

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
FRANKFORT DIVISION  
CASE NO. 3:26-cv-00019-GFVT

THE UNITED STATES OF AMERICA

PLAINTIFF

v.

KENTUCKY STATE BOARD OF ELECTIONS, *et al.*

DEFENDANTS

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KENTUCKY STATE BOARD OF ELECTIONS' MOTION TO DISMISS

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The United States of America fails to state a claim against the State Board of Elections and its members,<sup>1</sup> and the law does not allow the Department of Justice to “demand” Kentucky’s statewide voter registration list. For these reasons, the State Board of Elections respectfully moves the Court to dismiss the Complaint, and to deny the United States’ demand for records to which it is not entitled.

**INTRODUCTION**

This case presents a question of statutory construction: Does a voter registration list *created by* the State “come into” its possession within the meaning of the Civil Rights Act? It does not. The Department’s Complaint and demand therefore fail.

The State Board of Elections is the Commonwealth’s *chosen* agency for administering the State’s election laws and building and maintaining its statewide voter registration list.<sup>2</sup> In limited circumstances, the Attorney General may inspect and copy certain “records and papers” that “*come into* [the Board’s] possession relating to any application, registration, payment of poll tax, or other act

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<sup>1</sup> The United States has sued the State Board of Elections and its members in their official capacities. Because “a suit against a state official in his or her official capacity is not a suit against the official but rather is a suit against the official’s office,” *Will v. Michigan Dep’t of State Police*, 491 U.S. 58, 71 (1989), this motion, and the case caption, collectively refers to the Board and its members sued in their official capacities as the “State Board of Elections” or “Board.”

<sup>2</sup> KRS 117.025(3)(i).

requisite to voting.”<sup>3</sup> Stated another way, the law authorizes the Attorney General to access those records that election officials *receive* in the voter registration process. It does not authorize the Department of Justice to demand production of the statewide voter registration list, which contains sensitive personally identifiable information of *all* of Kentucky’s voters.

In capsule form, the Complaint should be dismissed and the Department’s demand denied for two reasons: First, Kentucky’s statewide voter registration list is a dynamic, state-created compilation (an administrative work product)—not a “record” that “came into” the State Board’s possession within the meaning of the CRA. This is the decisive issue. The voter registration list is generated by the State Board—not received by it. Title III applies only to records received *from* voters and registrants as part of the registration process. And even if the Department could demand statewide voter records, its demand here is statutorily deficient.

Second, the Department’s interpretation would dramatically expand its authority in an area where the Constitution assigns primary responsibility to the States. The Elections Clause establishes a constitutional default of state control, subject to Congressional override. If Congress intended to authorize the Executive Branch to demand every State’s complete voter list as part of a nationwide oversight regime, it would have said so clearly. It did not.<sup>4</sup>

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<sup>3</sup> 52 U.S.C. § 20703 (emphasis added).

<sup>4</sup> The Court should also dismiss the Complaint to the extent it purports to sue Mr. Adams in his capacities as Secretary of State and the Commonwealth’s chief elections official. Under Kentucky law, only the State Board has the authority to release the Commonwealth’s voter registration list. KRS 117.025(3)(a) (“The Board shall . . . [m]aintain a complete roster of all qualified registered voters within the state by county and precinct, and institute appropriate safeguards to ensure that there is no inappropriate use of the voter registration roster.”); *see also* July 23, 2025, correspondence from Jennifer Scutchfield, attached as **Exhibit 1**. For that reason, the Complaint fails to state any claim against Secretary Adams insofar as it purports to sue him in his capacity as Secretary of State and Kentucky’s chief elections official.

## RELEVANT BACKGROUND

### **A. The Kentucky State Board of Elections—the bipartisan agency responsible for voter list maintenance in the Commonwealth**

The State Board maintains a complete roster of all of the qualified registered voters in Kentucky.<sup>5</sup> As of February 2026, there are 3,354,665 Kentuckians on that list of registered voters.<sup>6</sup> As an independent agency of Kentucky state government, the State Board of Elections is entrusted with the maintenance of that list and the administration of Kentucky’s election laws.<sup>7</sup> The Board, with its staff, diligently works to comply with state and federal law, including the National Voter Registration Act (NVRA), the Civil Rights Act (CRA), and the Help America Vote Act (HAVA). Consistent with the NVRA’s purposes “to protect the integrity of the electoral process” and “to ensure that accurate and current voter registration rolls are maintained,”<sup>8</sup> Kentucky’s State Board of Elections has, since 2019, removed roughly 735,000 ineligible voter registrations from the voter rolls.<sup>9</sup>

To do that work, the State Board relies on robust relationships with state and federal partners. For example, it contracts with the Kentucky Department of Transportation and the Administrative Office of the Court to double-check the accuracy of the voter registration list and to update it. The Board also regularly compares its voter registration list with the Social Security Master death file, and works with the Department of Justice to remove individuals who have self-identified as unable to

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<sup>5</sup> KRS 117.025(3)(i).

<sup>6</sup> See State Board’s Registration Statistics, <https://elect.ky.gov/Resources/Pages/Registration-Statistics.aspx> (February 2026 reports).

<sup>7</sup> KRS 117.015(1) (charging the Board with the “registration and purgation of voters”).

<sup>8</sup> 52 U.S.C.A. § 20501(b)(3), (4).

<sup>9</sup> *Judicial Watch, Inc. v. Grimes*, No. 3:17-cv-94, 2018 (E.D. Ky. Nov. 14, 2017) (State Board of Elections’ Notice of Compliance with Consent Decree, Doc. No. #99, March 28, 2025); see also Press Release, available at <https://perma.cc/D96R-HEDC>.

serve on federal juries due to citizenship. The Board also routinely removes registrants who have moved away or registered to vote in other jurisdictions.

**B. The Department of Justice’s demands for the Commonwealth’s voter files, and the State Board’s response<sup>10</sup>**

The State Board values its relationship with *any* agency that helps it do its work. That is why the State Board of Elections has *not* refused the Department’s request—though the Complaint suggests otherwise. In fact, the Department twice suggests that the Board “refused the Attorney General’s demand,”<sup>11</sup> and that it “refused to comply with the Attorney General’s demand.”<sup>12</sup> That demand was first sent to the Secretary of State in July 2025,<sup>13</sup> who directed the Department to contact the State Board of Elections<sup>14</sup>, which demanded a response within just 14 days.<sup>15</sup>

Before the time to respond had expired, the Department sent yet another letter. In it, the Department “clarified” that the list “should contain *all* fields, . . . include[ing] the registrant’s full name, date of birth, residential address, his or her state driver’s license number or the last four digits of the registrant’s social security number.”<sup>16</sup> The Department also claimed that it intended to “assess your

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<sup>10</sup> In this section, the Board references and attaches the correspondence discussed in the Complaint. These attachments do not convert this motion to dismiss to one for summary judgment. *Jackson v. City of Columbus*, 194 F.3d 737, 745 (6th Cir. 1999) (“Documents attached to a motion to dismiss are considered part of the pleadings if they are referred to in the plaintiff’s complaint and are central to the plaintiff’s claim. Courts may also consider public records, matters of which a court may take judicial notice, and letter decisions of governmental agencies.”) (cleaned up and collecting cases)).

