IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. BRAD RAFFENSPERGER, in his official capacity as Secretary of State for the State of Georgia, Defendant.	No. 5:25-cv-548 (CAR)

MOTION OF COMMON CAUSE AND ROSARIO PALACIOS TO INTERVENE AS DEFENDANTS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Rules

Common Cause and Rosario Palacios (together, "Proposed Intervenors") respectfully move to intervene as Defendants pursuant to Rule 24(a) of the Federal Rules of Civil Procedure or, in the alternative, pursuant to Rule 24(b), and set forth the legal argument necessary to support their motion below. Proposed Intervenors append as Exhibit 1 to this motion a proposed motion to dismiss by way of a response to the United States' Complaint. *See* Fed. R. Civ. P. 24(c).

INTRODUCTION

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

Proposed Intervenors are Common Cause—a non-partisan organization dedicated to grassroots voter engagement in Georgia, whose members and whose own work are at risk by the relief sought by the United States in this case—and Rosario Palacios—Common Cause's Georgia Director and, as a naturalized citizen, one of the voters who is directly threatened. Proposed Intervenors have a strong interest in preventing the disclosure of Georgia's most sensitive non-public voter data. Common Cause has an interest in protecting the voting and privacy rights of its members and all Georgia voters. The relief the United States seeks risks discouraging Georgians from registering to vote, undermining its work. And the privacy and voting-rights interests of Common Cause's members and of Palacios are also directly at stake. Proposed 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 or 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 the existing Defendant, who, unlike Proposed Intervenors, is a state actor, subject

to broader considerations external to the legal issues presented in this case. Their unique interests, perspective, and motivation to interrogate the purpose of the United States' sweeping request for non-public voter data will ensure full development of the record and aid the Court in its resolution of this case. Intervention as of right pursuant to Rule 24(a), or in the alternative permissive intervention pursuant to Rule 24(b), should be granted.

BACKGROUND

A. DOJ's Efforts to Obtain Private Voter Information

Beginning in May 2025, Plaintiff the United States, through its Department of Justice ("DOJ"), 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 Dec. 19, 2025), https://perma.cc/A4A4-737Z.

On August 7, 2025, the DOJ sent a letter to the Georgia Secretary of State's Office requesting the statewide voter registration list within fourteen days, claiming it needed the list "for purposes of enforcing the [National Voter Registration Act] and the Help America Vote Act." Ex. 1, Pl.'s Mem. Of L., Letter from Michael E. Gates to Sec'y of State Brad Raffensperger dated Aug. 7, 2025, Dkt No. 2-2 at 2. On August 14, the DOJ sent a second letter, clarifying its demand—the requested list "should contain *all fields*" including full name, date of birth, residential address, driver's license number, and the last four digits of the registrant's Social Security number ("SSN4"). Ex. 2., Pl.'s Mem. Of L., Letter from Harmeet K. Dhillon to Sec'y of State Brad Raffensperger dated Aug. 14, 2025, Dkt. No. 2-2 at 6 ("August 14 Letter") (emphasis in original). This letter stated—without any explanation or authority—that because the DOJ has enforcement power under the NVRA and HAVA, it had the power to "conduct an independent review of each

state's [voter] list" and further that "[a]ny statewide prohibitions"—presumably on releasing sensitive information—"are clearly preempted by federal law." *Id.* at 7 n.2. On December 8, 2025, the Secretary of State's Office provided Georgia's complete list of registered voters to the DOJ. *See* Ex. 3, Pl.'s Mem. Of L., Letter from Charlene S. McGowan to Harmeet K. Dhillon dated Dec. 8, 2025, Dkt. No. 2-2 at 13. In accordance with Georgia law prohibiting the disclosure of sensitive voter information, that list did not include voters' full date of birth, driver's license number, or Social Security number. *Id.* (citing O.C.G.A. § 21-2-225(b)). In response, the United States brought this lawsuit, which is one of at least twenty-two similar suits seeking the disclosure of sensitive voter data.[1]

The DOJ's requests for private, sensitive voter data appear to be in connection with never-before-seen efforts by the United States to construct a national voter database, and to otherwise use untested forms of database matching to scrutinize voter rolls. According to 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 in these unprecedented efforts with the federal Department of Homeland Security

[1] *See* 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 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.

("DHS"), according to reported statements from both agencies. *Id.* A recent article extensively quoted a lawyer who recently left DOJ's Civil Rights Division, describing the government'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 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 MAG. (Nov. 16, 2025), https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html.

According to additional reporting, these efforts are being conducted with the involvement of self-proclaimed "election integrity" advocates within and outside government who have previously sought to disenfranchise voters and overturn elections.[2] Such actors have previously sought to compel states to engage in aggressive purges of registered voters and have abused voter data to launch mass challenges against voters in 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 Heather Honey challenging Pennsylvania's list

[2] *See* Alexandra Berzon & Nick Corasaniti, *Trump Empowers Election Deniers, Still Fixated on 2020 Grievances*, N.Y. TIMES, Oct. 22, 2025, https://www.nytimes.com/2025/10/22/us/politics/trump-election-deniers-voting-security.html (documenting "ascent" of election denier Honey); 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/; 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).

maintenance practices was meritless).[3]

The federal government's actions also indicate that it may target specific groups of voters in its use of the requested data. In its letters to other states, DOJ also requested information focusing on vote by mail, history of felony convictions, and citizenship status.[4] The Administration has also confirmed that it was sharing the requested information with the DHS. 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. Meanwhile, DOJ has recently begun asking states to sign a "memorandum of understanding" regarding its requests for statewide voter files, attached to this motion. *See* Ex. 2 (proposed memorandum of understanding); Jonathan Shorman, *Trump's DOJ Offers States Confidential Deal to Remove Voters Flagged by Feds*, STATELINE (Dec. 18, 2025), https://stateline.org/2025/12/18/trumps-doj-offers-states-confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/. The memorandum includes terms that would allow DOJ to identify supposedly ineligible voters using the data and to compel states to remove these persons from the voter rolls—both functions that federal law assigns to state elections officials, not federal ones, *see, e.g.*, 52 U.S.C. § 20507.

---

[3] *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").

[4] *See, e.g.*, Br. in Supp. of Mot. to Intervene as Defs., Ex. 1, Letter from Maureen Riordan to Sec'y of State Al Schmidt (June 23, 2025), *United States v. Pennsylvania*, No. 25-cv-01481 (W.D. Pa. Oct. 9, 2025), Dkt. No. 37-1 (Pennsylvania); Mot. for Leave to File Mot. to Dismiss, Ex. A, Letter from Michael E. Gates to Sec'y of State Jocelyn Benson (July 21, 2025), *United States v. Benson*, No. 25-cv-01148 (W.D. Mich. Nov. 25, 2025), Dkt. No. 34-3 (Michigan).

B. Proposed Intervenors

Proposed Intervenor Common Cause is a nonpartisan organization committed to, *inter alia*, ensuring that all eligible Georgia voters register to vote and exercise their right of suffrage at each election. *See* Ex. 3, Decl. of Ga. State Dir. of Common Cause Rosario Palacios ("Palacios Decl.") ¶¶ 6–8. 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. *Id.* ¶¶ 8, 10–11. 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.* ¶¶ 10–13.

