obtain the States’ SNAP participant data from January 1,
11 2020 to the present.³ USDA first requested this data from the States’ vendors.
12 Then, it directly notified state agencies of its intent to collect SNAP data. And in
13 June, it published formal notice of its intent to demand SNAP data to compile a
14 national database. National Supplemental Nutrition Association Program (SNAP)
15 Information Database, 90 Fed. Reg. 26, 521 (June 23, 2025).
16
17

18 Twenty-two States and the District of Columbia sued, asserting, among
19 other things, that USDA’s demands violate the Administrative Procedure Act
20 because they contravene federal law, are arbitrary and capricious, and flout notice-
21 and-comment requirements. *California v. U.S. Dep’t of Agric.*, No. 3:25-cv-
22 06310 (N.D. Cal.), Dkt. 1. The district court entered a preliminary injunction,
23
24

25
26 ³ Press Release, *Secretary Rollins Requires States to Provide Records on*
27 *SNAP Benefits, Ensure Lawful Use of Federal Funds* (May 6, 2025),
28 <https://tinyurl.com/5yvbdwxt>.

1 holding that the plaintiff States were generally likely to succeed on the merits of
2 their contrary-to-law claim. *Id.*, Dkt. 106.

3
4 **B. Federal Health Agencies Have Unlawfully Shared State-
5 Compiled Medicaid Data for Immigration Enforcement
6 Purposes.**

7 State agencies administer Medicaid, a joint federal-state insurance program
8 that provides healthcare coverage to individuals with low income or disabilities.
9 As federal law permits, *see* 8 U.S.C. §§ 1612, 1613, some States allow non-U.S.
10 citizens to enroll in Medicaid programs, although their coverage is paid for
11 exclusively with the States' own funds. States collect sensitive personal
12 information from all Medicaid applicants and participants, and routinely share
13 portions of it with HHS's Centers for Medicare & Medicaid Services ("CMS"), as
14 required by law. *See* 42 U.S.C. § 1396b(r)(1)(F); 42 C.F.R. § 438.818. Some
15 States' Medicaid data sets include information about enrollees' immigration status.
16
17

18 Historically, States have furnished their Medicaid applicant information to
19 CMS with the expectation that the agency will observe all legal constraints,
20 including the Social Security Act's prohibition against disclosure (including to
21 other federal agencies) unless permitted by regulation or other federal law. 42
22 U.S.C. § 1306(a)(1). States have also done so keeping in mind CMS's
23 longstanding policy of not sharing patients' personal data for non-healthcare-
24 related reasons. *See* CMS Information Security & Privacy Program, *Privacy*:
25
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1 Overview, <https://tinyurl.com/mrh8vjsj> (last visited Nov. 21, 2025). Neither
2 regulation nor other federal law authorized the large-scale transfer of protected
3 health information to the Department of Homeland Security (“DHS”).
4

5 Nonetheless, in June 2025, CMS transferred a trove of protected health data
6 to DHS. The transferred data included Medicaid data compiled by California,
7 Washington, Illinois, and the District of Columbia, even though those jurisdictions
8 had not consented.⁴ Thereafter, CMS executed a data-sharing agreement that
9 provided Immigration and Customs Enforcement (“ICE”) with access to the
10 personal data of 79 million Medicaid enrollees, including home address and
11 ethnicities, for immigration enforcement efforts.⁵
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13

14 Twenty states filed a lawsuit challenging CMS’s disclosure. *California v.*
15 *U.S. Dep’t of Health & Hum. Servs.*, No. 3:25-cv-05536-VC (N.D. Cal.). In
16 August 2025, a district court preliminarily enjoined HHS from sharing the plaintiff
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23 ⁴ See Kimberly Kindy & Amanda Seitz, *Trump Administration Gives*
24 *Personal Data of Immigrant Medicaid Enrollees to Deportation Officials*,
25 Associated Press (June 14, 2025), <https://tinyurl.com/bdt338e9>.

26 ⁵ See Kimberly Kindy & Amanda Seitz, *Trump Administration Hands Over*
27 *Medicaid Recipients’ Personal Data, Including Addresses, to ICE*, Associated
28 Press (July 17, 2025), <https://tinyurl.com/32xwt9ws>.