<sup>11</sup> Compl. [DE 1, PageID#8], ¶ 26.

<sup>12</sup> *Id.* [DE 1, PageID#8–9], ¶ 33.

<sup>13</sup> July 17, 2025, correspondence to Secretary of State Michael Adams, attached as **Exhibit 2**.

<sup>14</sup> Aug. 8, 2025, correspondence to Executive Director Karen Sellers, attached as **Exhibit 3**. Again, it is the Board that maintain the “complete roster of all qualified registered voters within the state by county and precinct.” KRS 117.025(3)(a).

<sup>15</sup> July 23, 2025, correspondence from Jennifer Scutchfield, attached as **Exhibit 1**.

<sup>16</sup> Aug. 14, 2025, correspondence to Secretary of State Michael Adams, attached as **Exhibit 4** (emphasis added).

state’s compliance with the statewide VRL maintenance provisions of the National Voter Registration Act,” that the demand was made “pursuant to the Attorney General’s authority under Section 11 of the NVRA to bring enforcement actions,”<sup>17</sup> further suggested that the Attorney General’s demand was made under the Help America Vote Act and Title III of the Civil Rights Act of 1960,<sup>18</sup> and—*without citation to any authority*—asserted that “Congress plainly intended that DOJ be able to conduct an independent review of each state’s list,” and that “[a]ny statewide prohibitions are clearly preempted by federal law.”<sup>19</sup>

The State Board timely responded.<sup>20</sup> As requested, the Board outlined its substantial efforts to comply with the voter list maintenance program required by the National Voter Registration Act, including its having successfully met the requirements of a consent judgment ensuring its compliance with that federal law.<sup>21</sup> Later in August, the Board supplemented its response. There, it provided comprehensive answers to the Department’s many questions in its July 17 correspondence.<sup>22</sup>

Yet the Board did not provide its statewide voter registration list. For good reason. The Board expressed concern over the broad demand for such sensitive personal data. As it explained to the Department, the Board “is committed to safeguarding the sensitive information it possesses, as that information belongs to the Kentuckians [the Board] serves.”<sup>23</sup>

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<sup>17</sup> *Id.* (citing 52 U.S.C. § 20501(a)).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at n.2. Of course, one would expect there would be *some* authority for such a claim. None has been provided.

<sup>20</sup> August 22, 2025, correspondence from the Board to the Department, attached as **Exhibit 5**. Notably, the Board timely responded within the arbitrary deadline the Department had set.

<sup>21</sup> *Judicial Watch, Inc. v. Grimes*, No. 3:17-cv-94, 2018 (E.D. Ky. Nov. 14, 2017) (State Board of Elections’ Notice of Compliance with Consent Decree, Doc. No. #99, March 28, 2025).

<sup>22</sup> August 29, 2025, correspondence from the Board to the Department, attached as **Exhibit 6**.

<sup>23</sup> August 22, 2025, correspondence from the Board to the Department, attached as **Exhibit 5**.

The Department didn't respond—for months. Thus, the Board followed up on October 15, 2025. In its correspondence, the Board reiterated its concerns and that it “ha[d] not received the requested clarification as to how DOJ is complying with its requirements under both the Privacy Act of 1974 and the Driver’s License Protection Act.”<sup>24</sup> In any event, the Board provided a redacted List—that is, “a copy of the voter registration list that does not include the otherwise protected data.”<sup>25</sup>

More than a month passed. Nothing. When the Department finally responded, it did so with another demand: that the Board execute a memorandum of understanding *within seven days*.<sup>26</sup> The Department did not, however, address the Board’s concerns nor invite any further discussion or negotiation. Sign and send, it said. Since that demand, the Board has met twice.<sup>27</sup> Now, the Department sues, and it wants the records in five days.<sup>28</sup>

All that said, the Board seeks to follow the law. As the Board reads the law, however, it has no obligation nor any authority to share the entire statewide voter registration list with the Department. Increasingly, federal courts across the country agree.<sup>29</sup> This one should too.

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<sup>24</sup> Oct. 15, 2025, correspondence from the Board to the Department, attached as **Exhibit 7**.

<sup>25</sup> *Id.* That complied with the NVRA and the Board’s practice in other contexts. The Board redacts personal information because “nothing in the text of the NVRA prohibits the appropriate redaction of uniquely or highly sensitive personal information in the Voter File.” *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024).

<sup>26</sup> Dec. 2, 2025, email from the Department to the Board, attached as **Exhibit 8**.

<sup>27</sup> During that time, the Board has communicated with the Department. *See* Dec. 16, 2025, email exchange, attached as **Exhibit 9**.

<sup>28</sup> Compl. [DE 1], at PageId#9.

<sup>29</sup> *See United States v. Benson*, --- F.Supp.3d ---, No. 1:25-CV-1148, 2026 WL 362789 (W.D. Mich. Feb. 10, 2026) (on appeal); *United States v. Weber*, --- F.Supp.3d ---, No. 2:25-CV-09149-DOC-ADS, 2026 WL 118807 (C.D. Cal. Jan. 15, 2026) (on appeal); *United States v. Oregon*, No. 6:25-CV-01666-MTK, 2025 WL 3496571 (D. Or. Dec. 5, 2025) (on appeal).

**C. The Department seeks statewide voter registration lists from multiple states**

On the day it sued, the Department also sued four other states—Utah, Oklahoma, West Virginia, and New Jersey—“for failure to produce their full voter registration lists upon request.”<sup>30</sup> The Department celebrated the number of its suits—exclaiming that this suit “brings the Justice Department’s nationwide total to 29 states and the District of Columbia.”<sup>31</sup>

Even while the Department has opened new fronts in demanding statewide voter registration lists from each of the states, it is retreating from its earlier claims. Whereas it previously made its demands under the NVRA,<sup>32</sup> HAVA, and the CRA,<sup>33</sup> here the Department sues the Board on only one claim: the alleged violation of 52 U.S.C. § 20703.<sup>34</sup> For the reasons below, that claim fails.

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<sup>30</sup> Press Release, *Justice Department Sues Five Additional States for Failure to Produce Voter Rolls* (Feb. 26, 2026), <https://perma.cc/HN9T-M772>.

<sup>31</sup> *Id.*

<sup>32</sup> The Department drops any claim under the NVRA. Even so, although beyond the scope of the question presented here, the Board does not agree that the statewide voter registration list is a record “concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters”—the only records subject to public inspection under the Act. The reason is based in the text itself, which on its face describes two sets of records: the list and records “concerning” the program to ensure the list is accurate. *See* 52 U.S.C. 20507(i)(1).