Common Cause has over 15,000 members in Georgia. *See id.* ¶ 5. Those members include Georgia voters, whose personal data will be provided to the federal government if the United States prevails in this lawsuit. *See id.* ¶ 7. Common Cause's members in Georgia include voters whose identifying information is particularly important to keep private, for example, due to their status as victims of domestic violence. *See id.* ¶¶ 11–12; O.C.G.A. § 50-18-150 to -155 (establishing confidentiality program barring disclosure of participants' addresses, including among government entities). Common Cause's members also include voters who are at particular risk of being targeted by the DOJ's efforts to improperly remove voters from voter rolls, whether because they have a supposed "duplicate" record in the system, registered to vote by mail, have a felony conviction, and/or are naturalized citizens. *See* Palacios Decl. ¶¶ 12–13. One such voter is Proposed Intervenor Rosario Palacios, who is a naturalized citizen. *Id.* ¶ 17.

ARGUMENT

I. MOVANTS ARE ENTITLED TO INTERVENE AS A MATTER OF RIGHT.

In the Eleventh Circuit, parties seeking to intervene as of right under Fed. R. Civ. P. 24(a) must show:

> (1) their application to intervene is timely; (2) they have an interest relating to the property or transaction which is the subject of the action; (3) they are so situated that disposition of the action, as a practical matter, may impede or impair their ability to protect that interest; and (4) their interest is represented inadequately by the existing parties to the suit.

Tech. Training Assocs., Inc. v. Buccaneers Ltd. P'ship, 874 F.3d 692, 695–96 (11th Cir. 2017) (brackets and citation omitted). "Once a party establishes all the prerequisites to intervention, the district court has no discretion to deny the motion." *Purcell v. BankAtlantic Fin. Corp.*, 85 F.3d 1508, 1512 (11th Cir. 1996). Because the Proposed Intervenors easily meet Rule 24(a)'s requirements, the Court should grant their intervention as a matter of right.

A. The Motion to Intervene Is Timely

"[T]imeliness depends on the circumstances of each case," and to determine whether a motion to intervene is timely, courts consider:

> (1) the length of time during which the would-be intervenor knew or reasonably should have known of his interest in the case before petitioning for leave to intervene; (2) the extent of the prejudice that existing parties may suffer as a result of the would-be intervenor's failure to apply for intervention as soon as he actually knew or reasonably should have known of his interest; (3) the extent of the prejudice that the would-be intervenor may suffer if denied the opportunity to intervene; and (4) the existence of unusual circumstances weighing for or against a determination of timeliness.

Comm'r, Ala. Dep't of Corrs. v. Advance Loc. Media, LLC, 918 F.3d 1161, 1171 (11th Cir. 2019). "The requirement of timeliness must have accommodating flexibility toward both the court and the litigants if it is to be successfully employed to regulate intervention in the interest of justice." *Georgia v. U.S. Army Corps of Eng'rs*, 302 F.3d 1242, 1259 (11th Cir. 2002).

This motion is indisputably timely. The United States filed this suit on December 18, 2025, and, upon receiving notice of the suit, the Proposed Intervenors immediately prepared this motion. *See Salvors, Inc. v. Unidentified Wrecked & Abandoned Vessel*, 861 F.3d 1278, 1293–94 (11th Cir. 2017) (finding an abuse of discretion in treating a motion to intervene filed two weeks after the reason for intervention as untimely); *see, e.g.*, *Amerisure Mut. Ins. Co. v. Reeves Young, LLC*, No. 1:22-cv-02739-JPB, 2023 WL 5655531, at *3 (N.D. Ga. Aug. 31, 2023) (finding a period of "approximately two months" between learning of the action and filing a motion to intervene "reasonable" for purposes of timeliness); *Ohio Sec. Ins. Co. v. Newsome*, 2015 WL 1419341, at *6 (S.D. Ga. Mar. 27, 2015) ("[C]ourts have routinely found that a several month delay does not render a motion to intervene untimely." (quotation marks omitted)). Secretary Raffensperger has not yet filed an answer or a motion to dismiss (and, as of the date of this motion, seemingly has not yet been served), meaning that this litigation is at its earliest stages. *See U.S. Army Corps of Eng'rs*, 302 F.3d at 1259–60 (finding it relevant that "the court had yet to take significant action"); *Chiles v. Thornburgh*, 865 F.2d 1197, 1213 (11th Cir. 1989) (same, with the fact that the motion came "before any discovery had begun"); *Greene v. Raffensperger*, No. 22-cv-1294-AT, 2022 WL 1045967, at *2 (N.D. Ga. Apr. 7, 2022) (granting motion to intervene filed one day after the complaint).

B. Proposed Intervenors Have Concrete Interests in the Underlying Litigation

The Proposed Intervenors have a "sufficient"—*i.e.*, a "significantly protectable"—interest in the litigation. *E.g.*, *Donaldson v. United States*, 400 U.S. 517, 531 (1971).[5] Here, Proposed Intervenors have multiple, independently sufficient interests that support intervention as of right.

[5] The interest requirement is distinct from Article III standing and Proposed Intervenors would in any case not need to separately establish Article III standing because they seek to intervene as *defendants*, not plaintiffs, and Secretary Raffensperger will presumably seek the same ultimate

First, the Proposed Intervenors have a right to privacy in the sensitive voter data the United States seeks. The August 14 Letter demanded that Secretary Raffensperger turn over voters' full name, date of birth, residential address, driver's license number, and their SSN4s. August 14 Letter at 1. This type of sensitive personal information is protected from disclosure by Georgia law. *See* O.C.G.A. § 21-2-225(b) (protecting voter birth month and date, Social Security number, driver's license numbers, and other information from public disclosure). It is also protected by federal law, which prohibits the creation of a national voter database of the type that the United States is reportedly seeking to assemble with the data it seeks. *See* 5 U.S.C. § 552a(e)(7) (provision of the federal Privacy Act prohibiting the creation or maintenance of any database "describing how any individual exercises rights guaranteed by the First Amendment," which necessarily includes exercising the right to vote). These privacy interests are significant and inure to each of the individual voter Proposed Intervenors as well as to Common Cause's members who are Georgia voters. Palacios Decl. ¶¶ 12–13, 16, 19.

Second, and based on DOJ's similar data requests to other States, the data DOJ seeks is likely to be used to challenge the voter registration of certain Georgians, including voters with felony convictions; voters who have moved within Georgia or left the state and then returned to Georgia (and might be inaccurately deemed "duplicate" voters or "out-of-state" voters due to a shoddy matching system); voters who are naturalized citizens (who may have indicated they were not a citizen on a government form prior to naturalization); and voters who vote by mail. *See supra* 5 & n. 4. Common Cause's members, especially those most likely to be targeted using the data sought, as well as Ms. Palacios, have a concrete interest in not being disenfranchised by so-called

---

outcome as Proposed Intervenors, namely, dismissal or denial of the claims brought by the United States. *See Town of Chester v. Laroe Estates, Inc.*, 581 U.S. 433, 439–40 (2017).

"election integrity measures." *See Ala. Coal. for Immigrant Just. v. Allen*, No. 2:24-cv-1254-AMM, 2024 WL 4510476, at *1 (N.D. Ala. Oct. 16, 2024) (noting that a state purge program targeted at noncitizens "included thousands of United States citizens (in addition to far fewer noncitizens . . .)"); *Selcuk v. Pate*, No. 4:24-cv-00390-SHL-HCA, 2024 WL 5054961, at *8–9 (S.D. Iowa Nov. 3, 2024) (noting a state purge program, based on database-matching, which purportedly targeted alleged noncitizens that flagged 2,176 voters, of whom at least 88% were citizens eligible to vote, many of them naturalized citizens).