1 States' Medicaid data with DHS for immigration enforcement purposes. *Id.*, Dkt.
2 No. 98, at 4-5.⁶

3
4 **C. The Federal Government Demands Voter Registration**
5 **Databases.**

6 Apparently undeterred by federal court orders enjoining the improper
7 collection and sharing of sensitive data, the federal government has initiated this
8 litigation (and several parallel lawsuits against other States) seeking a full,
9 electronic copy of a State's computerized voter-registration database, including
10 "all fields" within the database. (ECF 37-2, at 148-237.) For every State, the
11 requested data would include personally identifying information used to verify
12 voters' identities, including the last four digits of voters' Social Security and
13 driver's license numbers. *See* 52 U.S.C. § 21083(a)(5)(A)(i). It would also
14 include information whose disclosure federal law expressly restricts—specifically,
15 the voter registration agencies (such as agencies that provide public assistance)
16 through which voters registered to vote. *Id.* § 20507(i)(1). The requested data is
17 not only the type that raises general concerns regarding identity theft, privacy, and
18 government overreach; it could also specifically unmask voters enrolled in address
19 confidentiality programs that protect the home address of victims of domestic and
20 sexual violence, law enforcement officers, and judicial officials. *See* U.S. Election
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26 ⁶ The district court later extended its preliminary injunction order to two
27 more States that joined the litigation following the court's initial order.
28 *California*, No. 3:25-cv-05536-VC, Dkt. 127.

1 Assistance Comm’n, *Voter Roll Privacy* (Mar. 15, 2024), [https://tinyurl.com/](https://tinyurl.com/48r7skn3)
2 48r7skn3.

3
4 In the same demands, the federal government also has sought information
5 *about* States’ voter registration databases. The Department of Justice directed
6 States to disclose “materials that define or explain how a voter record is coded into
7 the statewide voter registration list and reported in the electronic copy” of the list.
8 (See, e.g., ECF 37-2, at 175-76.) It included examples of such materials, including
9 a “database user manual” or “coding list.” (ECF 37-2, at 175-76.) The federal
10 government did not clarify *why* it needed those materials. But it seemingly sought
11 to obtain more than read-only access to the computerized database files, potentially
12 because additional information about the database coding would assist in
13 transferring data from State voter registries into other federal databases.
14
15
16

17 To the Amici States’ knowledge, the federal government has demanded
18 voter database information from 42 States; only two have provided complete,
19 unredacted information in response. Brennan Center for Justice, *Tracker of Justice*
20 *Department Requests for Voter Information*, <https://tinyurl.com/532npb34>.
21

22 By its very nature, however, a voter registration database is a unique
23 repository of information. As of the 2024 general election, 86.6% of the estimated
24 national citizen voting-age population was registered to vote. U.S. Election
25 Assistance Comm’n, *Election Administration and Voting Survey: 2024*
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1 *Comprehensive Report* 132, 156-60 (June 2025). Most States reported rates
2 greater than 80%, with sixteen reporting more than 90%. *See id.* at 156-60.
3 Moreover, 32 States and the District of Columbia permit pre-registration, i.e.,
4 registration by an underage applicant, which becomes active when the applicant
5 turns 18. *Id.* at 173-74. Those jurisdictions reported recording 1.18 million pre-
6 registrations between 2022 and 2024. *Id.* at 174.

9 In addition to the personal information that election officials must collect to
10 verify voter identity and eligibility, voter registration databases may contain
11 information about a voter's electoral participation necessary to administering the
12 State's elections. In all States, this includes information on whether a voter
13 actually participated in an election, because federal law requires States to remove
14 inactive voters who move out of a jurisdiction. *See* 52 U.S.C. § 20507(d)(1)(ii).
15 And in 30 States and the District of Columbia, this includes information about
16 party affiliation. Ballotpedia, *Partisan Affiliations of Registered Voters* (Aug. 31,
17 2025), <https://tinyurl.com/yx2aec8b>. Additionally, voter registration databases
18 may contain information on a variety of sensitive topics (used to assist with voting
19 or verify residency), such as disability, religious beliefs, occupation, parents'
20 names, and criminal history, along with documents that include sensitive
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1 information, such as paychecks and bank statements.⁷ Obliging a demand for
2 unredacted voter registration database information could divulge a multitude of
3 information that voters never intended to share directly with law enforcement or
4 other federal agencies, potentially chilling their willingness to continue
5 participating in the electoral process.
6

7
8 **II. THE HELP AMERICA VOTE ACT, NATIONAL VOTER REGISTRATION**
9 **ACT, AND CIVIL RIGHTS ACT DO NOT PERMIT THE FEDERAL**
10 **GOVERNMENT TO DEMAND UNREDACTED VOTER REGISTRATION**
11 **DATABASES.**