<sup>33</sup> Compl. [DE 1, PageID#9], at ¶¶ 34–38; *compare, e.g.*, this Complaint *with* the Department’s Complaint in the Oregon case. There, it sued for alleged violations of the NVRA, HAVA, and the CRA.

<sup>34</sup> The Department’s retreat makes sense. HAVA includes *no* disclosure requirement whatsoever, *see* 52 U.S.C. §§ 20901-21145, and the NVRA’s “public inspection provision” does not authorize wholesale access to the voter registration list, *Project Vote/Voting for Am., Inc.*, 682 F.3d at 339 (affirming district court order to redact social security numbers before disclosure under NVRA); *N.C. State Bd. of Elections*, 996 F.3d at 268 (recognizing that the NVRA permits redactions to “protect sensitive information”); *Pub. Int. Legal Found., Inc. v. Dahlstrom*, 673 F.Supp.3d 1004, 1016 (D. Alaska 2023) (holding the NVRA permits “the exclusion of sensitive personal information” from disclosure); *Pub. Int. Legal Found., Inc. v. Matthews*, 589 F.Supp.3d 932, 942 (C.D. Ill. 2022) (holding the NVRA permits “proper redaction of highly sensitive information”); *Project Vote, Inc. v. Kemp*, 208 F.Supp.3d 1320, 1344–45 (N.D. Ga. 2016) (holding the NVRA “does not require the disclosure of sensitive information that implicates special privacy concerns,” including telephone numbers, partial social security numbers, partial email addresses, and birthdates); *True the Vote v. Hosemann*, 43 F.Supp.3d 693, 739 (S.D. Miss. 2014) (holding the NVRA “does not require the disclosure of unredacted voter registration

**LEGAL STANDARD**

Under Federal Rule of Civil Procedure 12(b)(6), the Department’s Complaint must be dismissed if its allegations fail to state a claim upon which relief can be granted.<sup>35</sup> Yet the Department insists that this is a summary proceeding, and that the Court need only order the Board to produce its statewide voter registration list. But even if this proceeding is more like an administrative subpoena enforcement action, the Federal Rules of Civil Procedure apply,<sup>36</sup> and this Court is not a “rubber stamp.”<sup>37</sup> Instead, the Court must determine “whether the subpoena, and the enforcement process, are authorized by Congress, whether the information sought is relevant to the agency’s investigation.”<sup>38</sup>

Even if these standards are satisfied, “[a]n agency investigatory tool might be resisted if the agency acted in ‘bad faith,’” such as with the purpose of harassing the subpoena recipient or “pressur[ing] the recipient to settle a collateral dispute.”<sup>39</sup> An investigation would be in bad faith if the agency made “a conscious decision . . . to pursue a groundless allegation without hope of proving that allegation.”<sup>40</sup> Finally, the Court may decline to enforce a subpoena if the agency is “abusing the court’s process.”<sup>41</sup>

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documents, including voter registrant birthdates”); *Project Vote/Voting For Am., Inc. v. Long*, 752 F.Supp.2d 697, 711 (E.D. Va. 2010) (holding the NVRA permits redacting social security numbers); *see also* footnote 32.

<sup>35</sup> *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007).

<sup>36</sup> Fed. R. Civ. P. 81 (“These rules apply to proceedings to compel testimony or the production of documents through a subpoena issued by a United States officer or agency under a federal statute, except as otherwise provided by statute, by local rule, or by court order in the proceedings.”).

<sup>37</sup> *United States v. Markwood*, 48 F.3d 969, 979.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 978.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

## ARGUMENT

The Board tried to work with the Department. It sought to strike a balance between its privacy concerns and both agency’s shared interest in election integrity. But the law here favors the Board, the Complaint should be dismissed, and the Department’s demand should be denied. Below, the Board will outline its privacy concerns rooted in state and federal law (Section I); explain why the CRA does not authorize the Department’s demand (Section II); show why the Department’s demand was deficient even if the CRA had any application (Section III); and explain why this case presents a “major question,” which further supports the Board’s reading of the law.

### **I. The Board provided a redacted list to the Department—consistent with its privacy concerns and state and federal law.**

First things first. Before turning to the statutory question presented, one point should be clear. The State Board has *not* refused to cooperate with the Department. To the contrary, the Board sought to accommodate the Department’s request while honoring its legal obligation to safeguard sensitive personal information entrusted to it by Kentucky voters. It gave the Department a redacted list.<sup>42</sup>

The Department demanded every field in the Board’s list, including “the registrant’s full name, date of birth, residential address, his or her state driver’s license number or the last four digits of the registrant’s social security.”<sup>43</sup> The Board expressed concern that disclosing such information would expose the personal data of millions of Kentuckians without a clear statutory basis.<sup>44</sup>

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<sup>42</sup> Oct. 15, 2025, correspondence from the Board to the Department, attached as **Exhibit 7**. The Department failed to view the statewide voter registration list until November 18, 2025. *See* Electronic package delivery receipt, attached as **Exhibit 10**.

<sup>43</sup> Aug. 14, 2025, correspondence to Secretary of State Michael Adams, attached as **Exhibit 4** (emphasis added).

<sup>44</sup> August 22, 2025, correspondence from the Board to the Department, attached as **Exhibit 5**.

Even so, the Board tried to work with the Department. Recognizing the State and Federal government’s shared interest in working *together* to ensure election integrity,<sup>45</sup> the Board invited further discussion on the more private information requested.<sup>46</sup> To be clear, the Board provided a *redacted* version of the statewide voter registration list—in compliance with state<sup>47</sup> and federal law.<sup>48</sup> The Board provides such lists to candidates, political parties, and ballot-question advocates.<sup>49</sup> The Board does not, however, provide social security and driver license numbers.<sup>50</sup>

That is consistent with federal law. The Privacy Act prohibits the disclosure of “any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains” unless the disclosure meets one of thirteen exceptions not relevant here.<sup>51</sup> Because the Board contracts with the Kentucky Transportation Cabinet to aid in its voter-list

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<sup>45</sup> KRS 117.025(3)(i).

<sup>46</sup> August 22, 2025, correspondence from the Board to the Department, attached as **Exhibit 5**.

<sup>47</sup> KRS 61.878(1)(a) (exempting from disclosure public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy); *Kentucky New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 89 (Ky. 2013) (holding that agencies may apply a “categorical rule” to withhold certain information, including “phone number, social security number, or the other forms of personal information”);

<sup>48</sup> 5 U.S.C. § 552a(b) (Privacy Act); 18 U.S.C. § 2721(a) (Driver’s Privacy Protection Act); *see also Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024) (collecting authority). None of exceptions to the Privacy Act apply. Yet even if one did apply, the Department has not complied with the procedural requirement to publish a System of Records Notice in the Federal Register.” 5 U.S.C. § 552a(e)(4).

<sup>49</sup> KRS 117.025(3)(i); 31 KAR 3:010, Section 6 (Requests for Voter Registration Lists).