Third, Common Cause as an organization has a protectable interest at stake because its core mission as an organization will be harmed if the relief the DOJ seeks is granted. For one, Common Cause's voter registration activities will be harmed because voters will be chilled from registering and participating if they believe their sensitive personal data will be provided to the federal government (and ingested into an unauthorized and illegal national database). *See* Palacios Decl. ¶¶ 12–13; *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1344–45 (N.D. Ga. 2016) (noting how the risk of disclosure of sensitive voter information could dissuade individuals from registering to vote). Mass challenges by "election integrity" activists now wielding the power of the federal government 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. Palacios Decl. ¶ 13. Courts in the Eleventh Circuit have consistently held that voters and non-partisan public interest organizations like Proposed Intervenors should be granted intervention in election-related cases, demonstrating the significantly protectable interests such organizations have in safeguarding the electoral process. *See, e.g.*, *Meek v. Metro. Dade Cnty., Fla.*, 985 F.2d 1471, 1475 (11th Cir. 1993) (reversing the denial of intervention as of right by voters affected by at-large districting scheme), *abrogated in*

part on other grounds, *Dillard v. Chilton Cnty. Comm'n*, 495 F.3d 1324, 1332 (11th Cir. 2007); *Greene*, 2022 WL 1045967, at *2–3 (allowing voters to intervene in a candidate's suit against a state statute allowing challenges to a candidate's qualifications); *Bellitto v. Snipes*, No. 16-cv-61474-BLOOM/Valle, 2016 WL 5118568, at *2–3 (S.D. Fla. Sept. 21, 2016) (granting union's motion to intervene as of right on behalf of its members in NVRA case seeking to compel list maintenance). This case is no exception. Indeed, in a similar case brought by the Department of Justice challenging New Mexico's refusal to turn over sensitive voter information, Common Cause was granted intervention. *See* Minute Order, *United States v. Oliver*, No. 25-cv-01193 (D.N.M. Dec. 19, 2025), Dkt. No. 25.

C. Disposition of this Case May Threaten the Interests of Proposed Intervenors

The United States' requested relief directly affects the interests of Proposed Intervenors. "Under circuit precedent, all that is required under Rule 24(a)(2) is that the would-be intervener be practically disadvantaged by his exclusion from the proceedings." *Salvors, Inc.*, 861 F.3d at 1295 (quotation marks and citation omitted).

The threat here is significant: 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* U.S. Mot. to Compel Production of Records, Dkt. No. 2. This attempt to secure the irrevocable disclosure of private voter data to actors who may misuse it in any number of ways, including by mass-challenging or otherwise attacking Georgians' right to vote, at the very beginning of the case militates strongly in favor of allowing Proposed Intervenors into the case to represent voters' interests now.

D. Secretary Raffensperger's Interests Are Different from Those of Proposed Intervenors.

Even if the interests of a proposed intervenor and an existing party "are similar," there is no guarantee their "approaches to the litigation will be the same." *Chiles*, 865 F.2d at 1214. A proposed intervenor "need only show that . . . representation *may* be inadequate" and "the burden for making such a showing is minimal." *Stone v. First Union Corp.*, 371 F.3d 1305, 1311 (11th Cir. 2004) (emphasis added and internal quotation marks removed). Proposed Intervenors meet their minimal burden here.

As a government official, Secretary Raffensperger has a generalized interest in carrying out his office's legal obligations under federal and state laws, and in minimizing burdens on governmental employees and resources. He also must consider broader public policy concerns, in particular the need to maintain working relationships with federal officials. In contrast, Proposed Intervenors will add a distinct, particular interest to this litigation, making the existing representation inadequate: the perspective of an organization whose mission is to ensure access to the ballot and an individual voter whose own rights are at risk.

Circuit law is clear that intervention should be permitted in these circumstances. In *Meek v. Metropolitan Dade County*, the district court denied individual voters intervention in a Voting Rights Act challenge to a county's system of at-large elections. 985 F.2d at 1474–75, *abrogated in part on other grounds*, *Dillard v. Chilton Cnty. Comm'n*, 495 F.3d 1324, 1332 (11th Cir. 2007). The Circuit reversed, reasoning that the voters' interests were not adequately represented: while the voters and the county had the same ultimate goal in the litigation, the county "was required to balance a range of interests," including "the overall fairness of the election system . . . , the expense of litigation to defend the existing system, and the social and political divisiveness of the election issue" as well as "the County Commissioners['] . . . own desires to remain politically popular and

effective leaders." *Id.* at 1478. These extra-legal considerations can motivate elections officials to pursue a settlement that could jeopardize the private information of Proposed Intervenors or of their members. *See Clark v. Putnam Cnty.*, 168 F.3d 458, 462 (11th Cir. 1999) (allowing individual voters to intervene as defendants to defend an election system, because the voters "intend[ed] to pursue their favored result with greater zeal than the county commissioners," whose "greater willingness to compromise can impede [them] from adequately representing the interests of a nonparty"); *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").

Here, there may be arguments and issues that the Secretary Raffensperger may not raise that are critical to Proposed Intervenors. For example, individual voters like Ms. Palacios 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"). These diverging perspectives—between the government's general need to balance various considerations and the Proposed Intervenors' personal and particular interest in the privacy of the sought data—present a classic scenario supporting intervention. *See, 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"); *Kobach v U.S. Election Assistance Comm'n*, No. 13-cv-

04095, 2013 WL 6511874, at *4 (D. Kan. Dec. 12, 2013) (holding that a voting rights organization's interests could reasonably diverge from those government defendants).

Moreover, the United States requests the data at issue pursuant to purported public disclosure provisions in the Civil Rights Act of 1960, but any requests pursuant to those provisions must come with "a statement of the basis and the purpose therefor." 52 U.S.C. § 20703. The motivations and purposes for DOJ's requests, including whether they will be used to create an unauthorized national database as has been reported, and whether they are a prelude to mass challenges based on faulty data-matching techniques, are highly relevant and potentially dispositive here. Proposed Intervenors' unique interest in pursuing this highly relevant line of factual inquiry and argument is further strong grounds to support intervention.

II. IN THE ALTERNATIVE, THE COURT SHOULD GRANT PERMISSIVE INTERVENTION

If the Court declines to grant intervention as of right, it should grant permissive intervention under Federal Rule of Civil Procedure 24(b). The decision to allow permissive intervention "is wholly discretionary." *Purcell*, 85 F.3d at 1513 (internal quotation marks omitted). To guide this discretion, courts ask "whether 'the applicant's claim or defense and the main action have a common question of law or fact,'" and whether there is any "potential undue delay or prejudice to the existing parties." *See United States v. Houston Cnty.*, No. 5:25-cv-25, 2025 WL 694458, at *2 (M.D. Ga. Mar. 4, 2025) (quoting Fed. R. Civ. P. 24(b)). Because Proposed Intervenors may meaningfully contribute to the development of factual and legal issues in this case, permissive intervention is appropriate.

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. Proposed Intervenors' defense goes directly to the issues already

presented in this lawsuit, such as (1) whether federal law permits the United States to force Georgia to give it the personal information sought; (2) whether federal and state legal protections for individual privacy prohibit the disclosure of that information; and (3) whether the United States' motivations and its potential uses for the data sought are permissible. Proposed Intervenors' distinct perspective on the legal and factual issues before the Court will thus complement or amplify Defendant's arguments and "could shed a different light on issues before this Court," aiding in their resolution. *See id.* at *2 (granting permissive intervention to individual voters in a suit between the United States and a local government). This Court should grant permissive intervention.

CONCLUSION

For the reasons stated above, the Court should grant the Motion to Intervene as Defendants.

