

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEPHANIE THOMAS, in her Official Capacity
as Secretary of State for the State of Connecticut,

Defendant.

Case No. 3:26-cv-00021 (KAD)

**MOTION OF COMMON CAUSE AND CLAIRE EWING
TO INTERVENE AS DEFENDANTS**

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Common Cause and Claire Ewing (together, “Proposed Intervenor”) respectfully move to intervene as Defendants pursuant to Rule 24(a) or, in the alternative, pursuant to Rule 24(b) of the Federal Rules of Civil Procedure, and set forth the legal argument necessary to support their motion below. Proposed Intervenor append to this motion a proposed answer by way of a response to the United States’ Complaint, *see* Ex. 1, while reserving the right to supplement their response to the Complaint should intervention be granted, in accordance with the Court’s previously-ordered briefing schedule, *see* Minute Order, Dkt. No. 30 (Jan. 14, 2026). *See* Fed. R. Civ. P. 24(c).¹

INTRODUCTION

The United States seeks to force Connecticut to turn over voters’ sensitive personal information and data. It has been widely reported that the United States intends to use this data to build an unauthorized national voter database and to target voters for potential challenges and disenfranchisement.

Proposed Intervenor are Common Cause, a non-partisan organization dedicated to grassroots voter engagement in Connecticut whose members and whose own work are at risk by the relief the federal government seeks in this case, and Claire Ewing, a Connecticut voter who is at particular risk from voter purges as a naturalized citizen. Proposed Intervenor have a strong interest in preventing the disclosure of Connecticut’s most sensitive non-public voter data. Common Cause has an interest in protecting the voting and privacy rights of its members and all Connecticut voters. The relief the federal government seeks risks discouraging Connecticut residents from registering to vote, undermining their work. And the privacy and voting-rights interests of Common Cause’s members and of Ms. Ewing are also directly at stake. Proposed

¹ Proposed Intervenor conferred with Plaintiff, Defendant, and the existing Intervenor-Defendants regarding this motion, and no party opposes intervention. Proposed Intervenor are available to present oral argument on their motion to the extent that the Court would find it helpful in its decision.

Intervenors include members of some of those groups who are under particular threat from the United States’ requested relief, including voters who are naturalized citizens and voters who have a prior felony conviction.

Proposed Intervenors are entitled to intervene as of right under Rule 24 as this motion is timely, their rights and interests are at stake, and those rights and interests are not adequately represented by Defendant, who unlike Proposed Intervenors is a state actor, subject to broader considerations external to the legal issues presented in this case, or the existing Intervenor-Defendants. Proposed Intervenors’ unique interests, perspective, and motivation to interrogate the purpose of the sweeping request for non-public voter data will ensure full development of the record and aid the Court in its resolution of this case. Indeed, just as this Court has already permitted intervention by individual voters and membership-based organizations, *see* Minute Order, Dkt. No. 23 (Jan. 13, 2026), courts hearing similar cases brought over other states’ refusal to turn over sensitive voter information have granted intervention to civic organizations—including Common Cause—and individual voters.²

Intervention as of right pursuant to Rule 24(a), or in the alternative permissive intervention pursuant to Rule 24(b), should be granted.

BACKGROUND

I. DOJ’s Efforts to Obtain Private Voter Information

Beginning in May 2025, Plaintiff United States, through its Department of Justice (“DOJ”),

² *See, e.g.*, Order, *United States v. Wis. Elections Comm.*, No. 3:25-cv-1036-JDP, Dkt. No. 53 (W.D. Wis. Jan. 22, 2026); Text Order, *United States v. Hanzas*, No. 2:25-cv-903-MKL, Dkt. No. 42 (D. Vt. Jan. 20, 2026); Text Order, *United States v. Schmidt*, No. 2:25-cv-1481-CB, Dkt. No. 105 (W.D. Pa. Jan. 16, 2026); Text Order, *United States v. Amore*, No. 1:25-cv-639-MSM-PAS (D.R.I. Jan. 6, 2026); Text Order, *United States v. Galvin*, No. 1:25-cv-13816-LTS, Dkt. No. 30 (D. Mass. Jan. 6, 2026); Order, *United States v. Simon*, No. 0:25-cv-3761-KMM-EMB, Dkt. No. 90 (D. Minn. Jan. 6, 2026); Order, *United States v. Nago*, No. 1:25-cv-522-LEK-RT, Dkt. No. 20 (D. Haw. Jan. 5, 2026); Order, *United States v. Scanlan*, No. 1:25-cv-371-AJ, Dkt. No. 23 (D.N.H. Jan. 5, 2026); Order, *United States v. Oliver*, No. 1:25-cv-1193-LF-JFR, Dkt. No. 25 (D.N.M. Dec. 19, 2025); Minute Order, *United States v. Weber*, No. 2:25-cv-9149-DOC-ADS, Dkt. No. 70 (C.D. Cal. Nov. 19, 2025).

began sending letters to election officials in at least forty states, making escalating demands for the production of voter registration databases, with plans to gather data from all fifty states. *See* Kaylie Martinez-Ochoa, Eileen O'Connor, & Patrick Berry, *Tracker of Justice Department Requests for Voter Information*, Brennan Ctr. for Just. (updated Jan. 21, 2026), <https://perma.cc/2MG5-SKJK>.

On August 6, 2025, DOJ sent a letter to Connecticut Secretary of State Stephanie Thomas (“the Secretary”), which propounded several questions regarding Connecticut’s voter registration and list maintenance procedures and requested that Connecticut provide information about purported “registered voters identified as ineligible to vote” due to being non-citizens or due to a felony conviction, and asked for a response within 14 days. Pl.’s Mot. for Order to Compel, Ex. 1, Ltr. from Michael E. Gates to the Hon. Stephanie Thomas dated August 6, 2025, Dkt. No. 9-2 (“August 6 Letter”); Compl. ¶ 20. The August 6 Letter referenced the NVRA but did not mention either HAVA or the CRA. *See* August 6 Letter. On August 20, 2025, the Secretary responded to the questions in the August 6 Letter and noted that her office was gathering the rest of the requested data. Pl.’s Mot. For Order to Compel, Ex. 2, Ltr. from the Hon. Stephanie Thomas to Michael Gates and Maureen Riordan dated August 20, 2025, Dkt. No. 9-3 (“August 20 Letter”); Compl. ¶ 23.

On December 12, 2025, DOJ sent a letter demanding an electronic copy of Connecticut’s entire statewide voter registration list within 14 days. Pl.’s Mot. for Order to Compel, Ex. 3, Ltr. from Brittany E. Bennett to the Hon. Stephanie Thomas dated December 12, 2025, Dkt. No. 9-4 (“December 12 Letter”); Compl. ¶¶ 24-25.³ DOJ stated that the production “should contain *all*

³ Though the Complaint alleges that DOJ had already previously requested a copy of Connecticut’s statewide voter registration list in its August 6 Letter, Compl. ¶ 21, the August 6 Letter includes no such request. *See* August 6 Letter.

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.” *Id.* This time, DOJ also cited the CRA as authority for its request and noted that the “purpose of this request is to ascertain Connecticut’s compliance with the list maintenance requirements of the NVRA and HAVA,” but did not elaborate further in this regard or refer to any compliance deficiencies by Connecticut with respect to those statutes’ voter list maintenance requirements. December 12 Letter at 2.