<sup>50</sup> KRS 61.878(1)(a) (exempting from disclosure public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy); *Kentucky New Era, Inc. v. City of Hopkinsville*, 415 S.W.3d 76, 89 (Ky. 2013) (holding that agencies may apply a “categorical rule” to withhold certain information, including “phone number, social security number, or the other forms of personal information”).

<sup>51</sup> 5 U.S.C. § 552a(b).

maintenance program, the Drivers Privacy Protection Act prohibits the Board from disclosing “personal information” about any individual that is obtained in connection with a “motor vehicle record.”<sup>52</sup> The Department refused to address its obligations—or the Board’s—under these statutes.

Instead, the Department sued. Yet the Board has *no* obligation to turn over Kentucky’s statewide voter registration list to the Department—whether under the CRA or any other federal law.<sup>53</sup>

The Department’s demand should thus be denied, and the Complaint should be dismissed.

**II. Title III of the Civil Rights Act does not authorize the Department to demand Kentucky’s statewide voter registration list.**

Now, turn to the text of the Civil Rights Act. This case turns on a single statutory phrase in the CRA, which is the legal authority the Department relies on. The Department tries to make that phrase carry more weight than it can bear. The Civil Rights Act permits the Attorney General to inspect and copy only a defined category of materials: “all records and papers which come into [the Board’s] possession relating to any application, registration, payment of poll tax, or other act requisite to voting.”<sup>54</sup> The statewide voter registration list is not one of those records. Thus, the Department’s demand fails.

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<sup>52</sup> 18 U.S.C. § 2721(a)(1).

<sup>53</sup> Both statutes include exceptions for “law enforcement.” For example, the Privacy Act provides an exception if the Department articulates “the particular portion desired and the law enforcement activity for which the record is sought.” 5 U.S.C.A. § 552a(b)(7). The Drivers Privacy Protection Act exempts disclosure for “use by any government agency . . . in carrying out its functions.” 18 U.S.C.A. § 2721(b)(1). Neither exception allows for the sort of generalized request for all data from all state for general assessment purposes, as the Department suggests here.

<sup>54</sup> 52 U.S.C. § 20703 (referencing and incorporating by reference the records stated in the record keeping requirement of § 20701) (emphasis added). The record keeping requirements applies to “any general, special, or primary election of which candidates for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Resident Commissioner from the Commonwealth of Puerto Rico.” 52 U.S.C. § 20701.

The text includes a precise limitation. The statute reaches only records that “*come into*” the Board’s possession. That phrase describes *acquisition* from an external source. There can be no reasonable argument that a record the Board creates has “come into” its possession. Rather, the ordinary and common meaning of that phrase is that the statute applies to records *received* by the Board—not records *created* by the Board itself.<sup>55</sup>

What the “statute’s text indicates, its context confirms.”<sup>56</sup> The Act references the records that must be preserved. Those records include the “application, registration, payment of poll tax, or other act requisite to voting.” Each of those terms describes a record that originates with the voter or would-be registrant — something submitted or done in the course of becoming eligible to vote. The statute thus targets records that election officials receive *from* voters—not compilations or records assembled by the State through ongoing administrative processes. “Such an interpretation makes sense given that when the CRA was passed, the federal government’s attempts to protect the voting rights of Black citizens had been frustrated by state officials’ destruction of voter registration applications.”<sup>57</sup>

Kentucky’s statewide voter registration list is entirely different. It is not a record submitted by a voter or registrant. Nor is it a discrete record that “*comes into*” the Board’s possession. It is a dynamic, continuously updated list created, structured, and maintained by the State Board of Elections. It incorporates information drawn from records obtained from registrants, but is the product of the

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<sup>55</sup> *United States v. Sweeney*, 891 F.3d 232, 238 (6th Cir. 2018) (quoting *Perrin v. United States*, 444 U.S. 37, 42 (1979) (“A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.”); see also Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 69–77 (2012).

<sup>56</sup> *Pereida v. Wilkinson*, 592 U.S. 224, 232 (2021).

<sup>57</sup> *United States v. Benson*, --- F.Supp.3d ---, No. 1:25-CV-1148, 2026 WL 362789, at \*9 (W.D. Mich. Feb. 10, 2026) (citing *Report of the United States Commission on Civil Rights* 93 (1959), <https://perma.cc/2PDF-GZHB> (“Rejected applications were destroyed approximately 30 days after being rejected, which fact made accurate statistical review of the records impossible.”)).

Board’s own work—it includes updates and data obtained from multiple sources, including interjurisdictional notifications, motor vehicle records, death records, and other state and federal agencies. The list is an internally generated governmental record—not a record received in the registration process.

The preservation requirement in § 20701 further supports this reading. The statute requires election officials to “retain and preserve” the covered records for a specified period. That requirement makes sense as applied to discrete records received in the course of registration—applications, affidavits, poll tax receipts, and similar materials. It is far less coherent when applied to a constantly evolving statewide list that is, by design, subject to daily revision under state and federal list-maintenance obligations. Congress in 1960 legislated against a paper-record backdrop, not a modern, continuously recalibrated statewide digital registry. As with the federal court in Michigan, this “court is not a ‘telepathic time-traveler,’ and thus it ‘cannot rewrite Congressional legislation to cover a situation that Congress may not have foreseen.’”<sup>58</sup>

At least one federal court—in this Circuit—agrees with this distinction. In *United States v. Benson*, the United States District Court for the Western District of Michigan held that the phrase “come into [its] possession” refers to documents submitted to the State as part of the voter registration process, not to a statewide voter registration list created and maintained by state officials.<sup>59</sup> The Department has appealed that decision, but its reasoning is sound. There, the court explained that the statutory language “naturally refers to a process by which someone acquires an item from an external

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<sup>58</sup> *United States v. Benson*, 2026 WL 362789, at \*10 (W.D. Mich. Feb. 10, 2026) (citations omitted).

<sup>59</sup> *Id.*

source,”<sup>60</sup> and that the surrounding terms confirm Congress was referring to records received from voters.<sup>61</sup> That reasoning flows directly from the text.

The Department’s contrary interpretation would effectively read the limiting phrase “come into [its] possession” out of the statute,<sup>62</sup> while expanding potential criminal liability.<sup>63</sup> That cannot be right. If every record in the Board’s possession qualifies, then the statute would cover not only registration applications, but any list, database, spreadsheet, or other record created by the State that incorporates such information, and the potential for criminal liability multiplies.<sup>64</sup> That is not how statutory construction works—nor how a textual limit operates. Courts must “give effect, if possible, to every clause and word of a statute.”<sup>65</sup> The phrase “*come into*” must do work. Under the Department’s endorsed construction, it doesn’t. And if Congress intended to cover every record it would have said.

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<sup>60</sup> *Id.* at \*9 (collecting authority).

<sup>61</sup> *Id.* (“This interpretation of ‘come into [their] possession’ is bolstered by the next words in the sentence: ‘relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.’ Each of these terms refers to something that the voter submits or does as part of the registration process.”).