Dated: December 23, 2025

Respectfully submitted,

/s/Cory Isaacson

Cory Isaacson, Bar No. 983797
Akiva Freidlin, Bar No. 692290
Briana Futch, Bar No. 007314
AMERICAN CIVIL LIBERTIES UNION OF GEORGIA
P.O. Box 570738
Atlanta, GA 30357
cisaacson@acluga.org
afreidlin@acluga.org
bfutch@acluga.org

Bradley E. Heard, Bar. No. 342209
Jack Genberg, Bar No. 144076
Ajay Saini*
SOUTHERN POVERTY LAW CENTER
1101 17th Street NW, Suite 550
Washington, DC 20036
bradley.heard@splcenter.org
jack.genberg@splcenter.org
ajay.saini@splcenter.org

William Hughes*
Theresa J. Lee*
Jonathan Topaz*
Sophia Lin Lakin*
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
whughes@aclu.org
tlee@aclu.org
jtopaz@aclu.org
slakin@aclu.org

Carlos A. Andino*
SOUTHERN POVERTY LAW CENTER
150 E. Ponce de Leon Ave., Suite 340
Decatur, GA 30030
carlos.andino@splcenter.org

* *application for admission pro hac vice forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record and by email on counsel for Defendant.

/s/ Cory Isaacson

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. BRAD RAFFENSPERGER, in his official capacity as Secretary of State for the State of Georgia, Defendant.	No. 5:25-cv-548 (CAR)

MOTION TO DISMISS OF PROPOSED INTERVENOR-DEFENDANTS COMMON CAUSE AND ROSARIO PALACIOS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Rules

Reports

INTRODUCTION

In this action, the United States seeks to compel the disclosure of sensitive personal voter data to which it is not entitled, using civil rights laws as a pretext. This effort fails three times over: because the United States has failed to disclose the basis and purpose of its request for the data and because it brought suit in the wrong venue, the suit should be dismissed. The United States' attempt to summarily dispose of this case via an improper motion to compel should also be rejected.

Congress has repeatedly legislated to protect the franchise, including through Title III of the Civil Rights Act of 1960 ("CRA"), 52 U.S.C. § 20701 *et seq*., as well as the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 *et seq*., and the Help America Vote Act ("HAVA"), 52 U.S.C. § 20901 *et seq*. The very purpose of these statutes is to ensure that all eligible Americans—especially racial minorities and voters with disabilities—can participate in free, fair, and secure elections. As DOJ itself has explained, Title III of the CRA, the election records provision invoked in the Complaint here, was designed to "secure a more effective protection of the right to vote." U.S. Dep't of Just., Civ. Rts. Div., *Federal Law Constraints on Post-Election "Audits"* (Jul. 28, 2021), https://perma.cc/74CP-58EH (citing *State of Ala. ex rel. Gallion v. Rogers*, 187 F. Supp. 848, 853 (M.D. Ala. 1960), and H.R. Rep. No. 86-956 (1959)).

The federal government's demand for Georgia's unredacted voter file—which contains sensitive personal information including driver's license numbers and Social Security numbers from millions of Georgians—undermines the CRA's core purposes by *decreasing* access to the franchise and is contrary to law. Releasing voter records without redaction and for purposes far afield from protecting access to the ballot would deter voter participation and undermine the right to vote. Especially so here, where the United States' *actual* reason for the data demand, which it never disclosed in its request but which has been widely reported, is to create an unauthorized and

unlawful national voter database, and to use this illicit tool to illegally target and challenge voters.

The United States has not even met the requirements of the CRA, the very statute it invokes, which mandates the government fully and accurately set forth "the basis and the purpose" for its data request. 52 U.S.C. § 20703. Nor has it complied with the CRA's unambiguous venue provisions. *Id.* § 20705. Instead, it claims it is entitled to a summary disposition, without standard procedural safeguards. The Court should deny Plaintiff's motion to compel and dismiss its complaint.

BACKGROUND

Beginning in May 2025, the DOJ 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 Dec. 19, 2025), https://perma.cc/A4A4-737Z.

On August 7, 2025, the DOJ sent a letter to the Georgia Secretary of State's Office requesting the statewide voter registration list within fourteen days, claiming it needed the list "for purposes of enforcing the NVRA and [HAVA]." Ex. 1, Pl.'s Mem. Of L., Letter from Michael E. Gates to Sec'y of State Brad Raffensperger dated Aug. 7, 2025, Dkt. No. 2-2 at 2 ("August 7 Letter"). On August 14, the DOJ sent a second letter, clarifying its demand—the requested list "should contain *all fields*" including full name, date of birth, residential address, driver's license number, and the last four digits of the registrant's Social Security number. Ex. 2, Pl.'s Mem. Of L., Letter from Harmeet K. Dhillon to Sec'y of State Brad Raffensperger dated Aug. 14, 2025, Dkt. No. 2-2 at 6 ("August 14 Letter") (emphasis in original). This letter stated—without any explanation or authority—that because the DOJ has enforcement power under the NVRA and

HAVA, it had the power to "conduct an independent review of each state's [voter] list," and further that "[a]ny statewide prohibitions"—presumably on releasing sensitive information—"are clearly preempted by federal law." *Id.* at 7 n.2. On December 8, 2025, the Secretary of State's Office provided Georgia's complete list of registered voters to the DOJ. *See* Ex. 3, Pl.'s Mem. Of L., Letter from Charlene S. McGowan to Harmeet K. Dhillon dated Dec. 8, 2025, Dkt. No. 2-2 at 13 ("Dec. 8 Letter"). In accordance with state law prohibiting the disclosure of sensitive voter information, that list did not include voters' full date of birth, driver's license number, or Social Security number. *Id.* (citing O.C.G.A. § 21-2-225(b)). In response, the United States brought this lawsuit, one of at least twenty-two similar suits in states across the country.

The federal government's request does not appear to relate to voter roll list maintenance under the NVRA, 52 U.S.C. § 20507, the statute invoked in the August 7 Letter. According to reporting, federal 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. One recent article extensively quoted a lawyer who recently left DOJ's Civil Rights Division, describing the Administration's aims in these cases:

> 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 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 MAG., Nov. 16, 2025, https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-

department-staff-attorneys.html. Additional reporting reveals self-proclaimed "election integrity" advocates who have previously sought to disenfranchise voters and overturn elections are involved in these efforts. *See* Mot. to Intervene as Defs. at 4–5 & nn. 2 & 3. In its letters to other states, DOJ also requested information focusing on vote by mail, history of felony convictions, and citizenship status.[1]

LEGAL STANDARD

A court must dismiss a complaint if, accepting all well-pleaded factual allegations as true, it does not "state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). A court need not accept a complaint's legal conclusions. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Nor can "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements," survive a motion to dismiss. *Id*. at 678–79. "When plaintiffs have not nudged their claims across the line from conceivable to plausible, their complaint must be dismissed." *Am. Dental Ass'n v. Cigna Corp.*, 605 F.3d 1283, 1289 (11th Cir. 2010) (internal quotation marks omitted). In assessing a complaint, courts can consider "documents incorporated into the complaint by reference, and matters of which a court may take judicial notice." *Baker v. City of Madison, Ala.*, 67 F.4th 1268, 1276 (11th Cir. 2023) (quoting *Tellabs, Inc. v. Makor Issues & Rts., Ltd.*, 551 U.S. 308, 322 (2007)).