On December 24, the Secretary’s office responded and refused to provide an unredacted voter registration list without legal authority. Pl.’s Mot. for Order to Compel, Ex. 4, Ltr. from Gabe Rosenberg to Brittany E. Bennett dated December 24, 2025, Dkt. No. 9-5 (“December 24 Letter”); Compl. ¶ 27. The Secretary’s office explained that “the Secretary cannot provide [DOJ] with Connecticut’s” voter registration list “because [DOJ’s] letter offers no authority that requires or permits her to do so, no facts to suggest that Connecticut fails to comply with the list maintenance requirements of the [NVRA] or HAVA, and no reason to believe [its] request complies with all applicable state or federal privacy laws.” December 24 Letter. The Secretary’s office noted that if DOJ “intend[s] to rely on other authorities or allegations not raised in [its] letter, the Secretary welcomes the opportunity to review them.” *Id.*

The United States responded by filing this lawsuit, which is one of at least twenty-five similar suits seeking disclosure of sensitive voter data.⁴ The next day, the United States also filed

⁴ See Press Release, U.S. Dep’t of Just., *Justice Department Sues Virginia for Failure to Produce Voter Rolls* (Jan. 16, 2026), <https://perma.cc/3L8Q-SJM5>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Arizona and Connecticut for Failure to Produce Voter Rolls* (Jan. 6, 2026), <https://perma.cc/6QP2-8ZXC>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Four States for Failure to Produce Voter Rolls* (Dec. 18, 2025), <https://perma.cc/HHJ7-JWQQ>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Four Additional States and One Locality for Failure to Comply with Federal Elections Laws* (Dec. 12, 2025), <https://perma.cc/TQ5T-FB2A>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Six Additional States for Failure to Provide Voter Registration Rolls* (Dec. 2, 2025), <https://perma.cc/F5MD-NWHD>; Press Release, U.S. Dep’t of Just., *Justice*

a motion to compel the production of records—namely, “an electronic copy of the Connecticut statewide Voter Registration List, to include *all fields*, including, each registrant’s name, date of birth, address, and as required by HAVA, the last four digits of the registrant’s social security number, driver’s license/state identification number or the unique HAVA identifier.” Pl.’s Mot. for Order to Compel, Dkt. No. 9 at 3.

But DOJ’s request does not appear to relate to voter roll list maintenance under the NVRA or HAVA, the statutes invoked in the December 12 Letter. According to public reporting, DOJ employees “have been clear that they are interested in a central, federal database of voter information.” Devlin Barrett & Nick Corasaniti, *Trump Administration Quietly Seeks to Build National Voter Roll*, N.Y. TIMES, Sept. 9, 2025, <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>. DOJ is coordinating these novel efforts with the federal Department of Homeland Security (“DHS”), according to reported statements from DOJ and DHS. *Id.*; *see also*, e.g., Jonathan Shorman, *DOJ is Sharing State Voter Roll Lists with Homeland Security*, STATELINE, Sept. 12, 2025, <https://stateline.org/2025/09/12/doj-is-sharing-state-voter-roll-lists-with-homeland-security>; Sarah Lynch, *US Justice Dept Considers Handing over Voter Roll Data for Criminal Probes, Documents Show*, REUTERS, Sept. 9, 2025, <https://www.reuters.com/legal/government/us-justice-dept-considers-handing-over-voter-roll-data-criminal-probes-documents-2025-09-09>. One article extensively quoted a recently-departed lawyer from DOJ’s Civil Rights Division describing DOJ’s aims in this case and others like it:

We were tasked with obtaining states’ voter rolls, by suing them if necessary. Leadership said they had a DOGE person who could go through all the data and compare it to the Department of Homeland Security data and Social Security

Department Sues Six States for Failure to Provide Voter Registration Rolls (Sept. 25, 2025), <https://perma.cc/7J99-WGBA>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Oregon and Maine for Failure to Provide Voter Registration Rolls* (Sept. 16, 2025), <https://perma.cc/M69P-YCVC>.

data. I had never before told an opposing party, Hey, I want this information and I'm saying I want it for this reason, but I actually know it's going to be used for these other reasons. That was dishonest. It felt like a perversion of the role of the Civil Rights Division.

Emily Bazelon & Rachel Poser, *The Unraveling of the Justice Department*, N.Y. TIMES MAGAZINE, Nov. 16, 2025, <https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html>.

According to additional public reporting, these efforts are being conducted with the involvement of self-proclaimed “election integrity” advocates within and outside the government who have previously sought to disenfranchise voters and overturn elections. *See* Kyle Cheney, *Trump administration concedes DOGE team may have misused Social Security data*, POLITICO, Jan. 20, 2026, <https://www.politico.com/news/2026/01/20/trump-musk-doge-social-security-00737245> (“Two members of Elon Musk’s DOGE team working at the Social Security Administration were secretly in touch with an advocacy group seeking to ‘overturn election results in certain states,’ and one signed an agreement that may have involved using Social Security data to match state voter rolls ” (citing DOJ disclosures in *Am. Fed’n of State, Cnty. & Mun. Emps. v. Soc. Sec. Admin.*, No. 1:25-cv-596-ELH, Dkt. No. 197 (D. Md. Jan. 16, 2026))).⁵ These actors and their associates have previously sought to compel states to engage in aggressive purges of registered voters, and have abused voter data to make mass challenges to disenfranchise voters in

⁵ *See also* Matt Cohen, *DHS Said to Brief Cleta Mitchell’s Group on Citizenship Checks for Voting*, DEMOCRACY DOCKET, June 12, 2025, <https://www.democracydocket.com/news-alerts/dhs-said-to-brief-cleta-mitchells-anti-voting-group-on-checking-citizenship-for-voters>; (reporting that Cleta Mitchell, a private attorney and leader of a national group called the “Election Integrity Network,” has, among other things, promoted the use of artificial intelligence to challenge registered voters); Jude Joffe-Block & Miles Parks, *The Trump Administration Is Building a National Citizenship Data System*, NPR, June 29, 2025, <https://www.npr.org/2025/06/29/nx-s1-5409608/citizenship-trump-privacy-voting-database> (reporting that Mitchell had received a “full briefing” from federal officials); *see also* Andy Kroll & Nick Surgey, *Inside Ziklag, the Secret Organization of Wealthy Christians Trying to Sway the Election and Change the Country*, PROPUBLICA, July 13, 2024, <https://www.propublica.org/article/inside-ziklag-secret-christian-charity-2024-election> (“Mitchell is promoting a tool called EagleAI, which has claimed to use artificial intelligence to automate and speed up the process of challenging ineligible voters.”).

other states. *See, e.g., PA Fair Elections v. Pa. Dep't of State*, 337 A.3d 598, 600 n.1 (Pa. Commw. Ct. 2025) (determining that complaint brought by group affiliated with current DHS official Honey, challenging Pennsylvania's voter roll maintenance practices pursuant to the federal Help America Vote Act, was meritless).⁶

Here, DOJ's actions also indicate that it may target specific groups of voters in its use of the requested data. *See also, e.g., Jonathan Shorman, Trump's DOJ offers states 'confidential' deal to wipe voters flagged by feds as ineligible*, STATELINE, Dec. 18, 2025, <https://stateline.org/2025/12/18/trumps-doj-offers-states-confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/>. In its August 6 Letter to the Secretary, and in letters to other states requesting the same private voter data, DOJ requested information about how election officials, among other things, identify and remove duplicate registrations; and verify that registered voters are not ineligible to vote, such as due to a felony conviction or lack of citizenship.⁷ *See* August 6 Letter at 1-2. Many of these same voters are uniquely vulnerable to being wrongly removed from the voter rolls based on imperfect data matching systems, including naturalized citizens (who may have indicated they were not a citizen on a government form prior to naturalization) and voters

⁶ *See* Carter Walker, *Efforts to Challenge Pennsylvania Voters' Mail Ballot Applications Fizzle*, SPOTLIGHT PA, Nov. 8, 2024, <https://www.spotlightpa.org/news/2024/11/mail-ballot-application-challenges-pennsylvania-fair-elections/> (describing mass-challenges and noting connection to Honey and her organization "PA Fair Elections"); *see also* Jeremy Roebuck and Katie Bernard, *'I Can't Think of Anything Less American': Right-Wing Activists' Effort to Nullify Hundreds of Pa. Votes Met with Skepticism*, PHILA. INQUIRER, Nov. 1, 2024, <https://www.inquirer.com/politics/election/heather-honey-pa-fair-elections-vote-challenges-pennsylvania-20241101.html> (noting sworn testimony regarding PA Fair Elections' involvement in the challenges); Hansi Lo Wang, *Thousands of Pennsylvania Voters Have Had Their Mail Ballot Applications Challenged*, NPR, Nov. 5, 2024, <https://www.npr.org/2024/11/04/nx-s1-5178714/pennsylvania-mail-ballot-voter-challenges-trump> (same).