<sup>62</sup> *Keeley v. Whitaker*, 910 F.3d 878, 884 (6th Cir. 2018) (“Under accepted canons of statutory interpretation, we must interpret statutes as a whole, giving effect to each word and making every effort not to interpret a provision in a manner that renders other provisions of the same statute inconsistent, meaningless or superfluous.”).

<sup>63</sup> *See* 52 U.S.C. § 20701 (“Any officer of election or custodian who willfully fails to comply with this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both); 52 U.S.C. § 20702 (providing criminal penalties for “an officer of election or custodian, who willfully steals, destroys, conceals, mutilates, or alters any record or paper required by section 20701 of this title to be retained and preserved”);

<sup>64</sup> *United States v. Granderson*, 511 U.S. 39, 54 (1994) (“In these circumstances—where text, structure, and history fail to establish that the Government’s position is unambiguously correct—we apply the rule of lenity and resolve the ambiguity in [the defendant’s] favor.”).

<sup>65</sup> *United States v. Medlock*, 792 F.3d 700, 709 (6th Cir. 2015) (quoting *Williams v. Taylor*, 529 U.S. 362, 364 (2000) (“It is a cardinal principle of statutory construction that courts must give effect, if possible, to every clause and word of a statute.” (cleaned up))).

In sum, courts “do not interpret a statute for all it is worth when a reasonable person would not read it that way.”<sup>66</sup> Because Kentucky’s statewide voter registration list is *created* by the State Board and does not “*come into*” its possession within the meaning of § 20701, it is not subject to “demand” by the Department under Title III of the Civil Rights Act. The Complaint, and the Department’s demand, therefore fail as a matter of law.

### III. The Department has not sufficiently stated “the basis and the purpose” for its demand.

One other point on the text. The Department’s demand fails for another reason: the statute requires two distinct showings when the Department seeks to inspect records under Title III of the Civil Rights Act. To make its demand, the Department *must* state both the “basis” for the request and the “purpose therefor.”<sup>67</sup> Each must be given independent meaning, and the Department has not properly stated its demand.

Instead, it relies on mere “labels and conclusions.” The Department has asserted that it need only state that its demand is “for the purpose of investigating possible violations of federal law.”<sup>68</sup> That is not enough. This reading—a mere “formulaic recitation”—collapses the statute’s dual requirement into one.<sup>69</sup> If reciting the existence of enforcement authority were sufficient “*basis*,” then it would render meaningless the textual requirement that the Department also state a “*purpose*.”

This Court must presume there are no *useless* words in the law. It must “give effect, if possible, to every clause and word of a statute.”<sup>70</sup> The terms “basis” and “purpose” therefore cannot be synonymous. Yet the Department’s letters state *only* that its purpose is to “assess Kentucky’s

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<sup>66</sup> *Biden v. Nebraska*, 600 U.S. 477, 521 (2023) (Barrett, J. concurring).

<sup>67</sup> 52 U.S.C. § 20703.

<sup>68</sup> United States’ Resp. to motion to dismiss [DE 53, PageID#671], *United States v. Benson, et al.*, Case No. 1:25-cv-01148.

<sup>69</sup> *Bell Atl. Corp. v. Twombly*, 550 U.S. at 555.

<sup>70</sup> *Keeley v. Whitaker*, 910 F.3d at 884.

compliance with the list maintenance requirements of the NVRA and HAVA,<sup>71</sup> and a generalized desire to “assess compliance” does not explain the *basis* for targeting Kentucky’s statewide voter registration list in the first place. The Department does not identify any information suggesting noncompliance. It does not allege any irregularities. It does not claim to have received any complaints. It does not assert that Kentucky’s list-maintenance program is deficient.

Nor could it. As this Court knows, in 2017, the State Board was sued—in *this Court*—for alleged violations of the NVRA.<sup>72</sup> The Department intervened. A consent judgment was entered in 2018 and later extended once before expiring in March 2025. That decree required the Board to implement a general program making a reasonable effort to remove ineligible voters from the rolls consistent with the NVRA’s procedural safeguards. The Board did exactly that. By the time the decree was set to expire—just last year—in March 2025, the Board had removed roughly 735,000 ineligible registrations, and publicly reaffirmed that clean voter rolls are required by state and federal law and pledged continued compliance after the decree’s sunset.<sup>73</sup>

The Department did not object to the decree’s expiration. Nor did it claim noncompliance. To the contrary, the Department’s position shifted: having *sued* the Board under the NVRA years earlier, it later supported the Board in litigation filed in 2025 in which it defended the Board’s list-maintenance efforts as fully consistent with the NVRA. When the Board was challenged for removing ineligible registrants under KRS 116.113(5), the Department took the remarkable step of filing a statement of interest in the Board’s favor.<sup>74</sup> The Department cannot plausibly portray the Board’s list-maintenance efforts as suspect *now* when it previously demanded compliance, oversaw compliance

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<sup>71</sup> Aug. 14, 2025, correspondence to Secretary of State Michael Adams, attached as **Exhibit 4**.

<sup>72</sup> *See Judicial Watch, Inc. v. Grimes*, No. 3:17-cv-94 (E.D. Ky. Nov. 14, 2017).

<sup>73</sup> *Id.* (State Board’s Notice of Compliance with Consent Decree, DE #99, March 28, 2025).

<sup>74</sup> *See Kentuckians for the Commonwealth v. Adams, et al.*, 3:24-cv-00387 (Statement of Interest of the United States, DE 39, March 27, 2025).

with this Court’s help, declined to ask this Court to extend the consent judgment when it had the chance, and then positively affirmed the Board’s maintenance efforts.<sup>75</sup>

Instead, the Department merely invokes its enforcement authority and requests Kentucky’s entire statewide list. The statute requires more. And the Fifth Circuit’s decision in *Kennedy v. Lynd* does not compel a different result. There, the Attorney General’s demand was “based upon information in the possession of the Attorney General tending to show that distinctions on the basis of race or color have been made with respect to registration and voting.”<sup>76</sup> With that explanation, the court concluded that the Attorney General had adequately stated the “basis and purpose” for seeking records to determine whether suits should be instituted to remedy those violations.

This case is materially different. The Department does not assert that it possesses information suggesting Kentucky is violating federal election law. Nor does it state that it seeks records to determine whether the Board has engaged in some unlawful practices. Instead, it seeks the Commonwealth’s entire voter list to conduct a broad review of compliance—in Kentucky and across the country. Whatever § 20703 may permit, it does not authorize open-ended inspection untethered from an articulated “basis.”

Requiring the Department to identify a factual predicate for its demand does not “engraft” additional conditions onto the statute, as the Department has argued elsewhere.<sup>77</sup> It simply enforces the words Congress chose. The Attorney General need not prove a violation at this stage. But she must articulate more than the bare statement that she wishes to ensure compliance with federal law.