[1] *See, e.g.*, Br. in Supp. of Mot. to Intervene as Defs., Ex. 1, Letter from Maureen Riordan to Sec'y of State Al Schmidt (June 23, 2025), *United States v. Pennsylvania*, No. 25-cv-01481 (W.D. Pa. Oct. 9, 2025), Dkt. No. 37-1 (Pennsylvania); Mot. for Leave to File Mot. to Dismiss, Ex. A, Letter from Michael E. Gates to Sec'y of State Jocelyn Benson (July 21, 2025), *United States v. Benson*, No. 25-cv-01148 (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. 25-cv-01666 (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. 25-cv-09149 (C.D. Cal. Nov. 7, 2025), Dkt. No. 37-2 (California).

ARGUMENT

I. THIS COURT LACKS JURISDICTION UNDER THE CRA'S VENUE PROVISION.

The United States' demand fails out of the gate because it has sued in the wrong court. Jurisdiction over claims brought under Title III exists in two places: the district "in which a demand is made" and the one "in which a record or paper so demanded is located." 52 U.S.C. § 20705. Neither of those is the Middle District of Georgia, so this Court lacks jurisdiction and the United States' suit should be dismissed.

The DOJ sent the August 7 and August 14 Letters from Washington, D.C. to the Secretary of State's Atlanta office. *See* August 7 Letter at 1, 3; August 14 Letter at 1, 3. The District "in which a demand [was] made" is therefore the Northern District of Georgia (and perhaps the District of the District of Columbia). Secretary Raffensperger's office responded, providing the publicly-available voter registration list and linking to the State's Election Data Hub—which bears an Atlanta address. *See* Dec. 8 Letter at 4 & n.2 (directing the DOJ to Ga. Sec'y of State, Election Data Hub (last accessed Dec. 22, 2025), https://sos.ga.gov/election-data-hub). To the extent there is any indication in the record, the records the DOJ demands are located in the Northern District of Georgia. Indeed, there is no indication of anything relevant under Title III's venue provision that would make venue appropriate in this District.

Instead, the United States claims in its Complaint that venue is proper under 28 U.S.C. § 1391(b), the general venue statute. Compl. ¶ 6. This ignores the CRA's more-specific venue provision that creates jurisdiction in a different set of districts than § 1391(b). *See* 52 U.S.C. § 20705. "Where two statutes are related to the same subject and embrace the same subject matter, a specific or particular provision is controlling over a general provision." *United States v. Robinson*, 583 F.3d 1292, 1296 (11th Cir. 2009) (internal quotation marks omitted). The Complaint

states "a substantial part of the events or omissions giving rise to the United States' claims occurred in this District, and the Defendant is located in and conducts election administration activities in this District." Compl. ¶ 6. As to the first statement, nothing in the Complaint explains what events or omissions occurred in this District and the United States' own filings suggest they took place elsewhere, as discussed. *Cf. Gill v. Judd*, 941 F.3d 504, 514 (11th Cir. 2019) ("[W]hen exhibits attached to a complaint contradict the general and conclusory allegations of the pleading, the exhibits govern." (internal quotation marks omitted)). As to the second, the Defendant's election administration activities are irrelevant under the CRA's venue provision.

Venue is not appropriate in this Court and this suit should be dismissed for lack of jurisdiction.

II. THE UNITED STATES' DEMANDS EXCEED THE STATUTORY AUTHORITY OF THE CRA AND ARE CONTRARY TO LAW.

The United States' demand for Georgia's full, unredacted voter file exceeds its statutory authority under the CRA. Against the backdrop of the turmoil of the Jim Crow era, Congress enacted the CRA, including the public records provisions in Title III, to facilitate investigations of civil rights violations preventing eligible citizens from voting due to discrimination. H.R. Rep. No. 86-956 at 7 (1959) (indicating the purpose of Title III "is to provide a more effective protection of the right of all qualified citizens to vote without discrimination on account of race"). But the Attorney General's access to these records is not unbounded. If the Attorney General makes a demand for records, she must provide "a statement of the basis and the purpose therefor." 52 U.S.C. § 20703.

The records request here is contrary to the CRA for at least two distinct reasons. *First*, in making this sweeping demand for Georgia's full and unredacted state voter registration list, the United States fails to offer a statutorily sufficient statement of "the basis and the purpose" in

support of its records requests. *Second*, turning over unredacted records is contrary to the CRA's intent, which is to protect the right to vote. The privacy and constitutional rights of Georgia voters are paramount and invoking the CRA as a basis to invade those rights is a distortion of what the CRA was created to do. Plaintiff is thus not entitled to its requested relief.

A. The United States' Demand Fails to Meet the CRA's Requirements.

Title III of the CRA sets out requirements regarding federal election records, including a requirement in Section 301 for officers of elections to "retain and preserve, for a period of twenty-two months from the date of any" federal election, "all records and papers which come into [their] possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election," with certain exceptions regarding delivery and designation of custodians. 52 U.S.C. § 20701. Section 303 requires that "[a]ny record or paper" retained and preserved under Section 301 "shall, upon demand in writing by the Attorney General or [her] representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or [her] representative." *Id*. § 20703. "This demand shall contain a statement of *the basis and the purpose therefor*." *Id*. (emphasis added).

The federal government's requests fail to provide "a statement of the basis and the purpose" sufficient to support disclosure of the unredacted voter file. *Id*. The Complaint offers only the conclusory allegation: "The written demand 'contain[ed] a statement of the basis and the purpose therefor.'" Compl. ¶ 27 (citation omitted). But neither the Complaint nor the DOJ's August 14 Letter that invoked the CRA supply a "basis" for why the United States believes Georgia's list maintenance procedures might violate the NVRA or HAVA. *Id.* ¶¶ 19–25; August 14 Letter. Neither the Complaint nor the August 14 Letter alleges any evidence of anomalies or anything amiss with Georgia's list maintenance. *See id.*

Contemporaneous case law immediately following Title III's enactment shows that the required "basis" is an explanation of why the Attorney General believes there is a violation of federal civil rights law and the "purpose" is an explanation of how the requested records would help determine if there is a violation. *Kennedy v. Lynd*, 306 F.2d 222, 229 n.6 (5th Cir. 1962). Indeed, "basis" and "purpose" under Title III have consistently been treated as distinct concepts. *See id*.; *In re Coleman*, 208 F. Supp. 199, 199–200 (S.D. Miss. 1962), *aff'd sub nom*., *Coleman v. Kennedy*, 313 F.2d 867 (5th Cir. 1963).

Even if the United States had provided a proper "basis" for its demand—and it did not—it fails to explain any connection between its purported "purpose" and the request for the full and unredacted voter file. It does not explain why unredacted voter files are necessary to determine whether Georgia has "conduct[ed] a general program that makes a reasonable effort to remove the names of ineligible voters" by virtue of "death" or "a change in the residence of the registrant," 52 U.S.C. § 20507; Compl. ¶ 12. The NVRA and HAVA both leave the mechanisms for conducting list maintenance within a state's discretion. *See* 52 U.S.C. § 20507(a)(4), (c)(1); *id*. § 21083(a)(2)(A); *id*. § 21085. The procedures carried out by a state or locality establish its compliance; the unredacted voter file does not. Even were the United States to use voter file data to identify voters who had moved or died on Georgia's voter list at a single point in time, that would not amount to Georgia failing to comply with the "reasonable effort" required by the NVRA or HAVA. *See, e.g.*, *Pub. Int. Legal Found. v. Benson*, 136 F.4th 613, 624–27 (6th Cir. 2025) (describing a "reasonable effort" as "a serious attempt that is rational and sensible").