⁷ *See, e.g.,* Br. in Supp. of Mot. to Intervene as Defs., Exhibit No. 1, Letter from Maureen Riordan to Sec'y of State Al Schmidt (June 23, 2025), *United States v. Pennsylvania*, No. 2:25-cv-1481-CB (W.D. Pa. Oct. 9, 2025), Dkt. No. 37-1 (Pennsylvania); Mot. for Leave to File Mot. to Dismiss, Exhibit A, Letter from Michael E. Gates to Sec'y of State Jocelyn Benson (July 21, 2025), *United States v. Benson*, No. 1:25-cv-1148-HYJ-PJG (W.D. Mich. Nov. 25, 2025), Dkt. No. 34-3 (Michigan); Decl. of Thomas H. Castelli in Supp. of State Defs.' Mot. to Dismiss, Exhibit No. 1, Letter from Michael E. Gates to Sec'y of State Tobias Read (July 16, 2025), *United States v. Oregon*, No. 6:25-cv-1666-MTK (D. Or. Nov. 17, 2025), Dkt. No. 33-1 (Oregon); Decl. of Malcolm A. Brudigam in Supp. of Defs.' Mot. to Dismiss, Exhibit No. 1, Letter from Michael E. Gates to Sec'y of State Shirley Weber (July 10, 2025), *United States v. Weber*, No. 2:25-cv-9149 (C.D. Cal. Nov. 7, 2025), Dkt. No. 37-2 (California).

with felony convictions (who may have been previously ineligible to vote before having their rights restored).

Notably, the United States’ own representations tend to confirm suspicions of federal overreach that could disenfranchise voters. Far from indicating a purpose of ensuring compliance with the NVRA and HAVA, the United States has proposed a Memorandum of Understanding for a number of States to sign that seeks to place authority to identify supposed ineligible voters in the hands of the federal government, and requires removal of purportedly ineligible voters within 45 days in a manner contrary to those statutes’ text. *Compare* Mot. to Intervene, Ex. 2, U.S. Dep’t of Just., C.R. Div., Confidential Mem. Of Understanding (“MOU”), at 2, 5, *with* 52 U.S.C. § 21085 (methods of complying with HAVA “left to the discretion of the State”), *and* 52 U.S.C. § 20507 (protecting voters from removal under certain circumstances). And in connection with the recent deployment of Immigration and Customs Enforcement in Minneapolis, the United States Attorney General sent a letter demanding Minnesota officials turn over the state’s complete voter files as one of the conditions of withdrawing federal law enforcement. *See* Ltr. from Att’y Gen. Pamela Bondi to Gov. Tim Walz dated Jan. 24, 2026 (“Bondi Minn. Letter”), *available at* <https://www.nytimes.com/interactive/2026/01/24/us/pam-bondi-walz-doc.html>.

II. Proposed Intervenors

Proposed Intervenor Common Cause is a nonpartisan organization committed to, *inter alia*, ensuring that all eligible Connecticut voters register to vote and exercise their right to vote at each election. *See* Ex. 3, Decl. of Heather Ferguson (“Ferguson Decl.”) ¶¶ 3-4, 7. Common Cause has approximately 11,500 members in Connecticut. *Id.* ¶ 5. Those members include Connecticut voters, whose personal data will be provided to DOJ if the United States prevails in this lawsuit. *Id.* ¶ 7. Common Cause expends significant resources conducting voter engagement and assistance efforts, including registering qualified people to vote, helping voters navigate the vote-by-mail

process, encouraging participation, and assisting voters who face problems trying to vote. *See id.* ¶¶ 10-13. The success of these efforts, especially with respect to voter registration, depend on voters’ trust that, when they provide personal information to the State as part of the registration process, that information will not be abused, their privacy will be respected, and their right to participate will be honored. *See id.* ¶¶ 13-15.

Proposed Intervenor Claire Ewing is a Connecticut voter who is a naturalized citizen. *See* Ex. 4, Decl. of Claire Ewing (“Ewing Decl.”) ¶¶ 8-9. She cares about the privacy of her voter data and worries that, as a naturalized citizen, she is at particular risk of false allegations about illegal voting. *Id.* ¶¶ 11-12.

ARGUMENT

I. Movants Are Entitled to Intervene as a Matter of Right.

In the Second Circuit, a party seeking to intervene as of right under Federal Rule of Civil Procedure 24(a) must: “(1) timely file an application, (2) show an interest in the action, (3) demonstrate that the interest may be impaired by the disposition of the action, and (4) show that the interest is not protected adequately by the parties to the action.” *In re N.Y.C. Policing During Summer 2020 Demonstrations*, 27 F.4th 792, 799 (2d Cir. 2022) (citation omitted). Because Prospective Intervenors satisfy each of these requirements, intervention should be granted.

A. The Motion to Intervene Is Timely.

“The timeliness requirement is flexible and the decision is one entrusted to the district judge’s sound discretion.” *A.H. by E.H. v. N.Y. State Dep’t of Health*, 147 F.4th 270, 281 (2d Cir. 2025) (citation omitted). Relevant factors include: “(a) the length of time the applicant knew or should have known of its interest before making the motion; (b) prejudice to existing parties resulting from the applicant’s delay; (c) prejudice to the applicant if the motion is denied; and (d) the presence of unusual circumstances.” *Id.* (citation omitted).

This motion is timely. The suit was filed on January 6, 2026, and, upon learning of it, Proposed Intervenor promptly prepared this motion. Defendants have not yet filed their response to the Complaint, meaning that the case is at its earliest stages and the existing parties would not be prejudiced. *See Allco Fin. Ltd. v. Etsy*, 300 F.R.D. 83, 86 (D. Conn. 2014) (holding that a motion to intervene filed “just over three months” after a lawsuit began and prior to any answer or motion to dismiss was timely). In contrast, Proposed Intervenor will be substantially prejudiced absent intervention, given the serious threats that the relief sought poses to Proposed Intervenor’s fundamental rights.

B. Proposed Intervenor Have Concrete Interests in the Litigation.

Proposed Intervenor have a “sufficient”—*i.e.*, a “significantly protectable”—interest in the litigation. *Donaldson v. United States*, 400 U.S. 517, 531 (1971). To intervene under Rule 24(a), “the interest alleged must be direct, substantial, and legally protectable.” *Hamilton Rsr. Bank Ltd. v. Democratic Socialist Republic of Sri Lanka*, 134 F.4th 73, 79 n.3 (2d Cir. 2025) (internal citations and quotation marks omitted). However, a proposed intervenor need not “identify a narrow interest amounting to a legal entitlement.” *In re N.Y.C. Policing*, 27 F.4th at 801. Here, Proposed Intervenor offer multiple, independently-sufficient interests.

First, Proposed Intervenor have a right to privacy in the sensitive data sought, *i.e.*, the entire unredacted voter file, “with all fields, including . . . state driver’s license number, the last four digits of their Social Security number, or HAVA unique identifier.” Compl. ¶ 31(B) (emphasis omitted). The Supreme Court has made clear that “disclosure of private information” is an injury “traditionally recognized as providing a basis for lawsuits in American courts.” *TransUnion LLC v. Ramirez*, 594 U.S. 413, 425 (2021)—and so Proposed Intervenor have a “direct, substantial, and legally protectable” interest in avoiding its disclosure. *Hamilton Rsr. Bank Ltd.*, 134 F.4th at 79 n.3. Connecticut provides express protections from disclosure for social security numbers,

driver's license numbers, and potentially full birth dates of voters, as well as for the contact information of voters who have attested that nondisclosure of their information is necessary for their safety or their family's safety. *See* Conn. Gen. Stat. § 9-50d; *see also id.* §§ 9-19h(b)(1), 9-20(b), 9-23h, 9-26, 9-32. The data sought is also protected by federal law, which prohibits the creation of a national voter database of the type that the United States is reportedly assembling. *See* 5 U.S.C. § 552a(e)(7) (prohibiting the creation of any database "describing how any individual exercises rights guaranteed by the First Amendment," which includes exercising the right to vote). These privacy interests are significant and inure to each of the individual voter Proposed Intervenor and to Common Cause's members who are Connecticut voters. *See* Ferguson Decl. ¶¶ 7, 11, 13; Ewing Decl. ¶¶ 11-12.