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<sup>75</sup> *Id.*

<sup>76</sup> *Kennedy v. Lynd*, 306 F.2d 222, 231 (5th Cir. 1962).

<sup>77</sup> *United States v. Morton Salt Co.*, 338 U.S. 632, 642 (1950).

Otherwise, the statutory requirement that she state a “basis” would be meaningless.<sup>78</sup>

Nor does the Board’s endorsed reading improperly heighten the standard applicable to administrative demands. Even under traditional subpoena-enforcement principles, a court must determine whether the request is authorized by Congress and whether the information sought is reasonably relevant to a lawful inquiry.<sup>79</sup> That judicial role presupposes an identifiable inquiry grounded in some stated basis. A demand justified only by the assertion of enforcement authority leaves nothing for the Court to evaluate. While the Department may “investigate merely on suspicion that the law is being violated,” the text here does not suggest that the Department may do so “just because it wants assurance that it is not.”<sup>80</sup> By requiring a “purpose,” Congress required otherwise.<sup>81</sup>

Here, two other federal courts agree. In *United States v. Oregon*, the federal district court for the District of Oregon concluded that “Title III explicitly requires a statement of ‘the basis and the purpose,’”<sup>82</sup> and the Department’s “interpretation fails to give full meaning to both ‘basis’ and ‘purpose.’” Thus, the court concluded that “basis” means “a factual basis for investigating a violation of a federal statute.”<sup>83</sup> The same in California. There, the court concluded that the Department’s “basis is the reasoning provided by the DOJ regarding the evidence behind its investigation of a particular state and specific, articulable facts pointing to the violation of federal law. Here, the DOJ failed to

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<sup>78</sup> See, e.g., *United States v. Weber*, 2026 WL 118807, at \*9 (“The requirement that the Attorney General state [her] purpose and basis is not merely perfunctory—it is a critical safeguard that ensures the request is legitimately related to the purpose of the statute.”).

<sup>79</sup> *United States v. Markwood*, 48 F.3d at 977.

<sup>80</sup> *United States v. Morton Salt Co.*, 338 U.S. 632, 642–43.

<sup>81</sup> *West Virginia v. EPA*, 597 U.S. 697, 721 (2022) (“Where the statute at issue is one that confers authority upon an administrative agency, that inquiry must be shaped, at least in some measure, by the nature of the question presented—whether Congress in fact meant to confer the power the agency has asserted[.]”).

<sup>82</sup> No. 6:25-CV-01666-MTK, 2026 WL 318402, at \*9 (D. Or. Feb. 5, 2026).

<sup>83</sup> *United States v. Oregon*, No. 6:25-CV-01666-MTK, 2026 WL 318402, at \*9 (D. Or. Feb. 5, 2026).

provide an explanation for why it believed the NVRA was violated in its letter to the Secretary. And there was no explanation for why unredacted voter files for millions of Californians, an unprecedented request, was necessary for the DOJ’s investigation.”<sup>84</sup> As the court explained, the “requirement that the Attorney General state their purpose and basis is not merely perfunctory—it is a critical safeguard that ensures the request is legitimately related to the purpose of the statute.”<sup>85</sup>

Section 20703 allows the Department to investigate suspected violations of federal voting law. It does not authorize the Department to demand statewide voter lists simply to reassure itself that no violation exists. The Board does not ask the Attorney General to prove a violation—only to articulate why *Kentucky* is a target for inspection. Because the Department has not articulated a sufficient statutory “basis” for its demand, the Complaint fails.

\* \* \*

For these reasons, the United States has failed to articulate a sufficient basis and purpose for its request and, even if it had done so, the statewide voter registration list is not among the records that may be “demanded” under the Civil Rights Act.

**IV. Under the major questions doctrine, the Department has no authority to gather statewide voter registration lists for its stated purposes.**

One final point. The Department’s demand is not ordinary law enforcement. Instead, the Department seeks every State’s voter registration list so that it may compare them against federal databases and second-guess voter list maintenance in Washington.<sup>86</sup> That may be a policy Congress

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<sup>84</sup> *United States v. Weber*, 2026 WL 118807, at \*9.

<sup>85</sup> *Id.*

<sup>86</sup> See Department’s Proposed “Confidential Memorandum of Understanding,” attached as **Exhibit 11**, at 2 (“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.”); see also 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>.

should adopt. But it is not a program the Department may implement using an ambiguous statutory provision. Under the Supreme Court’s precedent, “this is a major questions case.”<sup>87</sup>

The Supreme Court “has long expressed reluctance to read into ambiguous statutory text extraordinary delegations of Congress’s powers.”<sup>88</sup> In “major questions cases,” the Court “has reasoned that both separation of powers principles and a practical understanding of legislative intent suggest Congress would not have delegated highly consequential power through ambiguous language.”<sup>89</sup> And the Supreme Court has repeatedly refused to discover sweeping authority in “modest words”<sup>90</sup> and “ancillary”<sup>91</sup> provisions—whether the claimed power was cancellation of hundreds of billions in student-loan debt,<sup>92</sup> a nationwide vaccine mandate,<sup>93</sup> or a forced transition of the national energy grid.<sup>94</sup>

This is that kind of case. The Department “claim[s] to discover in a long-extant statute an unheralded power” representing a “transformative expansion in [its] regulatory authority.”<sup>95</sup> It does so not through any targeted enforcement action tied to a concrete violation, but through a generic “demand” mechanism—an “ancillary provision”—to assemble a nationwide program of election administration oversight out of whole cloth. In other words, it claims a previously unknown

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<sup>87</sup> *W. Virginia v. Env’t Prot. Agency*, 597 U.S. 697, 724 (2022).

<sup>88</sup> *Learning Res., Inc. v. Trump*, 607 U.S. ----, No. 24–1287, 2026 WL 477534, at \*7 (U.S. Feb. 20, 2026) (cleaned up).

<sup>89</sup> *Id.*

<sup>90</sup> *W. Virginia v. Env’t Prot. Agency*, 597 U.S. at 723 (cleaned up).

<sup>91</sup> *Whitman v. Am. Trucking Associations*, 531 U.S. 457, 468 (2001) (“Congress, we have held, does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions—it does not, one might say, hide elephants in mouseholes.”).

<sup>92</sup> *Biden v. Nebraska*, 600 U.S. 477.

<sup>93</sup> 595 U.S. 109 (2022) (per curiam).

<sup>94</sup> *West Virginia v. EPA*, 597 U.S. at 723.

<sup>95</sup> *Id.* at 724 (quoting *Util. Air Regul. Grp. v. EPA*, 573 U.S. 302 (2014)).