12 The United States cites three federal laws as authority for its voter database
13 requests: the Help America Vote Act (“HAVA”), the National Voter Registration
14 Act (“NVRA”), and the Civil Rights Act. None of these laws overcome States’
15 broad authority to decide the status of their own voter data, and none require
16 producing that sensitive personal data in response to the Department of Justice’s
17 sweeping demands.
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24 ⁷ See, e.g., Ariz. Rev. Stat. Ann. § 16-152(A)(9), (11); Ga. Code Ann.
25 §§ 21-2-220(c), -417(c); 10 Ill. Rev. Stat. 5/4-8; La. Stat. Ann. § 18:104(B)(5), (8);
26 Mass. Gen. Laws ch. 51, § 47C; Mo. Rev. Stat. § 115.157(1); Mont. Code Ann.
27 § 13-2-110(5)(b)(ii); N.H. Rev. Stat. Ann. § 659:13-b; N.J. Stat. Ann. § 19:31-6.4;
28 N.Y. Elec. Law § 8-303(3)(a)(2); Tenn. Code Ann. § 2-2-116; Wis. Stat.
§ 6.34(3)(a)(8)-(9).

A. States Have Primary Authority Over Elections, and the Department of Justice’s Demands Are Unconstitutional Because They Exceed the Scope of Authorizing Statutes.

State legislatures have primary authority to decide the time, place, and manner of federal elections, subject to displacement only by Congress. U.S. Const. art. I, § 4. States’ discretion to set election procedures is broad. *See, e.g., Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 217 (1986); *United States v. Classic*, 313 U.S. 299, 311 (1941). The Constitution allows States “to provide a complete code for congressional elections.” *Smiley v. Holm*, 285 U.S. 355, 366 (1932). States’ authority encompasses setting procedures for voter registration, maintaining voter rolls, and protecting voter data. *Husted v. A. Philip Randolph Inst.*, 584 U.S. 756, 774 (2018); *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 8-9 (2013); *Smiley*, 285 U.S. at 366.

Collecting voter information implicates significant privacy interests. *See, e.g., Public Int. Legal Found. v. Bellows*, 92 F.4th 36, 55 (1st Cir. 2024); *Public Int. Legal Found. v. North Carolina State Bd. of Elections*, 996 F.3d 257, 266-67 (4th Cir. 2021); *Moore v. Kobach*, 359 F. Supp. 3d 1029, 1049-50 (D. Kan. 2019); *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1345 (N.D. Ga. 2016); *True the Vote v. Hosemann*, 43 F. Supp. 3d 693, 735 (S.D. Miss. 2013). Accordingly, States have exercised their broad powers to protect that information. States vary in their approaches, reflecting State legislatures’ differing policy decisions. Most

1 States, however, limit what data is public, who can access data, or how data may
2 be used.⁸

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4 The United States' demand for voter data runs roughshod over States'
5 prerogative to set these limits. The United States cites an executive order as
6 authority for that demand. (ECF 1, at 2.) But the President has no authority to
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8 displace States' election laws; only Congress may do so. U.S. Const. art. I, § 4.
9 Thus, anything the President purports to do by executive order cannot override
10 States' protections on voter data. *See also California v. Trump*, 786 F. Supp. 3d
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12 ⁸ Ala. Code § 17-3-53; Alaska Stat. § 15.07.195; Ariz. Rev. Stat. Ann.
13 §§ 16-153, -168(E); Cal. Election Code §§ 2166(b)(2), 2194(a)(2)-(3), (b)(1);
14 Colo. Rev. Stat. § 1-2-302(8); Conn. Gen. Stat. § 9-23h; Del. Code Ann. tit. 15,
15 § 1305; D.C. Mun. Regs. tit. 3, § 510.5; Fla. Stat. § 97.0585; Ga. Code Ann.
16 § 21-2-225(c); Haw. Rev. Stat. §§ 11-14, -97(a); Idaho Code §§ 34-437(1),
17 -437A(3); 10 Ill. Rev. Stat. 5A/1A-25; Ind. Code §§ 3-7-26.4-8, -6, -10; Iowa Code
18 §§ 48A.38(1)(f), .39; Kan. Stat. Ann. §§ 25-2320(b), 2320a; Ky. Rev. Stat. Ann.
19 § 116.095, 117.025(3)(i); La. Stat. Ann. § 18:154(C); Mass. Gen. Laws ch. 51,
20 § 47C; Me. Stat. tit. 21-A, § 196A(1)(K)(2), (6); Md. Code Ann., Elec. Law
21 § 3-506(a)(1); Md. Code Regs. 33.05.02.02(B)(4); Mich. Comp. Laws
22 § 169.168.509gg; Minn. Stat. § 201.091, subds. 4(c), 5, 9; 1 Miss. Code R. pt. 10,
23 R. 7.2; Mo. Rev. Stat. § 115.157(3); Mont. Code Ann. § 13-2-122(1); Mont.
24 Admin. R. 44.3.1102(3); Neb. Rev. Stat. § 32-330(3)(b), (4); Nev. Rev. Stat.
25 §§ 293.440(6), .558(2); N.H. Rev. Stat. Ann. §§ 654:31(VI), :31-a; N.J. Stat. Ann.
26 § 19:31-18.1(c); N.M. Stat. Ann. § 1-4-5.4(C), -5.5(B); N.Y. Elec. Law § 3-103(5);
27 N.C. Gen. Stat. § 163-82.10(a1); N.D. Cent. Code § 16.1-02-15; Ohio Rev. Code
28 Ann. § 3503.13(A)(2); Okla. Stat. tit. 26, §§ 4-112(H), 7-103.2(B)(1), (3); Or. Rev.
Stat. § 247.948(2), .955; 25 Pa. Cons. Stat. § 1404(b)(3); 17 R.I. Gen. Laws
§ 17-9.1-21; S.C. Code Ann. § 7-5-170(1); S.D. Codified Laws § 12-4-9; Tenn.
Code Ann. § 2-2-127, -138; Tex. Elec. Code Ann. § 18.009; Utah Code Ann.
§ 20A-2-104(4)(c), (d); Vt. Stat. Ann. tit. 17, § 2154(b)(1), (c)(1); Va. Code Ann.
§ 24.2-407, -407.1; Wash. Rev. Code § 29A.08.710(2)(a), .720(3)(a); W. Va. Code
3-2-30(a), (f); Wis. Stat. § 6.36(1)(b)(1)(a); Wyo. Stat. Ann. 22-2-113(a), (d).