Second, based on the United States' requests to Connecticut and other States, the data sought is likely to be used to challenge the registration of certain Connecticut voters, including voters with prior felony convictions and voters who are naturalized citizens (whose current citizenship status might not be reflected in databases that have out-of-date information), or to chill voting by fear of a baseless challenge. *See supra* 7-8 & n.7. Proposed Intervenor fall within at least some of those categories. *See* Ewing Decl. ¶ 8. And Common Cause's members, especially those most likely to be targeted using the data sought, have a concrete interest in not being disenfranchised by so-called "election integrity measures." *See* Ferguson Decl. ¶ 14.

Third, Common Cause as an organization has protectable interests at stake as their core missions will be harmed if the relief that the federal government seeks is granted. Their voter registration activities will be harmed as voters will be chilled from registering if they believe their sensitive personal data will be provided to the federal government and potentially misused as part of a national database. *See id.* ¶¶ 13-14. The threat of voter eligibility challenges (such as

challengers misinterpreting or misusing voter roll information) will force Common Cause to redirect resources to mitigating the attempted disenfranchisement of existing voters, away from core activities of registering voters and engaging new voters in the democratic process. *See id.*

Courts routinely find that non-partisan organizations, like Common Cause, should be granted intervention in election-related cases, due to their significantly protectable interests related to voting. *See, e.g., Texas v. United States*, 798 F. 3d 1108, 1111–12 (D.C. Cir. 2015); *Kobach v U.S. Election Assistance Comm’n*, No. 13-cv-04095, 2013 WL 6511874, at *1–2 (D. Kan. Dec. 12, 2013). This case is no exception. Indeed, in similar cases brought over other states’ refusal to turn over sensitive voter information, such organizations were granted intervention. *See supra* n.2 (collecting cases). And as the only court to rule on the DOJ’s motion to compel records has held, “[t]he centralization of [voter] information by the federal government would have a chilling effect on voter registration which would inevitably lead to decreasing voter turnout as voters fear that their information is being used for some inappropriate or unlawful purpose.” *Weber*, No. 2:25-cv-9149-DOC-ADS, 2026 WL 118807, at *20 (C.D. Cal. Jan. 15, 2026).

C. Disposition of this Case May Impair the Proposed Intervenor’s Interests.

Proposed Intervenor’s interests would be impaired if Plaintiff succeeds in obtaining its requested relief. The third element asks “whether, as a practical matter, the proposed intervenors’ legitimate interest will be impaired as a result of the underlying litigation.” *N. River Ins. Co. v. O&G Indus., Inc.*, 315 F.R.D. 1, 5 (D. Conn. 2016) (internal citations and quotation marks omitted); *see also In re N.Y.C. Policing*, 27 F.4th at 802-03 (holding that an intervenor established its asserted interests would be harmed because “the nature and scope of any . . . relief would likely be influenced by the circumstances shown in discovery and the resolution of issues that may predate the remedy phase”). Here, there is a significant risk of harm to Proposed Intervenor’s interests.

The United States proposes to summarily dispose of voters' interests by obtaining an immediate order compelling the disclosure of private voter data, bypassing the normal civil litigation process and any discovery into "the basis and the purpose" of their request, 52 U.S.C. § 20703. *See* Pl.'s Mot. for Order to Compel. This attempt to secure the irrevocable disclosure of private voter data at the very beginning of the case militates strongly in favor of allowing Proposed Intervenor into the case to represent voters' interests. Indeed, if DOJ is successful in obtaining Proposed Intervenor's private voter data, that "would as a practical matter foreclose rights of the proposed intervenors in a subsequent proceeding." *Judicial Watch, Inc. v. Ill. State Bd. of Elections*, No. 24-cv-1867, 2024 WL 3454706, at *3 (N.D. Ill. July 18, 2024).

D. Defendants' Interests Differ from Those of Proposed Intervenor.

Finally, the existing parties will not adequately represent Proposed Intervenor's interests. "Intervention under Rule 24(a)(2) is warranted when there is 'sufficient doubt about the adequacy of representation.'" *In re N.Y.C. Policing*, 27 F.4th at 803 (quoting *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 (1972)). "A prospective intervenor's burden in demonstrating that their interest is not adequately protected is minimal" *In re Enf't of Philippine Forfeiture Judgment Against All Assets of Arelma, S.A.*, 153 F.4th 142, 168 (2d Cir. 2025) (internal citation and quotation marks omitted).

Proposed Intervenor meets this minimal burden here. As a government officer, Secretary of State Thomas has a generalized interest in carrying out Connecticut's legal obligations and in minimizing burdens on governmental employees and resources. Secretary Thomas also must consider broader public policy concerns, in particular the need to maintain working relationships with federal officials. In contrast, Proposed Intervenor brings a distinct, particular interest to this litigation, making the existing representation inadequate: the perspective of a non-partisan civil rights and civil engagement group whose sole commitment is to ensuring access to the ballot and

individual voters whose own rights are at risk. *Compare Judicial Watch*, 2024 WL 3454706, at *5 (“The State Board has an interest in fulfilling its election obligations as required by the NVRA and Illinois law. Proposed Intervenors seek protection for their discrete set of members’ voting rights and have an interest in preventing resource reallocation in doing so.” (citations omitted)), *with*, *e.g.*, Ferguson Decl. ¶¶ 6, 14 (describing Common Cause’s commitment to “empower[ing] people to make their voices heard in the political process” and its interest in preventing resource reallocation from its capacity to “educate voters[] and mobilize communities” toward responding to DOJ’s activities if it obtains the requested data).

Indeed, there may be arguments and issues that Defendant may not raise that are critical to organizations like Common Cause. For example, individual voters have a more direct injury than states under the Privacy Act for misuse of their personal data, especially given that the Privacy Act grants individuals an express right to bring suit. *See* 5 U.S.C. § 552a(g)(1)(D) (“Whenever an agency fails to comply with any other provision of this section . . . in such a way as to have an adverse effect on an individual, the individual may bring a civil action against the agency”). As another example, courts have found a risk that considerations external to the issues presented by a case like this can motivate officials to pursue a settlement that could jeopardize the private information of Proposed Intervenors or of their members. *See Judicial Watch*, 2024 WL 3454706, at *5 (allowing intervention in NVRA case and observing that “potential intervenors can cite potential conflicts of interests in future settlement negotiations to establish that their interests are not identical with those of a named party”); *cf. Berger v. N.C. State Conf. of the NAACP*, 597 U.S. 179, 198 (2022) (reversing denial of motion to intervene where North Carolina Board of Elections was “represented by an attorney general who, though no doubt a vigorous advocate for his clients’ interests, is also an elected official who may feel allegiance to the voting public or share the

Board’s administrative concerns”).