The basis and purpose requirements are critical safeguards that prevent the statute from being used as a fishing expedition to obtain records for reasons that are speculative, unrelated to the CRA's aims, or otherwise impermissible or contrary to law. The statutory basis and purpose

requirements are not perfunctory but require a specific statement as to the reason for requesting the information and how that information will aid in the investigatory analysis. In the context of administrative subpoenas, and specifically in assessing an analogous power by which federal agencies obtain records in service of investigations, courts have found that the test of judicial enforcement of such subpoenas includes an evaluation of whether the investigation is "conducted pursuant to a legitimate purpose," *United States v. Powell*, 379 U.S. 48, 57 (1964), and that such subpoenas should not be "overly broad" as to constitute "a fishing expedition," *Smith v. Pefanis*, 2008 WL 11333335, at *3 (N.D. Ga. Oct. 30, 2008) (internal quotation marks omitted). Such purpose requirements ensure that the information sought is relevant to the inquiry and not unduly burdensome. *See, e.g.*, *F.D.I.C. v. Wentz*, 55 F.3d 905, 908 (3d Cir. 1995) (reciting requirements for investigation via administrative subpoena).

As such, even if some other voting records or some portion of the voter file were necessary to investigate Georgia's NVRA list maintenance compliance, the United States has not provided any justification for why the full unredacted voter file is necessary. For decades, DOJ has neither sought nor required a full, unredacted voter file in its NVRA compliance investigations. *See, e.g.*, Press Release, U.S. Dep't of Just., *United States Announces Settlement with Kentucky Ensuring Compliance with Voter Registration List Maintenance Requirements* (July 5, 2018) https://perma.cc/G2EZUUA5 (describing letters to all 44 states covered by the NVRA with requests for list maintenance information, but without demanding voter files). The United States' failure to articulate the basis and the purpose for its demand is another reason it is insufficient as a matter of law.

Title III's basis and purpose requirement is especially important here, where public reporting and public, judicially noticeable documents show that the federal government did not

disclose the actual primary basis and purpose for its demand: building a national voter file for its own use, to be shared with other agencies for unlawful purposes. *See supra* 2–3. As Congress has never authorized the creation of such a database, doing so would violate the federal Privacy Act. *See* 5 U.S.C. § 552a(e)(7) (prohibiting the creation or maintenance of any database "describing how any individual exercises rights guaranteed by the First Amendment," which necessarily includes exercising the right to vote).

The federal government's failure to fully and accurately provide this information is fatal. Section 303 requires a statement of "the basis and the purpose" of a records request, and by twice using the definite article, the statute requires not just *a* basis or purpose among many, but *the actual* basis and purpose underlying the request. *See Niz-Chavez v. Garland*, 593 U.S. 155, 165–66 (2021); *see also, e.g.*, *Corner Post, Inc. v. Bd. of Governors of the Fed. Rsrv. Sys*., 603 U.S. 799, 817 (2024) (emphasizing distinction between the definite and indefinite article). This is yet another ground for dismissal.

The NVRA and HAVA require a state to conduct a "reasonable effort" to remove ineligible voters from the rolls, 52 U.S.C. §§ 20507(a)(4), 21083(a)(4)(A), and the NVRA includes safeguards to protect voters from erroneous removal. But the memorandum of understanding ("MOU") that the government has recently sought for a number of states to sign indicates multiple contemplated violations of those statutory requirements. *See* Ex. 2, Mot. to Intervene, U.S. Dep't of Just., Civ. Div., Confidential Mem. of Understanding ("MOU"). First, it seeks to place authority to identify supposed ineligible voters in the hands of the federal government, contrary to statutory text, 52 U.S.C. § 21085 (methods of complying with HAVA "left to the discretion of the State"). MOU at 2, 5. Second, the MOU's substantive terms seek to compel states to remove supposedly ineligible voters "within forty-five (45) days," *id.* at 5, in a way that would violate multiple

protections of the NVRA, 52 U.S.C. § 20507. This now-public MOU shows that the United States' supposed purpose violates federal law put in place to protect voters and state prerogatives in administering elections.

B. Any Records Disclosed Under the CRA Should Be Redacted to Protect the Constitutional Rights of the Voter, so the Court Must Deny the United States' Request.

Even if disclosure were appropriate, sensitive personal voter information would still be subject to redaction. Indeed, courts have found that redaction may be required to prevent the disclosure of sensitive personal information that would create an intolerable burden on the constitutional right to vote. The cases interpreting Section 8(i) of the NVRA are instructive, as courts have consistently permitted—and sometimes required—redaction of voters' sensitive personal data before disclosure to protect voter privacy and ensure compliance with federal and state law and the Constitution.

Like the CRA, the NVRA is silent as to how sensitive personal information should be treated during disclosure. *See* 52 U.S.C. § 20703; § 20507(i)(1). Courts must interpret the disclosure provisions in a manner that does not unconstitutionally burden the right to vote. *See Burban v. City of Neptune Beach, Fla.*, 920 F.3d 1274, 1282 (11th Cir. 2019) (under the doctrine of constitutional avoidance, "[w]e avoid statutory interpretations that raise constitutional problems"). Federal courts have consistently struck this balance, interpreting the "all records concerning" language in Section 8(i) to permit—and sometimes require—redaction and the protection of confidential materials. As the First Circuit has noted, "nothing in the text of the NVRA prohibits the appropriate redaction of uniquely or highly sensitive personal information in the Voter File," and such redaction "can further assuage the potential privacy risks implicated by the public release of the Voter File." *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024); *see also Pub. Int. Legal Found., Inc. v. N.C. State Bd. of Elections*, 996 F.3d 257, 266–

68 (4th Cir. 2021) (holding that the potential connection to ongoing criminal investigations and the possibility of erroneously labeling a voter as a noncitizen and subjecting them to public harassment warrants maintaining confidentiality). Other courts have consistently recognized that the NVRA does not compel the release of sensitive information otherwise protected by federal or state laws. *See, e.g.*, *N.C. State Bd. of Elections*, 996 F.3d at 264; *Pub. Int. Legal Found., Inc. v. Dahlstrom*, 673 F. Supp. 3d 1004, 1015–16 (D. Alaska 2023); *Pub. Int. Legal Found., Inc. v. Matthews*, 589 F. Supp. 3d 932, 942 (C.D. Ill. 2022), *clarified on denial of reconsideration*, No. 20-CV-3190, 2022 WL 1174099 (C.D. Ill. Apr. 20, 2022). Georgia provides express protections from disclosure for Social Security numbers, driver's license numbers, a voter's birth month and date, and other information such as email addresses. *See* O.C.G.A. § 21-2-225(b).

Redaction also may be affirmatively required if the disclosure would "create[] an intolerable burden on [the constitutional right to vote] as protected by the First and Fourteenth Amendments." *Project Vote/Voting for Am. v. Long*, 682 F.3d 331, 339 (4th Cir. 2012) (quotation marks and citation omitted). The Fourth Circuit, even while granting access to voter registration applications, affirmed the importance of redacting Social Security numbers, which are "uniquely sensitive and vulnerable to abuse." The court emphasized that the NVRA reflected Congress's view that the right to vote was "fundamental," and that the unredacted release of records risked deterring citizens from registering to vote and thus created an "intolerable burden" on this fundamental right. *Id*. at 334, 339; *cf. In re Coleman*, 208 F. Supp. at 200 (noting, in the context of a Title III records request, multiple considerations which could be "[s]ignificant," including whether "official records are privileged, or exempt from discovery for any sound reason of public policy," or "that an inspection of these records would be oppressive, or any unlawful invasion of any personal constitutional right"). As such, public disclosure provisions such as those in the

NVRA and Title III must be interpreted to avoid this unconstitutional burden. See *Long*, 682 F.3d at 339; *Bellows*, 92 F.4th at 56. The danger of imposing those burdens on Georgia voters and civic groups is present here. *See* Mot. to Intervene, Ex. 2, Decl. of Rosario Palacios ¶¶ 7, 11–19.