359, 373 (D. Mass. 2025); *League of United Am. Citizens v. Executive Off. of the President*, 780 F. Supp. 3d 135, 159 (D.D.C. 2025) (observing that “Executive regulatory authority over federal elections does not appear to have crossed the Framers’ minds”). Because Congress has not authorized the federal government to make the sweeping requests it has made here, the demands are unconstitutional.

B. The Privacy Act Restricts the Federal Government’s Attempted Aggregation of Voter Database Information.

The federal government’s data demands threaten particular harm because they come with no assurance of compliance with the Privacy Act. Congress enacted that statute in 1974 in response to growing concern over the Executive Branch’s accumulation of personal information and use of surveillance, particularly in the wake of the Watergate and Counterintelligence Program (COINTELPRO) scandals. *See* U.S. Dep’t of Just., *Overview of the Privacy Act of 1974: 2020 Edition*, <https://tinyurl.com/32zx5h22>. The Act was designed to “provide certain safeguards for an individual against an invasion of personal privacy,” by establishing federal record collection requirements. Pub. L. No. 93-579, § 2(b), 88 Stat. 1896 (1974).

The Privacy Act requires federal agencies to follow specific procedures before they “maintain, collect, use, or disseminate,” any covered information. 5 U.S.C. § 552a(a)(3), (e), (f). Among other things, an agency must publish a notice in the Federal Register when it establishes or revises a “system of records.”

1 *Id.* § 552a(e)(4); *see id.* § 552a(a)(5) (defining “system of records”). It also must
2 publish a notice of new or intended uses of the information it collects and give
3 interested parties an opportunity to offer views to the agency. *Id.* § 552a(e)(11).
4

5 Equally important, federal agencies face Privacy Act restrictions on the type
6 of data they may collect and maintain. An agency may “maintain in its records
7 only such information about an individual as is relevant and necessary” to
8 accomplish a clearly authorized purpose. *Id.* § 552a(e)(1). And where a record
9 “describe[s] how any individual exercises rights guaranteed by the First
10 Amendment,” an agency is barred from retaining such records unless retention is
11 expressly authorized by statute, the agency is given permission by the subject of
12 the record, or retention is pertinent to and within the scope of an authorized law
13 enforcement activity. *Id.* § 552a(e)(7); *see also* 28 C.F.R. § 16.54(g) (imposing the
14 same as a regulatory standard of conduct for all employees and contractors of the
15 Department of Justice). The Privacy Act likewise strictly limits disclosure of
16 records, including to other federal agencies: “No agency shall disclose any record
17 which is contained in a system of records . . . except pursuant to a written request
18 by, or with the prior written consent of, the individual to whom the record
19 pertains,” unless a statutory exception applies. *Id.* § 552a(b); *see also* Computer
20 Matching and Privacy Protection Act of 1988, Pub. L. No. 100-503, 102 Stat. 2507
21 (1988) (amending the Privacy Act to prohibit federal agencies from disclosing
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1 records to other federal agencies, state governments, or local governments through
2 a “computer matching program,” except pursuant to a written agreement).