These diverging perspectives—between the government’s general need to balance various considerations and the Proposed Intervenor’s personal and particular interest in the privacy of their own data—present a classic scenario supporting intervention, because institutional defendants like the state officials here “may . . . behave like a stakeholder rather than an advocate.” *Brennan v. N.Y.C. Bd. of Educ.*, 260 F.3d 123, 133 (2d Cir. 2001) (noting that even though a defendant may vigorously defend against suit, “it may have an equally strong or stronger interest in bringing such litigation to an end by settlement[]”); *see also, e.g., Am. Farm Bureau Fed’n v. EPA*, 278 F.R.D. 98, 110–11 (M.D. Pa. 2011) (allowing public interest groups to intervene, “[b]ecause the EPA represents the broad public interest . . . not only the interests of the public interest groups”). These concerns are particularly present here, where the United States has attempted to strongarm states into compliance by conditioning the withdrawal of federal immigration agents on turning over voter files. *See Bondi Minn. Letter* at 3.

Proposed Intervenor also bring a different set of experiences and interests than the existing set of intervenor-defendants. These include the unique perspective of a naturalized citizen who recently moved to the state, making her disproportionately likely to get swept up in a voter purge. *See Ewing Decl.* ¶¶ 8-9. These perspectives are essential to this litigation and vindicating the rights of Proposed Intervenor.

II. In The Alternative, The Court Should Grant Permissive Intervention.

Should the Court decline to grant intervention as of right, the Court should use its broad discretion to grant permissive intervention. “On timely motion, the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). In adjudicating a motion for permissive intervention, “the ‘principal consideration’ for a court is ‘whether the intervention will unduly delay or prejudice the

adjudication of the original parties' rights.'" *Allco Fin. Ltd.*, 300 F.R.D. at 88 (quoting *U.S. Postal Serv. v. Brennan*, 579 F.2d 188, 191 (2d Cir. 1978) and Fed. R. Civ. P. 24(b)(3)).

As discussed above, this motion is timely, there will be no delay or prejudice to the adjudication of the existing parties' rights, and their interests are not adequately represented by any of the existing parties. And Proposed Intervenor's defense goes directly to the matters at issue, such as (1) whether federal law permits Plaintiff to force Connecticut to give it the personal information sought; (2) whether federal and state legal privacy protections prohibit disclosure of that information; and (3) whether the United States' motivations for the data sought are permissible. Proposed Intervenor's distinct perspective on the issues will complement or amplify Defendant's arguments and sharpen the issues and the quality of the record, aiding the Court in resolving the issues before it.

Because of this unique perspective, district courts routinely grant permissive intervention to advocacy organizations, even when a government party defends a challenged action. *See, e.g., Republican Nat'l Comm. v. Aguilar*, 2024 WL 3409860, at *1–3 (D. Nev. July 12, 2024) (permitting intervention by voter advocacy group as defendant in litigation seeking purge of voter rolls). The Court should do the same here.

CONCLUSION

For all these reasons, the Motion should be granted.

Dated: January 27, 2026

Respectfully submitted,

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forthcoming

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEPHANIE THOMAS, in her Official Capacity
as Secretary of State for the State of Connecticut,

Defendant.

Case No. 3:26-cv-00021 (KAD)

**[PROPOSED] ANSWER TO PLAINTIFF'S COMPLAINT BY
DEFENDANT-INTERVENORS COMMON CAUSE AND CLAIRE EWING**

Defendant-Intervenors Common Cause and Claire Ewing (Defendant-Intervenors) answer Plaintiff the United States of America's Complaint as follows:

INTRODUCTION¹

1. Defendant-Intervenors admit that the cited opinion and statute contain the quoted text. Paragraph 1 otherwise contains legal conclusions, characterizations, or opinions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations.

2. Defendant-Intervenors admit that the cited statute contains the quoted text. Paragraph 2 otherwise contains legal conclusions, characterizations, or opinions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations.

3. Defendant-Intervenors admit that the cited opinion contains the quoted text. Paragraph 3 otherwise contains legal conclusions, characterizations, or opinions to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations.

¹ These headings appear in Plaintiff's Complaint and are reproduced to assist in comparing the Complaint and Defendant-Intervenors' Answer. These headings should not be construed as any admission of a factual allegation or legal conclusion.

4. Defendant-Intervenors admit that the cited opinions contain the quoted text. Paragraph 4 otherwise contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations. To the extent that Paragraph 4 makes legal characterizations of proceedings under Title III of the Civil Rights Act of 1960 (CRA), Defendant-Intervenors deny those characterizations.

I. JURISDICTION AND VENUE

5. Defendant-Intervenors admit that Defendant Stephanie Thomas, Secretary of State of Connecticut (Secretary Thomas), is located in and conducts election administration activities in this District. Paragraph 5 otherwise contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations.

II. PARTIES

6. Defendant-Intervenors admit that Plaintiff is the Attorney General of the United States of America. Paragraph 6 otherwise contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations.

7. Defendant-Intervenors admit that Defendant Stephanie Thomas is the Secretary of State of Connecticut and that she is sued in her official capacity. Paragraph 7 otherwise contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors deny the allegations.

BACKGROUND

8. Defendant-Intervenors deny this allegation.

9. Paragraph 9 contains legal conclusions, characterizations, or opinions, to which no

response is required. To the extent a response is required, Defendant-Intervenors deny the allegations.

The National Voter Registration Act

10. Paragraph 10 contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors admit that the cited statute includes the quoted text, and that the cited statute speaks for itself.

11. Paragraph 11 contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors admit that the cited statute includes the quoted text, and that the cited statute speaks for itself.

12. Paragraph 12 contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors admit that the cited statute includes the quoted text, and that the cited statute speaks for itself.

The Help America Vote Act

13. Paragraph 13 contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors admit that the cited statute includes the quoted text, and that the cited statute speaks for itself.

14. Paragraph 14 contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors admit that the cited statute includes the quoted text, and that the cited statute speaks for itself.

The Civil Rights Act of 1960

15. Paragraph 15 contains legal conclusions, characterizations, or opinions, to which no response is required. To the extent a response is required, Defendant-Intervenors admit that the cited statute vests the Attorney General with some power to request records, but deny the broad

characterization in this paragraph to the extent that it fails to mention that this power to request records is subject to certain additional legal requirements and restrictions. Defendant-Intervenors deny that the Attorney General has a sufficient basis or purpose for the records requests at issue in this case.

16. Paragraph 16 contains legal characterizations and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors assert that the cited statutes speak for themselves.

17. Paragraph 17 contains legal characterizations and conclusions to which no response is required. To the extent a response is required, Defendant-Intervenors assert that the cited statutes speak for themselves.

FACTUAL ALLEGATIONS

18. Defendant-Intervenors admit that the cited website contains the quoted text and that the United States Election Assistance Commission conducts a biennial Election Administration and Voting Survey (EAVS). To the extent that Paragraph 18 contains legal conclusions, characterizations, or opinions, no response is required.

19. Defendant-Intervenors admit that the cited website contains the quoted text. To the extent Paragraph 19 contains legal conclusions, characterizations, or opinions, no response is required.

20. Defendant-Intervenors admit that the Attorney General sent a letter to Secretary Thomas dated August 6, 2025 (August 6 Letter). Defendant-Intervenors deny that the Attorney General sent the August 6 letter based on a review of the 2024 EAVS report or that the purpose of the letter was related to Connecticut's compliance with federal election law.

21. Defendant-Intervenors admit that the August 6 letter requested this information, but

the letter otherwise speaks for itself.

22. Defendant-Intervenors admit that the August 6 letter requested production in this format, but the letter otherwise speaks for itself.

23. Defendant-Intervenors admit that Secretary Thomas responded in this way on August 20, 2025, but lack sufficient information to form a belief as to the truth or falsity of the remaining allegations of Paragraph 23, so therefore deny them.

24. Defendant-Intervenors admit that the Attorney General sent a letter to Secretary Thomas dated December 12, 2025 (December 12 Letter), and that the letter contained the quoted text, but the letter otherwise speaks for itself. To the extent that Paragraph 24 contains legal conclusions, characterizations, or opinions, no response is required.

25. Defendant-Intervenors admit that the December 12 Letter demanded the information described, but the letter otherwise speaks for itself. To the extent that Paragraph 25 contains legal conclusions, characterizations, or opinions, no response is required.