“extraordinary” and “unilateral” power never used for this purpose.<sup>96</sup> “Given these circumstances, there is every reason to hesitate before concluding that Congress meant to confer on [the Department] the authority it claims under [52 U.S.C. § 20703].”<sup>97</sup> That is because “[e]xtraordinary grants of regulatory authority are rarely accomplished through ‘modest words,’ ‘vague terms,’ or ‘subtle devices.’”<sup>98</sup> The Department therefore must identify “clear congressional authorization” for the power it asserts.<sup>99</sup> Yet it cannot do that here.<sup>100</sup>

The Constitutional context makes the Department’s demand even more extraordinary. The Elections Clause says: “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.”<sup>101</sup> It establishes a structural default: States prescribe the “times, places and manner” of federal elections, and Congress—not the Executive—may “make or alter” those state regulations.<sup>102</sup>

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<sup>96</sup> *Learning Res., Inc. v. Trump*, 2026 WL 477534, at \*13.

<sup>97</sup> *W. Virginia v. Env’t Prot. Agency*, 597 U.S. at 725.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.* at 723.

<sup>100</sup> *Biden v. Nebraska*, 600 U.S. 477, 517–18 (Barrett, J. concurring) (“We have also been skeptical of mismatches between broad invocations of power by agencies and relatively narrow statutes that purport to delegate that power. Just as an instruction to ‘pick up dessert’ is not permission to buy a four-tier wedding cake, Congress’s use of a ‘subtle device’ is not authorization for agency action of ‘enormous importance.’”).

<sup>101</sup> U.S. Const. Art. I, § 4, cl. 1.

<sup>102</sup> *Millsaps v. Thompson*, 259 F.3d 535, 539 (6th Cir. 2001) (quoting *Foster v. Love*, 522 U.S. 67, 69 (1997)); *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 9 (2013) (“In practice, the Clause functions as ‘a default provision; it invests the States with responsibility for the mechanics of congressional elections, but only so far as Congress declines to pre-empt state legislative choices.’”).

That default matters. If Congress intends to displace state control with a nationwide federal verification regime, it must do so with unmistakable clarity.<sup>103</sup> Ambiguity will not do—especially where the claimed power would reallocate the mechanics of elections administration from state officials to federal administrators without Congressional approval. Yet the fix is easy. The Court should read “come into possession” as the limiting principle that Congress provided.

The Department’s interpretation has no limits. It would use the same phrase so that it may “come into possession” of *every record* in the State Board’s possession. If the Department believes a centralized federal verification system is wise, it should ask Congress to authorize it because “a decision of such magnitude and consequence rests with Congress itself.”<sup>104</sup> While “legislating can be hard and take time,” and “it can be tempting to bypass Congress when some pressing problem arises,” the “deliberative nature of the legislative process was the whole point of its design” of our Constitutional Republic. It is a virtue—not a vice. “Through that process, the Nation can tap the combined wisdom of the people’s elected representatives, not just that of one faction or man. There, deliberation tempers impulse, and compromise hammers disagreements into workable solutions.”<sup>105</sup> Given the fundamental importance of election law and administration,<sup>106</sup> it is easy to “appreciate the legislative process for the bulwark of liberty it is.”<sup>107</sup>

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<sup>103</sup> *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991) (explaining that where Congressional interference would upset the usual constitutional balance of federal and state powers, “it is incumbent upon the federal courts to be certain of Congress’ intent before finding that federal law overrides” this balance).

<sup>104</sup> *W. Virginia v. Env’t Prot. Agency*, 597 U.S. at 735.

<sup>105</sup> *Learning Res., Inc. v. Trump*, 2026 WL 477534, at \*35 (U.S. Feb. 20, 2026); *see also* Federalist No. 51 (Madison) (“Ambition must be made to counteract ambition.”).

<sup>106</sup> *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

<sup>107</sup> *Learning Res., Inc. v. Trump*, 2026 WL 477534, at \*35.

**CONCLUSION**

For these reasons, the Court should dismiss the United States' Complaint and deny its demand for the Commonwealth's statewide voter registration list.

Respectfully submitted,

/s/ Carmine Gennaro Iaccarino

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 10, 2026, I filed this motion with the Clerk of this Court using the Court's CM/ECF system, which will send notification to all registered parties and to Secretary of State Michael Adams via email at sos.secretary@ky.gov.

/s/ Carmine Gennaro Iaccarino

*Counsel for the State Board of Elections and each of its members in their official capacities as Board members*

# EXHIBIT 1



COMMONWEALTH OF KENTUCKY  
**OFFICE OF THE SECRETARY OF STATE**  
MICHAEL G. ADAMS

July 23, 2025

Michael E. Gates  
Maureen Riordan  
Civil Rights Division  
U.S. Department of Justice  
930 Pennsylvania Ave. NW -4CON  
Washington, DC 20530  
[Maureen.riordan2@usdoj.gov](mailto:Maureen.riordan2@usdoj.gov)  
[Voting.section@usdoj.gov](mailto:Voting.section@usdoj.gov)

**SENT VIA EMAIL**

Mr. Gates and Ms. Riordan:

The Secretary of State, Michael G. Adams, has served as Kentucky's chief election official since 2020. In this role, he chairs the Kentucky State Board of Elections, but pursuant to 2019 Kentucky House Bill 114, the Secretary of State does not manage the day-to-day operations of the State Board of Elections, as it statutorily has been designated an independent agency. The records you request are not within the possession of our Office, but with the State Board of Elections.

Kentucky is proud of its work in this period of time to ensure election integrity. In 2017, Judicial Watch, later joined by the U.S. Department of Justice (the "Department"), filed suit in federal court against the previous Secretary of State and the State Board of Elections. *Judicial Watch, Inc. v. Grimes, et al.*, 3:17-cv-00094. Judicial Watch alleged, among other things, that the defendants had not complied with the list maintenance provisions of the NVRA. Ultimately, a consent decree was entered, and it expired on March 31, 2025, with no extension requested by the Department.

Moreover, the Department filed the attached Statement of Interest in pending federal litigation in which an advocacy organization sued the Secretary of State and State Board of Elections in an attempt to have struck down a Kentucky law mandating removal of voters who have registered to vote in another state. The Department's Statement of Interest agrees with the Secretary of State and State Board of Elections that such removal is allowed under the NVRA. Our Office welcomes the Department's apparent satisfaction with, and support of, Kentucky's list maintenance efforts, respectively.

More information regarding Kentucky's list maintenance compliance can be found at <https://elect.ky.gov/Resources/Pages/List-Maintenance.aspx>, and a spreadsheet with all removals is attached to this response. From 2019 up to July 1, 2025, the following removals have been made:

Deceased – 306,009  
Felon – 40,720  
Incompetent – 3,416  
Moved Out of State – 34,124  
At Voter Request – 5,510

Duplicates – 13,392  
Non Citizen - 223  
Other – 41  
Inactive Purge – 352,747

The State Board of Elections maintains Kentucky's statewide voter registration database, but it is the responsibility of Kentucky's 120 county clerks to receive registration of voters. KRS 116.045(2). Kentucky law allows for a person to register to vote in person, by mail, by means of the federal postcard application, by mail-in application (prescribed by EAC) and by other means approved by the State Board of Elections. KRS 116.045(4). Through Kentucky statute and the National Voter Registration Act of 1993, voters may also register at the time of receiving or renewing their driver's license as well as register at designated voter registration agencies: social service agencies, armed forces recruitment offices, and disability service agencies. KRS 116.0455; 31 KAR 3:020. The State Board of Elections maintains monthly registration counts from each agency listed above on its website at <https://elect.ky.gov/Resources/Pages/Motor-Voter.aspx>. The primary origin of registration is driver's license offices. The most recent county counts spreadsheet is attached to this response.