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4 The federal government has not abided by any of the requirements of the
5 Privacy Act. It has not published notice of a new “system of records” related to
6 voter registration, nor has it provided any of Amici States with guidance on how it
7 intends to maintain and share the data it demands. If the sensitive identifying
8 information contained within States’ voter registration rolls is collected and
9 disclosed to other federal agencies, whether DHS, DOGE, or others, such
10 disclosure would plainly violate the Privacy Act’s important protections; the
11 federal government, though, has not disclaimed these or other intentions. In
12 instances like this, when the federal government attempts to compile State-
13 collected data without adhering to the Privacy Act, the resulting harm falls on the
14 States, whose residents may lose trust in their government’s stewardship of
15 information. This harm is even more pronounced where the information concerns
16 core political freedoms.

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21 **C. Neither the Help America Vote Act nor the National Voter**
22 **Registration Act Mandates Disclosure.**

23 Despite the safeguards of the Privacy Act, the United States contends that
24 the States must provide all voter registration data to comply with HAVA and the
25 NVRA’s list-maintenance requirements. These laws, however, require only that
26 States make reasonable efforts to maintain accurate voter registration lists. 52
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1 U.S.C. § 21083(a)(4)(A) (HAVA), 52 U.S.C. § 20507(a)(4) (NVRA). Enacted in
2 2002, HAVA requires each State to create and maintain an electronic statewide
3 voter registration list. *Id.* § 21083(a)(1)(A). When registering a voter, a State must
4 verify the applicant’s information using either a driver’s license number, the last
5 four digits of a Social Security number, or—if the applicant has neither—a unique
6 voter identification number assigned by the state. *Id.* § 21083(a)(5). HAVA also
7 creates minimum standards for maintaining statewide voter registration records.
8 *Id.* § 21083(a)(4). Each State must have a “system of file maintenance that makes
9 reasonable effort to remove ineligible registrants” while implementing safeguards
10 to prevent erroneous removals. *Id.* And States must prevent unauthorized access
11 to statewide voter registration lists. *Id.* § 21083(a)(3). Likewise, the NVRA
12 requires States to “conduct a general program that makes a reasonable effort to
13 remove” people who have died or moved from voter registration lists. 52 U.S.C.
14 § 20507(a)(4)(A).⁹

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20 These list-maintenance requirements underlie the United States’ demands
21 for data and lawsuits across the country. But neither supports its sweeping
22 demands.
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26 ⁹ States like Minnesota that have had Election Day registration since 1994
27 are exempt from the NVRA. *See* 52 U.S.C. § 20503(b)(2).
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1 **1. The National Voter Registration Act’s Public-Data**
2 **Provision Does Not Mandate the Disclosure of**
3 **Sensitive Private Data.**

4 HAVA does not have any data-disclosure requirements. And while the
5 NVRA does direct subject States to make some data public, its limited scope does
6 not encompass the sensitive data that the United States seeks. The NVRA requires
7 each State to make certain list-maintenance records publicly available.
8 52 U.S.C. § 20507(i). Those records must include “all records concerning the
9 implementation of programs and activities conducted” for ensuring voter lists’
10 accuracy and currency. *Id.* § 20507(i)(1). This category includes the names and
11 addresses of people to whom the State sent certain notices regarding changes of
12 residence. *Id.* § 20507(d)(2), (i)(2).
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16 These provisions do not support the United States’ demand for sensitive
17 personal data, such as driver’s license and Social Security numbers, because they
18 must be read in harmony with state and federal laws concerning individual privacy.
19 *E.g., Public Int. Legal Found.*, 996 F.3d at 264; *True the Vote*, 43 F. Supp. 3d
20 at 729-40. Under the United States’ sweeping view of the NVRA, any member of
21 the public could obtain a swath of highly personal data on all registered voters.
22 The NVRA does not reach so broadly—and indeed, courts have consistently
23 recognized that the NVRA does not require States to disclose highly sensitive
24 personal information, like Social Security numbers and dates of birth. *Public Int.*
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1 *Legal Found.*, 996 F.3d at 264; *see also Bellows*, 92 F.4th at 56; *Project Vote*, 208
2 F. Supp. 3d at 1344-45; *True the Vote*, 43 F. Supp. 3d at 736-39.