The same privacy and constitutional concerns that warrant redactions under the NVRA apply equally to requests under the CRA. *Cf. Sheetz v. Cnty. of El Dorado*, 601 U.S. 267, 281–82 (2024) (Gorsuch, J., concurring) ("[O]ur Constitution deals in substance, not form. However the government chooses to act, . . . it must follow the same constitutional rules."). And the limited case law considering CRA records requests acknowledges that courts retain the "power and duty to issue protective orders," *Lynd*, 306 F.2d at 230, such as requiring redaction of sensitive fields that courts have consistently determined are entitled to protection from disclosure.[2]

III. THE UNITED STATES IS NOT ENTITLED TO SUMMARY DISPOSITION AND ITS MOTION TO COMPEL SHOULD BE DENIED.

The Federal Rules of Civil Procedure, with limited exception, "govern the procedure in *all* civil actions and proceedings in the United States district courts." Fed. R. Civ. P. 1 (emphasis added). The Rules contain limited and narrow carveouts to their own application, none of which include the claim under Title III here. *See* Fed. R. Civ. P. 81. Ignoring these standards, the United States makes expansive claims that Title III universally "displaces the Federal Rules of Civil Procedure by creating a 'special statutory proceeding'" where "'[a]ll that is required is a simple statement by the Attorney General, . . . explaining that the person against whom an order is sought has failed or refused to make the requested records" available. Pl.'s Mem. of L. in Supp. of the Mot. for Order to Compel Prod. of Recs., Dkt. No. 2-1 ("Mot. to Compel Br.") at 6; *see also* Compl.

[2] The United States cites *Crook v. S.C. Election Comm.*, No. 2025-CP-40-06539 (S.C. Ct. C.P. Oct. 1, 2025), a non-binding decision which briefly discussed Title III in dicta. Mem. in Supp. of the Request for Order to Compel Prod. of Recs., Dkt. No. 2-1, at 7–8. *Crook* did not address Proposed Intervenors' arguments about the basis-and-purpose requirement or the need to redact sensitive voter information, and so has little persuasive weight.

¶¶ 1–4. This assertion contravenes the Federal Rules, is not contemplated by statute, and relies on misreading a single set of cases decided over sixty years ago, in a drastically different context, including primarily *Kennedy v. Lynd*, 306 F.2d 222 (5th Cir. 1962). *See* Mot. to Compel Br.; *see also* Compl. ¶¶ 1–4.

The United States briefly acknowledges that "[c]aselaw addressing the CRA in any depth is confined to courts within the Fifth Circuit in the early years following the CRA's enactment. Since then, courts have not had occasion to revisit the issue." Mot. to Compel Br. at 5 n.1. But the United States studiously ignores why that is the case. *Lynd* arose in a specific historical context: the Jim Crow-era Fifth Circuit—which then included Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.[3] In these states, election administrators and other officials, including judges, notoriously used every possible means to stop Black Americans from registering to vote.[4] It was against this backdrop that the Fifth Circuit noted that "the factual foundation for, or the sufficiency of, the Attorney General's 'statement of the basis and the purpose' contained in the written demand is not open to judicial review or ascertainment." *Lynd*, 306 F.2d at 226. In that context, "the factual foundation for" the basis and the purpose of the Attorney General's request was self-evident, and plenary consideration thus not required. *See id.* That court's treatment of the CRA more than sixty years cannot be divorced from its context.[5]

By contrast, here, more than sixty years later, the context of *this* request could not be more

---

[3] "Federal Judicial Circuits: Fifth Circuit," FEDERAL JUDICIAL CENTER, https://perma.cc/9MSD-EFRB (last visited Dec. 20, 2025).

[4] *See generally*, *e.g.*, Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (1976).

[5] *See also In re Coleman*, 208 F. Supp. 199, 201 (S.D. Miss. 1962) (acknowledging that while "[t]he right of free examination of official records is the rule" under Title III there could be "exception[s]" where "the purpose is speculative, or from idle curiosity").

different. The United States has invoked the CRA for unprecedented purposes, making sweeping demands for extensive voter data to include sensitive personal information, with no showing or claim of legal deficiencies or violations of rights, even as both the United States' own MOU and extensive reporting indicate that the stated basis and purpose are pretextual and that the data at issue is sought for unlawful ends.[6]

Nothing in Title III insulates the required "statement of the basis and the purpose" from standard judicial review. *See* 52 U.S.C. § 20703. Since *Lynd*, the Supreme Court has reaffirmed that

> [T]he Federal Rules apply to proceedings to compel the giving of testimony or production of documents in accordance with a subpoena issued by an officer or agency of the United States under any statute of the United States except as otherwise provided by statute or by rules of the district court or by order of the court in the proceedings.

Becker v. United States, 451 U.S. 1306, 1307–08 (1981) (citation and quotation marks omitted); *see also Powell*, 379 U.S. at 57–58 (holding that IRS Commissioner bears the burden to establish statutory requirements before enforcement of a tax subpoena). Just two years after *Lynd*, the Court held that proceedings to enforce a statute providing the United States with the power to request records in terms materially identical to the CRA were governed by the Federal Rules. *Powell*, 379 U.S. at 57–58 & n.18 (citing 26 U.S.C. § 7604(a)); *compare* 26 U.S.C. § 7604 (a) ("[T]he United States district court for the district in which such person resides or is found shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers,

---

[6] *See, e.g.*, 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; Emily Bazelon & Rachel Poser, *The Unraveling of the Justice Department*, N.Y. TIMES MAG. (Nov. 16, 2025), https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html.

records, or other data[.]"), *with* 52 U.S.C. § 20705 ("The United States district court for the district in which a demand is made . . . or in which a record or paper so demanded is located, shall have jurisdiction by appropriate process to compel the production of such record or paper.").

Even in *Lynd*, the court, in explaining its findings, noted that "we are not discussing confidential, private papers and effects. We are, rather dealing with public records which ought ordinarily to be open to legitimate reasonable inspection." 306 F.2d at 231. The court also noted that the CRA authorizes jurisdiction by "appropriate process" to compel production, which the court had "no doubt" would "include the power and duty to issue protective orders"—such as orders protecting and redacting sensitive information. 52 U.S.C. § 20705; *Lynd*, 306 F.2d at 230. Thus, even in the 1960s, before sensitive personal information such as Social Security Numbers or driver's license numbers were widely collected as part of the voter registration record, and before any federal laws had been passed to protect and constrain access to personal information,[7] the court recognized the distinction between the disclosure of "confidential, private" information and "public records" that would already "ordinarily [] be open to legitimate reasonable inspection," *Lynd*, 306 F.2d at 231, and anticipated that the "duty to issue protective orders" would arise for certain CRA records requests, *id.* at 230.

The unredacted voter file contains "confidential, private" personal identifying information of Georgia voters that would *not* ordinarily be open to reasonable inspection. *Id.* at 231. To argue that the United States is entitled to summary relief and the forced provision of an unprecedented trove of "confidential, private" information, without *any* review of its statutorily required stated

[7] *E.g.*, Privacy Act of 1974, Pub. L. No. 93-579, 88 Stat. 1896 (1974); Driver's Privacy Protection Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994), codified at 18 U.S.C. § 2721 *et seq.*; E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899 (2002); Federal Information Security Modernization Act of 2014, Pub. L. No. 113-283, 128 Stat. 3073 (2014), codified at 44 U.S.C. §§ 3351 *et seq.* (2014).

basis and purpose, would go even further than *Lynd* did—in a context where, very much unlike there, the basis and purpose are not inarguably clear but appear pretextual.