26. Defendant-Intervenors admit that the December 12 Letter contains the quoted text, but the letter otherwise speaks for itself. To the extent that Paragraph 26 contains legal conclusions, characterizations, or opinions, no response is required.

27. Defendant-Intervenors admit that on December 24, 2025, Secretary of State Thomas responded to the December 12 Letter. To the extent that Paragraph 27 characterizes Secretary Thomas's response, Defendant-Intervenors assert that the letter speaks for itself.

28. Defendant-Intervenors deny this allegation.

COUNT ONE
VIOLATION OF THE CIVIL RIGHTS ACT OF 1960, 52 U.S.C. § 20703

29. Defendant-Intervenors admit that the December 12 Letter demanded the production of certain records, but the letter otherwise speaks for itself. To the extent that Paragraph 29

contains legal conclusions, characterizations, or opinions, no response is required.

30. Defendant-Intervenors deny this allegation.

31. Defendant-Intervenors admit that Secretary Thomas refused to provide the requested records. To the extent that Paragraph 31 contains legal conclusions, characterizations, or opinions, no response is required. Defendant-Intervenors deny that Plaintiff United States is entitled to any relief.

* * *

Defendant-Intervenors further deny every allegation in the Complaint that is not expressly admitted.

AFFIRMATIVE DEFENSES

Defendant-Intervenors also raise the following affirmative defenses:

1. The United States' Complaint fails to state a claim upon which relief can be granted.
2. The United States' requested relief is contrary to law.
3. The authority claimed by the United States as grounds for the relief sought is *ultra vires*.
4. Connecticut law bars Secretary Thomas from sharing the requested private personal information and is not preempted by any federal law.
5. The United States has not established its entitlement to injunctive relief.
6. The United States' claims are barred in whole or in part by equity, including on the basis of unclean hands.

PRAYER FOR RELIEF

WHEREFORE, Defendant-Intervenors deny that the United States is entitled to judgment in its favor on any grounds, and Defendant-Intervenors respectfully request that the relief

requested by the United States be denied in its entirety.

Dated: January 27, 2026

Respectfully submitted,

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EXHIBIT 2



U.S. Department of Justice

Civil Rights Division

CONFIDENTIAL MEMORANDUM OF UNDERSTANDING

I. PARTIES & POINTS OF CONTACT.

Requester

Federal Agency Name: Civil Rights Division, U.S. Department of Justice

VRL/Data User:

Title:

Address:

Phone:

VRL/Data Provider

State Agency Name:

Custodian:

Title:

Address:

Phone:

The parties to this Memorandum of Understanding (“MOU” or “Agreement”) are the Department of Justice, Civil Rights Division (“Justice Department” or “Department”), and the State of Colorado (“You” or “your state”).

II. AUTHORITY.

By this Agreement, the State of Colorado (“You” or “your state”) has agreed to, and will, provide an electronic copy of your state’s complete statewide Voter Registration List (“VRL” or “VRL/Data”) to the Civil Rights Division of the U.S. Department of Justice (at times referred to as the “Department”). The VRL/Data must include, among other fields of data, the voter registrant’s full name, date of birth, residential address, his or her state driver’s license number or

the last four digits of the registrant's social security number as required under the HAVA to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A).

The authorities by which this information is requested by the Department of Justice are:

- National Voter Registration Act of 1993, 52 U.S.C. § 20501, *et seq.*
- Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).
- Help America Vote Act of 2002, 52 U.S.C. § 20901, *et seq.*
- Attorney General's authority to enforce the Help America Vote Act under 53 U.S.C. § 21111.
- Attorney General authority to request records pursuant to Title III of the Civil Rights Act of 1960 ("CRA"), codified at 52 U.S.C. § 20701, *et seq.*
- The Privacy Act of 1974, 5 U.S.C. § 552a, as amended.

III. PURPOSE.

A VRL is a Voter Registration List pursuant to the NVRA and HAVA, commonly referred to as "voter roll," compiled by a state – often from information submitted by counties – containing a list of all the state's *eligible* voters. Regardless of the basis for ineligibility, ineligible voters do not appear on a state's VRL when proper list maintenance is performed by states. The Justice Department is requesting your state's VRL to test, analyze, and assess states' VRLs for proper list maintenance and compliance with federal law. In the event the Justice Department's analysis of a VRL results in list maintenance issues, insufficiency, inadequacy, anomalies, or concerns, the Justice Department will notify your state's point of contact of the issues to assist your state with curing.

The purpose of this MOU is to establish the parties' understanding as to the security protections for data transfer and data access by the Department of Justice of the electronic copy of the statewide voter registration list, including all fields requested by the Department of Justice.

IV. TIMING OF AGREEMENT – TIME IS OF ESSENCE.

Although the Justice Department is under no such obligation as a matter of law, because this Agreement is proposed, made, and to be entered into at your state's request as part of your state's transmission of its VRL to the Justice Department, this Agreement is to be fully executed within seven (7) days of the Justice Department presenting this Agreement to you. Both parties agree that no part of this Agreement or execution is intended to, or will, cause delay of the transmission of your state's VRL to the Justice Department for analysis.

V. TIMING OF VRL/DATA TRANSFER.

You agree to transfer an electronic copy of your state's complete statewide VRL/Data to the Civil Rights Division of the U.S. Department of Justice as described in Section III of this Agreement no later than five (5) business days from the execution of this Agreement, which is counted from the last day of the last signatory.

VI. METHOD OF VRL/DATA ACCESS OR TRANSFER.

The VRL will be submitted by your state via the Department of Justice's secure file-sharing system, i.e., Justice Enterprise File Sharing (JEFS"). A separate application to use JEFS must be completed and submitted by your state through the Civil Rights Help Desk. JEFS implements strict access controls to ensure that each user can only access their own files. All files and folders are tied to a specific user, and each user has defined permissions that govern how they may interact with those files (e.g., read, write, or read-only).

Whenever a user attempts to access a file or folder, JEFS validates the request against the assigned permissions to confirm that the user is explicitly authorized. This process guarantees that users can only access files and folders only where they have permission. Users are also limited to the authorized type of interaction with each file or folder. Within the Department of Justice, access to JEFS is restricted to specific roles: Litigation Support, IT staff, and Civil Rights Division staff.

VII. LOCATION OF DATA AND CUSTODIAL RESPONSIBILITY.

The parties mutually agree that the Civil Rights Division (also “Department”) will be designated as “Custodian” of the file(s) and will be responsible for the observance of all conditions for use and for establishment and maintenance of security agreements as specified in this agreement to prevent unauthorized use. The information that the Department is collecting will be maintained consistent with the Privacy Act of 1974, 5 U.S.C. § 552a. The full list of routine uses for this collection of information can be found in the Systems of Record Notice (“SORN”) titled, JUSTICE/CRT – 001, “Central Civil Rights Division Index File and Associated Records,” 68 Fed. Reg. 47610-01, 611 (August 11, 2003); 70 Fed. Reg. 43904-01 (July 29, 2005); and 82 Fed. Reg. 24147-01 (May 25, 2017). It should be noted that the statutes cited for routine use include NVRA, HAVA, and the Civil Rights Act of 1960, and the Justice Department is making our request pursuant to those statutes. The records in the system of records are kept under the authority of 44 U.S.C. § 3101 and in the ordinary course of fulfilling the responsibility assigned to the Civil Rights Division under the provisions of 28 C.F.R. §§ 0.50, 0.51.

VRL/Data storage is similar to the restricted access provided on JEFS and complies with the SORN: Information in computer form is safeguarded and protected in accordance with applicable Department security regulations for systems of records. Only a limited number of staff members who are assigned a specific identification code will be able to use the computer to access

the stored information. However, a section may decide to allow its employees access to the system in order to perform their official duties.

All systems storing the VRL data will comply with all security requirements applicable to Justice Department systems, including but not limited to all Executive Branch system security requirements (e.g., requirements imposed by the Office of Management and Budget [OMB] and National Institute of Standards and Technology [NIST]), Department of Justice IT Security Standards, and Department of Justice Order 2640.2F.