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4 **2. Neither the Help America Vote Act Nor the National**
5 **Voter Registration Act Gives the Department of**
6 **Justice Investigative Authority.**

7 Alternatively, the United States appears to contend that its HAVA and
8 NVRA enforcement authority entitles it to unfettered access to all voter registration
9 data. Congress did not authorize this type of broad encroachment on States’
10 sovereignty and their citizens’ privacy. Under HAVA, the Attorney General may
11 bring a civil action “as may be necessary to carry out the uniform and
12 nondiscriminatory election technology and administration requirements under
13 sections 301, 302, and 303.” 52 U.S.C. § 21111. And under the NVRA, the
14 Attorney General may sue for relief as “necessary to carry out [the NVRA].” *Id.*
15 § 20510(a).
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18 Enforcement authority does not amount to broad investigative authority,
19 such as would authorize the federal government to demand data. For the federal
20 government to have authority to require the production of data, that authority must
21 derive expressly from statute. *Peters v. United States*, 853 F.2d 692, 696 (9th Cir.
22 1988); *see also, e.g., Cudahy Packing Co. of La. v. Holland*, 315 U.S. 357, 360-67
23 (1942) (concluding that even statute giving agency subpoena authority did not
24 authorize agency to delegate subpoena-signing authority to other staff); *United*
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1 *States v. Michigan*, 866 F. Supp. 890, 893 (W.D. Mich. 1994) (rejecting argument
2 that enforcement authority implicitly granted broad investigative powers to, among
3 other things, inspect records).
4

5 Congress has granted broad investigative or subpoena authority in more than
6 300 provisions of federal law. *See, e.g.*, Charles Doyle, Cong. Rsch. Serv.,
7 RL33321, *Administrative Subpoenas in Criminal Investigations: A Brief Legal*
8 *Analysis* 4 (Dec. 19, 2012); *see also* U.S. Dep’t of Justice, Office of Legal Policy,
9 *Report to Congress on the Use of Administrative Subpoena Authorities by*
10 *Executive Branch Agencies and Entities* § I.A (2002). For instance, the Antitrust
11 Civil Process Act gives the Department of Justice authority to collect evidence
12 when investigating, *see* 15 U.S.C. § 1312(a); the Civil Rights of Institutionalized
13 Persons Act gives the Department of Justice authority to subpoena documents and
14 records, *see* 42 U.S.C. § 1997a-1(a); ERISA gives the Secretary of Labor authority
15 to investigate and inspect records, *see* 29 U.S.C. § 1134(a); and the False Claims
16 Act gives the Attorney General authority to issue civil investigative demands for
17 documents, *see* 31 U.S.C. § 3733(a).
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22 These statutes demonstrate that Congress knows how to give federal
23 agencies authority to demand data. And it notably chose not to do so in HAVA or
24 the NVRA—a policy choice that courts must honor.
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C. The Civil Rights Act of 1960 Does Not Authorize the Department of Justice's Demands for Voter Registration Data Unrelated to Civil Rights Violations.

The record-inspection authority conferred by the Civil Rights Act of 1960, 52 U.S.C. § 20703, likewise does not support the Department of Justice's present demands. Congress created this inspection authority to enable the federal government to investigate and remediate racially discriminatory voting practices. The Department of Justice's present demands for records do not even purport to serve that objective.

The history of the record-inspection provision confirms its limited purpose. Significant opposition to sweeping civil rights legislation meant that the Civil Rights Act's voting protections were achieved incrementally, through years of revisions and expansions. The first round of legislation, adopted in 1957, did not yet require States to maintain voter registration records or make them available for inspection, but it created the bipartisan Commission on Civil Rights. (*See* ECF 37-2, at 139). The Commission's first report, issued in 1959, included over 120 pages of findings and recommendations on voting discrimination. *Report of the United States Commission on Civil Rights* (Sept. 9, 1959), <https://tinyurl.com/y253324x>. The Commission understood discrimination to be a central reason for its creation, writing that "[t]he primary concern of Congress in passing the Civil Rights Act of 1957, and the single specific field of study and investigation that it

1 made mandatory for this Commission, was alleged denials of the right to vote.” *Id.*
2 at 40.