Courts presiding over the United States' sudden flurry of lawsuits related to its improper requests for sensitive voter information have caught on. In California, the court presiding over a similar case has recognized that the United States' motion to compel seeks "to reach the ultimate question in this case regarding the production of records," and "thousands of voters' lives will be impacted by this case." Hr'g Tr. at 5:3–9, *United States v. Weber*, No. 25-cv-09149 (C.D. Cal. Dec. 4, 2025), Dkt. No. 100. It denied the United States' first motion to compel, *id*., and vacated briefing on one filed the following day, ordering that the motion deadlines would be reset "at a later date following a scheduling conference held pursuant to Federal Rule of Civil Procedure 16." Order, *United States v. Weber*, No. 25-cv-09149 (C.D. Cal. Dec. 15, 2025), Dkt. No. 114.

CONCLUSION

The United States' Motion to Compel should be denied and the Complaint dismissed.

Dated: December 23, 2025

Respectfully submitted,

/s/Cory Isaacson

William Hughes*
Theresa J. Lee*
Jonathan Topaz*
Sophia Lin Lakin*
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
whughes@aclu.org
tlee@aclu.org
jtopaz@aclu.org
slakin@aclu.org

Cory Isaacson, Bar No. 983797
Akiva Freidlin, Bar No. 692290
Briana Futch, Bar No. 007314
AMERICAN CIVIL LIBERTIES UNION OF GEORGIA
P.O. Box 570738
Atlanta, GA 30357
cisaacson@acluga.org
afreidlin@acluga.org
bfutch@acluga.org

Carlos A. Andino*
SOUTHERN POVERTY LAW CENTER
150 E. Ponce de Leon Ave., Suite 340
Decatur, GA 30030
carlos.andino@splcenter.org

Bradley E. Heard, Bar. No. 342209
Jack Genberg, Bar No. 144076
Ajay Saini*
SOUTHERN POVERTY LAW CENTER
1101 17th Street NW, Suite 550
Washington, DC 20036
bradley.heard@splcenter.org
jack.genberg@splcenter.org
ajay.saini@splcenter.org

* *application for admission pro hac vice forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record and by email on counsel for Defendant.

/s/ Cory Isaacson

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 ROSARIO PALACIOS

Pursuant to 28 U.S.C. § 1746, I, Maria del Rosario Palacios, 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 live in Georgia, and I am an eligible registered voter. Voting is the most fundamental form of democratic participation, and I am proud to be a Georgia voter.

3. I am the Georgia Executive Director of Common Cause. I am also a member of Common Cause. I serve as the primary spokesperson for Common Cause in Georgia, working to protect voting rights, promote ethical government, and to hold power accountable. In my role as Georgia Executive Director, I work with multiple coalitions to advance pro-voter reforms and increase civic engagement, including through events such as National Voter Registration Day.

4. Common Cause is a nonprofit, nonpartisan membership organization incorporated under the laws of the District of Columbia and registered to do business in Georgia. Pursuant to its bylaws, Common Cause is organized and operated as a membership organization and brings 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. There are currently more than 15,000 Georgia Common Cause members.

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 Georgia, Common Cause ensures that Georgian voices are heard in the political process. Common Cause's Georgia members live throughout the state and include registered voters whose personal information is maintained in the statewide voter

registration database held by the Georgia Secretary of State. If the Secretary discloses the unredacted voter registration file to DOJ, 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 Georgia elections.

8. Common Cause believes the right to vote is the cornerstone of a functioning democracy. We are committed to ensuring that every eligible Georgian can register and cast their ballot. Common Cause Georgia has hosted and coordinated National Voter Registration Day events and drives, funded and worked with organizations to register voters on college campuses, and have worked in statewide coalitions in the past to register citizens at naturalization ceremonies.

9. In addition to our voter registration work, Common Cause Georgia has sought policy changes to ease the registration process and protect voter information. We successfully advocated for HB 316 (2019) in part because of provisions that reduced instances of unnecessary registration holds and created additional protections for Georgia voters who are required to cast provisional ballots. We also successfully pushed for a provision in HB 392 (2019) that required Georgia's secretary of state to take steps to shore up the security of the state's voter registration database. Exemplified by our opposition to SB 202 (2021) and SB 189 (2024), Common Cause Georgia also has an established history of fighting against legislation that expands the use of and weaponizes voter challenge processes.

10. As a nonpartisan democracy reform organization, Common Cause, our volunteers, and coalition allies regularly assist eligible Georgians in registering to vote through community education and outreach. The voters we help are now part of the state's official voter file, and we consider it our duty to safeguard the trust they place in us and in the democratic process.

11. At public engagement events, we invite Georgians not only to register but also to verify and update their voter information, particularly given past experiences with improperly purged voters in the state. As a result, many voters we assist become part of the official statewide voter file. 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. We also run targeted communications campaigns, including through social media and newsletters, to keep Georgians

informed about key election deadlines and updates. These efforts amplify official messages from the Office of the Secretary of State and other election officials, helping ensure voters have accurate, timely information to participate confidently in our democracy.

12. Disclosure of the entire, unredacted Georgia 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. Our members include individuals who are particularly vulnerable to issues with erroneous and outdated data, such as naturalized citizens and individuals with felony convictions. Knowing that their personal data could be weaponized to question their eligibility to vote would chill engagement with the democratic process. This is especially true for voters in marginalized communities who already face systemic barriers and distrust government surveillance. Common Cause expends significant resources conducting on-the-ground voter engagement and assistance efforts seeking to register voters and engage voters in the democratic process.

13. Disclosure of the full Georgia voter file would facilitate unsubstantiated voter challenges, a concern especially for vulnerable communities. Improper and flawed mass challenge programs disproportionately target voters without stable housing or traditional addresses. Common Cause actively works to register and protect these very same disenfranchised Georgians. Mass challenges, often filed in bulk by activists, can overwhelm local election officials, divert resources from voter outreach and education, 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 turned over to the federal government and used to promote mass

disenfranchisement, Common Cause will be forced to redirect resources to mitigating the disenfranchisement of existing voters and away from its core activities of registering voters and engaging new voters in the democratic process.

14. Common Cause also runs a nonpartisan Election Protection program in Georgia, which provides critical information and assistance to voters around primary and general elections. These include helping voters navigate the vote-by-mail process, encouraging voters to participate, and assisting voters when they experience problems in trying to vote. It is the largest nonpartisan voter protection effort in the state. The success of this program and our ability to effectively identify and respond to issues that hinder voters depend on voters' trust in the election system. When voters fear their personal information could be misused for partisan or punitive reasons, especially under a federal administration known for voter suppression rhetoric and tactics, they may hesitate to accept help from volunteers, avoid reporting issues at the polls, and disengage from the voting process altogether.

15. If Georgia 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.

16. I also have concerns about disclosure of the unredacted voter file as a naturalized U.S. citizen.

17. I was born in Mexico, and I became a naturalized citizen in 2017. After becoming a citizen, I registered to vote and I have consistently exercised my right to vote since then, in addition to my professional elections work.

18. When I learned that the Department of Justice requested voter records from Georgia, including sensitive data, I became concerned about how they might use these lists. I believe that naturalized citizens like me may be more vulnerable than other groups of voters to false allegations about illegal voting.

19. 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.

20. I feel strongly that the United States is built on the contributions of immigrants. 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, and they deserve to exercise their right to participate in civic life through voting.

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

Executed on the 22 day of December, 2025, in Suwanee, Georgia.

Maria del Rosario Palacios