VIII. NVRA/HAVA COMPLIANT VOTER REGISTRATION LIST.

After analysis and assessment of your state's VRL, the Justice Department will securely notify you or your state of any voter list maintenance issues, insufficiencies, inadequacies, deficiencies, anomalies, or concerns, the Justice Department found when testing, assessing, and analyzing your state's VRL for NVRA and HAVA compliance, i.e., that your state's VRL only includes eligible voters.

You agree therefore that within forty-five (45) days of receiving that notice from the Justice Department of any issues, insufficiencies, inadequacies, deficiencies, anomalies, or concerns, your state will clean its VRL/Data by removing ineligible voters and resubmit the updated VRL/Data to the Civil Rights Division of the Justice Department to verify proper list maintenance has occurred by your state pursuant to the NVRA and HAVA.

IX. CONFIDENTIALITY & DEPARTMENT SAFEGUARDS.

Any member of the Justice Department in possession of a VRL/Data will employ reasonable administrative, technical, and physical safeguards designed to protect the security and confidentiality of such data. Compliance with these safeguards will include secure user authentication protocols deploying either: (i) Two-Factor Authentication ("2FA"), which requires users to go through two layers of security before access is granted to the system; or (ii) the

assignment of unique user identifications to each person with computer access plus unique complex passwords, which are not vendor supplied default passwords.

The Department will activate audit logging for the records, files, and data containing the state's VRL/Data in order to identify abnormal use, as well as to track access control, on computers, servers and/or Devices containing the VRL/Data.

For all devices storing records, files, and data containing the VRL/Data: there is (i) up-to-date versions of system security agent software that includes endpoint protection and malware protection and reasonably up-to-date patches and virus definitions, or a version of such software that can still be supported with up-to-date patches and virus definitions, and is set to receive the most current security updates on a regular basis; and (ii) up-to-date operating system security patches designed to maintain the integrity of the personal information.

For all devices storing records, files, and data containing the VRL/Data: there is (i) controlled and locked physical access for the Device; and (ii) the prohibition of the connection of the Device to public or insecure home networks.

There will be no copying of records, files, or data containing the VRL/Data to unencrypted USB drives, CDs, or external storage. In addition, the use of devices outside of moving the records, files, or data to the final stored device location shall be limited.

Any notes, lists, memoranda, indices, compilations prepared or based on an examination of VRL/Data or any other form of information (including electronic forms), that quote from, paraphrase, copy, or disclose the VRL/Data with such specificity that the VRL/Data can be identified, or by reasonable logical extension can be identified will not be shared by the Department. Any summary results, however, may be shared by the Department.

In addition to the Department's enforcement efforts, the Justice Department may use the information you provide for certain routine, or pre-litigation or litigation purposes including:

present VRL/Data to a court, magistrate, or administrative tribunal; a contractor with the Department of Justice who needs access to the VRL/Data information in order to perform duties related to the Department's list maintenance verification procedures. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. § 552a(m).

X. LOSS OR BREACH OF DATA.

If a receiving party discovers any loss of VRL/Data, or a breach of security, including any actual or suspected unauthorized access, relating to VRL/Data, the receiving party shall, at its own expense immediately provide written notice to the producing party of such breach; investigate and make reasonable and timely efforts to remediate the effects of the breach, and provide the producing party with assurances reasonably satisfactory to the producing party that such breach shall not recur; and provide sufficient information about the breach that the producing party can reasonably ascertain the size and scope of the breach. The receiving party agrees to cooperate with the producing party or law enforcement in investigating any such security incident. In any event, the receiving party shall promptly take all necessary and appropriate corrective action to terminate unauthorized access.

XI. DESTRUCTION OF DATA.

The Department will destroy all VRL/Data associated with actual records as soon as the purposes of the list maintenance project have been accomplished and the time required for records retention pursuant to applicable law has passed. When the project is complete and such retention requirements by law expires, the Justice Department will:

1. Destroy all hard copies containing confidential data (e.g., shredding);
2. Archive and store electronic data containing confidential information offline in a secure location; and

3. All other data will be erased or maintained in a secured area.

XII. OTHER PROVISIONS.

- A. Conflicts. This MOU constitutes the full MOU on this subject between the Department and your state. Any inconsistency or conflict between or among the provisions of this MOU, will be resolved in the following order of precedence: (1) this MOU and (2) other documents incorporated by reference in this MOU (e.g., transaction charges).
- B. Severability. Nothing in this MOU is intended to conflict with current law or regulation or the directives of Department, or the your state. If a term of this MOU is inconsistent with such authority, then that term shall be invalid but, to the extent allowable, the remaining terms and conditions of this MOU shall remain in full force and effect.
- C. Assignment. Your state may not assign this MOU, nor may it assign any of its rights or obligations under this MOU. To the extent allowable by law, this MOU shall inure to the benefit of, and be binding upon, any successors to the Justice Department and your state without restriction.
- D. Waiver. No waiver by either party of any breach of any provision of this MOU shall constitute a waiver of any other breach. Failure of either party to enforce at any time, or from time to time, any provision of this MOU shall not be construed to be a waiver thereof.
- E. Compliance with Other Laws. Nothing in this MOU is intended or should be construed to limit or affect the duties, responsibilities, and rights of the User Agency under the National Voter Registration Act, 52 U.S.C. § 20501 *et seq.*, as amended; the Help America Vote Act, 52 U.S.C. § 20901 *et seq.*, as amended; the Voting Rights Act, 52 U.S.C. § 10301 *et seq.*, as amended; and the Civil Rights Act, 52 U.S.C. § 10101 *et seq.*, as amended.
- F. Confidentiality of MOU. To the extent allowed by applicable law, this MOU, its contents, and the drafts and communications leading up to the execution of this MOU are deemed

by the parties as “confidential.” Any disclosures therefore could be made, if at all, pursuant to applicable laws or court orders requiring such disclosures.

SIGNATURES

VRL/Data Provider

State Agency Name:

Signature: _____ Date of Execution: _____

Authorized Signatory Name Printed: _____

Title: _____

Requester

Federal Agency Name: Civil Rights Division, U.S. Department of Justice

Signature: _____ Date of Execution: _____

Authorized Signatory Name Printed: _____

Title: _____

EXHIBIT 3

DECLARATION OF HEATHER FERGUSON

Pursuant to 28 U.S.C. § 1746, I, Heather Ferguson, declare as follows:

1. I am over 18 years old and am otherwise competent to testify. I have personal knowledge of the matters in this declaration, and I would testify thereto if I were called as a witness in Court.

2. I am a member of Common Cause. As a full-time member of Common Cause's staff, I currently serve as a Vice President, States. I have served in this role and a substantially similar role since May 2022 and have been a member of Common Cause's staff since August 2014.

3. I directly oversee seven states and support Common Cause work across the country, including in the state of Connecticut, to protect voting rights, promote ethical government, and hold power accountable. In my role as Vice President, States, I also engage with Common Cause's policy, organizing, and external affairs staff to advance pro-voter, pro-democracy policy. I work with multiple coalitions to advance pro-voter reforms and increase civic engagement, including the national Election Protection Coalition.

4. Common Cause is a nonprofit, nonpartisan membership organization incorporated under the laws of the District of Columbia and registered to do business in Connecticut. Pursuant to its bylaws, Common Cause is organized and operated as a membership organization and intervenes in this action on behalf of itself and in a representative capacity on behalf of its members.

5. Pursuant to its bylaws, Common Cause has defined who qualifies as a member. Under its definition, a "member" of Common Cause is any individual who, within the past two years, (a) made a financial contribution to the organization; or (b) has taken meaningful action in support of Common Cause's advocacy work. Such meaningful action includes, but is not limited to, signing petitions directed to government officials; participating in letter-writing or phone-banking campaigns;

attending town halls, workshops, or rallies organized by Common Cause; or otherwise engaging in activities designed to advance the organization's mission. As of this writing, there are approximately 11,500 members of Common Cause in the state of Connecticut.