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4 In the report, the Commission repeatedly bemoaned that its core purposes
5 had often been thwarted by States’ failure to retain or produce rejected voting
6 applications and other registration records. *See, e.g., id.* at 93 (“Rejected
7 applications were destroyed approximately 30 days after being rejected, which fact
8 made accurate statistical review of the records impossible.”); *id.* at 137 (explaining
9 that midway through the Commission’s review of Alabama counties’ records, the
10 state legislature authorized counties to destroy denied registrants’ application
11 forms even though the forms were “essential to any investigation of denials of the
12 right to vote”). Even where responsive records had not been destroyed, the
13 Commission described occasions on which States had denied the Commission
14 access. *See id.* at 70 (recounting that “when the Commission’s agents arrived at
15 the courthouse . . . the Board of Registrars told them that, by order of [Alabama]
16 Attorney General Patterson, the records would not be made available to the
17 Commission on Civil Rights”); *see also id.* at 98 (describing Louisiana’s refusal to
18 permit inspection of voter records).
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24 In light of these hurdles and other findings, the Commission recommended
25 that Congress require States to preserve and retain all registration and voting
26 records so they could be inspected. *Id.* at 138. And the Commission was not the
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1 only advocate for such a requirement. President Eisenhower urged Congress to
2 adopt these provisions to strengthen the federal response to racially discriminatory
3 voting practices and to counter States' efforts at obstruction:
4

5 A serious obstacle has developed which minimizes the effectiveness
6 of [the Civil Rights Act of 1957]. Access to registration records is
7 essential to determine whether the denial of the franchise was in
8 furtherance of a pattern of racial discrimination. But during
9 preliminary investigations of complaints the Department of Justice,
10 unlike the Civil Rights Commission, has no authority to require the
11 production of election records in a civil proceeding. State or local
12 authorities, in some instances, have refused to permit the inspection
13 of their election records in the course of investigations.
14 Supplemental legislation, therefore, is needed.

15 (ECF 37-2, at 117.)

16 As Congress considered the legislation that would become the Civil Rights
17 Act of 1960, Representative Emanuel Celler remarked that inspection mechanisms
18 were needed to prevent discriminatory application of voter qualification rules:

19 [T]he objective of this legislation that we are citing has prescribed
20 the qualification th[at] there be equal application to every person in
21 the State who may qualify. In other words, the application cannot be
22 the result of whim or caprice. It must be as a result of evenhanded
23 justice. All must be treated alike when the qualifications are
24 applied. The preservation of election records for Senators and
25 Representatives must be a safeguard of the right to vote. *It is*
26 *ancillary to the right to vote, to inspect the records and have the*
27 *records preserved. They complement each other like the reverse and*
28 *obverse side of a coin. One is necessary to the other as tongue to*
cheek. If the records cannot be inspected, if the records are
unavailing, how can you know whether the votes were even actually
cast, much less counted.

1 86 Cong. Rec. 5440 – 5517 at 5450 (Mar. 14, 1960), <https://tinyurl.com/yrya3xpb> (emphasis added).

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4 It was against this backdrop that, in 1960, Congress required States to
5 preserve all voter registration records and make them available to the Attorney
6 General for inspection. After gaining this authority, the Commission on Civil
7 Rights and the Department of Justice wielded that power in precisely the way
8 Congress intended: gathering evidence to investigate complaints of racially
9 discriminatory practices, evaluating whether there were patterns or practices
10 disenfranchising Black voters, and seeking legal remedies in the federal courts
11 where negotiations with voting officials were ineffective. *See generally Report of*
12 *United States Commission on Civil Rights* (Sept. 30, 1963), <https://tinyurl.com/58v3a84u> (detailing investigations, negotiations, and lawsuits initiated by the
13 Department of Justice based on the 1957 and 1960 Civil Rights Acts.)

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18 Here, by contrast, the Department does not claim any civil rights-related
19 purpose for its demands for voter registration records. Instead, it has claimed that
20 it is entitled to inspect registration records to determine compliance with the
21 NVRA and HAVA—statutes that did not exist when Congress enacted the Civil
22 Rights Act’s record retention provisions. Inspection for this purpose is
23 unauthorized by statute.
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CONCLUSION

The motions to dismiss should be granted.

November 26, 2025

Respectfully submitted,

/s/ Keith Ellison

/s/ Anthony G. Brown

KEITH ELLISON

ANTHONY G. BROWN

Attorney General
State of Minnesota

Attorney General of Maryland

/s/ Daniel Kobrin

102 State Capitol
75 Rev. Dr. Martin Luther King Jr.
Blvd.
St. Paul, MN 55155

Daniel Kobrin*
Assistant Attorney General
*Pending admission *pro hac vice*

200 Saint Paul Place, 20th Floor
Baltimore, MD 210202

/s/ Kathleen Jennings

/s/Raul Torrez

KATHLEEN JENNINGS

RAÚL TORREZ

Attorney General of the State of Delaware

Attorney General for the State of New Mexico

Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801

NM Department of Justice
408 Galisteo Street
Santa Fe, New Mexico 87501

/s/ Nicholas W. Brown

/s/ Peter F. Neronha

NICHOLAS W. BROWN

PETER F. NERONHA

Attorney General
State of Washington

Attorney General
State of Rhode Island

1125 Washington Street SE
PO Box 40100
Olympia, WA 98504-0100

150 South Main Street
Providence, RI 02903

/s/ Dan Reyfield
DAN RAYFIELD
Attorney General of Oregon

1162 Court Street NE
Salem, OR 97301

/s/ Philip J. Weiser
PHILIP J. WEISER
Attorney General, State of Colorado

Office of the Attorney General
Colorado Department of Law
1300 Broadway, 10th Floor
Denver, CO 80203

/s/ Kristin K. Mayes
KRISTIN K. MAYES
Attorney General
State of Arizona

2005 N. Central Ave.
Phoenix, AZ 85004

/s/ Dana Nessel
DANA NESSEL
Michigan Attorney General

P.O. Box 30212
Lansing, Michigan 48909

/s/ Anne E. Lopez
ANNE E. LOPEZ
Attorney General, State of Hawai'i
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

/s/ Aaron M. Frey
AARON M. FREY
Attorney General of Maine

6 State House Station
Augusta, ME 04333

/s/ Matthew J. Platkin
MATTHEW J. PLATKIN
Attorney General of New Jersey
Richard J. Hughes Justice Complex
25 Market Street
Trenton, NJ 08625

/s/ Kwame Raoul
KWAME RAOUL
Attorney General for the State of
Illinois
115 S. LaSalle St.
Chicago, IL 60603

1 /s/ Letitia James

2 LETITIA JAMES

3 Attorney General

4 State of New York

5 28 Liberty St.

6 New York, NY 10005

/s/ Charity R. Clark

CHARITY R. CLARK

Vermont Attorney General

109 State Street

Montpelier, VT 05609

CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Amici Curiae, certifies that this brief contains 24 pages, which:

— complies with the word limit of L.R. 11-6.1.
X complies with the page limit set by Section 6 under “Judge’s Procedures” on Judge Carter’s courtroom website, <https://apps.cacd.uscourts.gov/Jps/honorable-david-o-carter>.

Dated: November 26, 2025

Respectfully submitted,

ANTHONY G. BROWN
Attorney General of Maryland



DANIEL KOBRIN
Assistant Attorney General

Attorneys for Amici States

EXHIBIT B

1 ANTHONY G. BROWN
2 Attorney General of Maryland

3 DANIEL KOBRIN*
4 Assistant Attorney General
5 dkobrin@oag.maryland.gov
6 Attorneys for Amici States
7 *Pending admission *pro hac vice*

8 200 Saint Paul Place, 20th Floor
9 Baltimore, Maryland 210202
10 (410) 576-6472
11 (410) 576-6955 (facsimile)

12
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

15 UNITED STATES OF AMERICA,

16 *Plaintiff,*

17 v.

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

22 *Defendants.*

Case No.: 2:25-CV-09149-DOC-ADS

23 **DECLARATION OF DANIEL**
24 **KOBRIN IN SUPPORT OF AMICI**
25 **STATES' MOTION FOR LEAVE**
26 **TO FILE AMICUS BRIEF**

Hearing Date: December 4, 2025

Time: 7:30 a.m.

Courtroom: 10A

Judge: Hon. David O. Carter

27 **DECLARATION OF DANIEL KOBRIN IN SUPPORT OF**
28 **AMICI STATES' MOTION FOR LEAVE TO FILE AMICUS BRIEF**

I, Daniel Kobrin, hereby declare as follows:

1 1. I am over 18 years of age and otherwise competent to make this
2 Declaration. The facts and information set forth in this Declaration are based
3 on my personal knowledge.

4 2. I am an Assistant Attorney General employed by the Maryland Office
5 of the Attorney General and am counsel of record for the Amici States who
6 seek to submit an amicus brief to this Court.

7 3. The facts and information in this declaration are submitted in support
8 of the Amici States' motion for leave to file an amicus brief.

9 4. Pursuant to Local Rule 7-3, I separately conferred with counsel for the
10 United States and counsel for the defendants about the relief sought by the
11 Amici States' motion on November 24, 2025.

12 5. I conferred by telephone with counsel for the United States. On that
13 call, counsel indicated that the United States takes no position on the Amici
14 States' motion.

15 6. I conferred by telephone with counsel for the defendants. On that call,
16 counsel indicated that the defendants consent to the Amici States' motion.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed on November, 26, 2025 in Baltimore, Maryland.

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21 Daniel Kobrin
22 Assistant Attorney General
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