6. Common Cause's mission is to uphold the core values of American democracy by creating an open, honest, and accountable government that serves the public interest, promotes equal rights, opportunity, and representation for all, and empowers people to make their voices heard in the political process.

7. In Connecticut, Common Cause ensures that Connecticut voters' voices are heard in the political process. Our members reside throughout Connecticut and include registered voters whose personal information is maintained in the statewide voter registration database held by the Connecticut Secretary of State. If the State discloses the unredacted voter registration file to the U.S. Department of Justice, these members' sensitive personal information—including driver's license numbers and portions of social security numbers—would be unlawfully released, causing an invasion of privacy, chilling participation in the electoral process, and undermining confidence in the integrity of Connecticut elections.

8. Common Cause believes the right to vote is the cornerstone of a functioning democracy. We are committed to ensuring that every Connecticut voter can register and cast their ballot. With the help of our advocacy over the last two decades, Connecticut has adopted several pro-voter reforms, including the establishment of Election Day Registration, early voting in primary and general elections and the passage of the **John R. Lewis Voting Rights Act of Connecticut**

which provides improved language assistance for voters who are non-English speakers and creates strong protections against voter intimidation and suppression.

9. Recognizing that removing barriers to voting is paramount to ensuring that every eligible voter can register and cast their ballot, we also successfully advocated for an amendment to the Constitution of the State of Connecticut which would allow Connecticut lawmakers to establish no excuse vote by mail in Connecticut.

10. As a nonpartisan democracy reform and good government organization, Common Cause assists eligible Connecticut voters in registering to vote, verifying, and/or updating their voter registration through outreach to our members. For example, on National Voter Registration Day, Common Cause members in Connecticut received notices from us urging them to register to vote and/or to verify their registration status. Hundreds of voters in Connecticut have verified their registration or registered to vote using tools embedded on our web site over the last several election cycles.

11. As a result, voters we assist are added to the official Connecticut statewide voter file. We consider it our duty to safeguard the trust Connecticut voters place in our organization and in the democratic process. We have a vested interest in protecting the integrity and privacy of that data. Any threat to the security of the voter file, especially one that could result in the misuse of personal information, directly undermines our work, damages public trust, and risks chilling voter participation.

12. We also run targeted communications campaigns, including through social media, to keep our members in Connecticut informed about key election deadlines and updates. These efforts amplify official messages from the Secretary of State, helping ensure voters have accurate and timely information to participate confidently in our democracy.

13. Disclosure of the entire, unredacted Connecticut state voter file would undermine Common Cause's work and risk harm to our members. We rely on public confidence in the security and integrity of voter data to encourage participation. If voters fear their personal information, like a partial Social Security number or driver's license number, could be misused or exposed, they may avoid registering to vote, decline to update their current voter registration record, or withdraw from civic engagement activities altogether. Such results undermine Common Cause's mission to expand access and participation, especially among historically marginalized communities. Knowing that their personal data could be used to challenge their eligibility to vote would chill participation in the democratic process. This is especially true for voters in marginalized communities who already face systemic barriers and distrust government surveillance. We currently have a state advisory board and a contract lobbyist to engage our members in Connecticut with plans to rehire full-time staff. We plan to expend significant resources on on-the-ground voter engagement and assistance efforts to register voters and involve them in the democratic process.

14. Additionally, disclosure of the complete Connecticut state voter file would facilitate unsubstantiated voter challenges, a concern especially for vulnerable

communities. Improper and flawed mass-challenge programs disproportionately target voters who lack stable housing or traditional addresses. Mass challenges, often filed in bulk by activists, can overwhelm local election officials, divert resources from voter outreach and education, and delay or obstruct legitimate registrations and ballot processing. This undermines the infrastructure that Common Cause and our partners rely upon to ensure smooth, inclusive elections. Diverting resources to address these improper activities weakens our capacity to run voter registration drives, educate voters, and mobilize communities. These sorts of challenges also work to revive historical tactics of voter suppression. Private voter challenges have roots in post-Reconstruction laws used to disenfranchise Black voters. Today, they are increasingly used to target voters of color, Indigenous Peoples, young voters, and those who are unhoused or in transient living situations; all of whom Common Cause prioritizes in our voter registration work and lobbying/advocacy supporting the inclusion of their voting rights. If voters' sensitive data is disclosed to the federal government and used to promote mass disenfranchisement, Common Cause will be forced to redirect resources to mitigate disenfranchisement among existing voters and away from its core activities of voter registration and voter engagement in the democratic process.

15. If the Connecticut Secretary of State discloses the unredacted voter file, this will work to normalize federal overreach into state-run elections, weakening local control and opening the door to future demands for even more intrusive data. It poses a grave threat to voter privacy and public confidence. This threatens the

decentralized structure of U.S. elections, which Common Cause defends as a safeguard against authoritarianism.

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

Executed on the 15th day of January 2026 in the District of Columbia.

A handwritten signature in black ink, appearing to read "Heather Ferguson". The signature is stylized with a large, sweeping loop at the end.

Heather Ferguson
Vice President, States
Common Cause

EXHIBIT 4

Declaration of Ms. Claire Ewing

Pursuant to 28 U.S.C. § 1746, I, Claire Ewing, hereby declare as follows:

1. I have personal knowledge of the matters set forth in this declaration, and if called as a witness in court, I would testify truthfully and competently to the facts stated herein.
2. I am 61 years old and am otherwise competent to testify.
3. I reside in Connecticut with my husband.
4. I work seasonally as a floral artisan.
5. I am originally from South Africa. I came to the United States in 1982 for college, when I was eighteen years old. I married an American and have lived here ever since.
6. In 1994, I cast my first vote ever, for Nelson Mandela, as South African citizen by way of an absentee ballot. I filled out my ballot in the San Francisco City Hall. To this day, I still remember my excitement voting for the first leader of South Africa after apartheid.
7. After living in the United States for many years, I made the decision to become a naturalized citizen. I both felt eager to participate in American democracy and became fearful that I, as a green card holder, might be targeted by the Trump administration.
8. On October 3, 2019, I became a naturalized citizen. At the time, I was living in Illinois, and I promptly registered to vote there. After voting for the first time, I remember feeling like a part of a community much larger than myself.

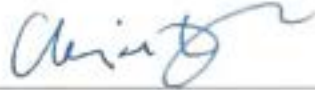
I was proud to share my voice and to express my beliefs as an American citizen.

9. I moved to Connecticut on November 7, 2024, to be closer to family and friends. After the move, I registered to vote in Connecticut and voted in Connecticut in the 2025 election.
10. I am concerned that the current presidential administration will try to suppress votes. I understand that they have publicly floated the idea of de-naturalizing citizens. I want to exercise my rights as a citizen, but I am worried that some in power do not share my views on the rights of naturalized citizens.
11. When I learned that the Department of Justice requested voter records from Connecticut, including with sensitive data, I became concerned about how they might use these lists. I believe that recently naturalized citizens like me may be more vulnerable than other groups of voters to false allegations about illegal voting.
12. I care about the privacy of my personal data and about the integrity of the electoral system. I believe that we should make the electoral process more welcoming to every eligible voter and make sure that voters are not intimidated from exercising their rights. I also believe that eligible voters should not be removed from registration lists.
13. I feel strongly that the modern U.S. is built on immigrants, who deserve to feel like a part of the country. Naturalized citizens are people who have chosen to live here and people for whom the right to cast a ballot here is particularly important. They typically have more faith in the American system than many American-born citizens. They deserve a chance to participate in civic life through voting.

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

Executed January 23, 2026, Norwalk, Connecticut.

Executed January , 2026, in , Connecticut.

A handwritten signature in blue ink, appearing to read "Claire Ewing", written over a horizontal line.

Claire Ewing