Kentucky law requires the removal of a voter's name by the State Board of Elections upon the notice of death, declaration of incompetency, excusal from jury duty due to not being a citizen of the United States, conviction of felony, or out-of-state registration. KRS 116.113. The State Board of Elections is in contact with state agencies, sometimes daily, to receive this information (Vital Statistics, Department of Corrections, Administrative Office of the Courts, Department of Driver's Licensing, as well as the federal courts). The State Board of Elections uses information from the U.S. Postal Service to identify voters who may have moved and thus initiate the NVRA list maintenance provisions, and receives notifications from the Electronic Registration Information Center regarding in-state and out-of-state moves, deaths (via social security index) and potential duplicates. As you can see from the attached document, removals in almost all categories occur every month.

The Office of the Secretary of State is not able to provide specific responses to your questions regarding the State Board of Elections' answers to the most recent Election Administration and Voting Survey ("EAVS"). As stated previously, the Secretary of State does not oversee the day-to-day activities of the State Board of Elections, nor have access to the data in Kentucky's voter registration system pursuant to 2019 Kentucky House Bill 114. The EAVS report was completed exclusively by the State Board of Elections and the individual county clerks. For more information regarding these answers, you should consult the State Board of Elections.

If our Office can be of further assistance, do not hesitate to reach out.

Sincerely,



Jennifer S. Scutchfield  
Assistant Secretary of State

CC: Kentucky State Board of Elections

# EXHIBIT 2



## Civil Rights Division

Voting Section  
950 Pennsylvania Ave, NW – 4CON  
Washington, DC 20530

July 17, 2025

Via Mail and Email

The Honorable Michael Adams  
Secretary of State  
700 Capital Ave., Ste. 152  
Frankfort, KY 40601  
sos.secretary@ky.gov

Dear Secretary of State Adams:

We write to you as the chief election official for the Commonwealth of Kentucky to request information regarding the commonwealth's procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 *et seq.*

Please provide a list of the election officials who are responsible for implementing Kentucky's general program of voter registration list maintenance from November 2022 through receipt of this letter, including those responsible officials not employed by your office (such as local election officials) who are also involved in that effort. Please also provide a description of the steps that you have taken, and when those steps were taken, to ensure that the commonwealth's list maintenance program has been properly carried out in full compliance with the NVRA. Please include both the actions taken by Kentucky officials as well as county officials.

The NVRA requires each state and the District of Columbia to make available for inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). Section 11 of the NVRA authorizes the Attorney General to bring NVRA enforcement actions. *See* 52 U.S.C. § 20510.

Pursuant to Section 20507(i) of the NVRA, the Attorney General requests that you produce for inspection the following records:

The current electronic copy of Kentucky's computerized statewide voter registration list ("statewide voter registration list") as required by Section 303(a) of the Help America Vote Act. Please include all fields contained within the list. Please produce each list in a .xls, .csv, or delimited-text file format. Please specify what delimiter is used, if applicable, or provide a file layout along with a database user manual, coding list, or other materials that define or explain how a voter record is coded into the statewide voter

registration list and reported in the electronic copy of the statewide voter registration list.

Additionally, please provide the following information in electronic form. The time period for these requests is close of registration for the November 2022 general election through the close of registration for the November 2024 general election, the same time period as the most recent report from the Election Assistance Commission's Election Administration and Voting Survey ("EAVS"). If you are unable to provide the data, please explain why the data is not available.

1. A review of the most recent EAVS report indicates that in response to Question A1b, there are nearly as many registered voters listed as active as the citizen voting age population in Kentucky, with a registration rate in 2024 of 94.3 percent of the citizen voting age population. Furthermore, the EAVS report indicates that the ratio of active registered voters to citizen voting age population has been unusually high for several years, with Kentucky reporting a registration rate of 92.1 percent of citizen voting age population in 2022 and 98.6 percent in 2020. Please explain Kentucky's general program for removing ineligible voters from the official lists of eligible voters.
2. In the EAVS data for Question A3d, duplicate registrations, Kentucky did not report any number for any county. In the EAVS data for Question A12h, the number of voters removed for the reason of duplicate records, Kentucky did not report any number for any county. Please explain whether Kentucky checks the voter lists for duplicate registrations, and, if so, please describe the process and how often the check is performed. In the EAVS data for Question A13a, records merged or linked, Kentucky did not report any number for any county. Please explain if Kentucky has a process for merging voter records and, if so, how many records it has merged.
3. In the EAVS data for Question A3f, invalid or rejected registrations (other than duplicates), Kentucky reported 308,309 records, or 13.4 percent of 2,299,601 total registration transactions received (in Question A3a). Kentucky's percentage of invalid or rejected transactions out of total registration transactions is nearly four and a half times the national average of 3.0 percent. Please explain Kentucky's process for determining whether a registration is invalid or rejected.
4. In the EAVS data for Question A10a, Kentucky sent 97,539 confirmation notices. However, Kentucky did not provide numbers for any county for the results of the confirmation notices in Questions A10b through A10i. Kentucky also did not report any number for any county in the EAVS data for Questions A11a through A11n, reasons for sending confirmation notices to voters. Please provide the data for each county in Kentucky for Questions A10b through A10i and Questions A11a through A11n. Please also explain Kentucky's process for sending out and keeping track of the results of confirmation notices.
5. In the EAVS data for Questions A10a and A1b, Kentucky reported that it sent 97,539 confirmation notices out of 3,219,361 total active registered voters. Kentucky sent confirmation notices to 3.0 percent of total active registered voters in the commonwealth. The national average of 19.5 percent is more than six times Kentucky's percentage. Please

explain Kentucky's process for determining when to send a confirmation notice to an active registered voter.

6. In the EAVS data for Question A12e, Kentucky reported that it removed 127,436 voters for failure to respond to a sent confirmation notice and not voting in the two most recent federal elections. This category comprises 50.0 percent of the 255,035 total voter registration records removed that Kentucky reported in Question A12a. Please explain how Kentucky uses the confirmation notice process to remove voters from the voter lists.

Please provide a description of the steps that Kentucky has taken, and when those steps were taken, to identify registered voters who are ineligible to vote as well as the procedures Kentucky used to remove those ineligible voters from the registration list. Please identify the number of registered voters identified as ineligible to vote for the time period of the close of registration for the November 2022 general election through present for each of the following reasons:

1. Non-citizen
2. Adjudicated incompetent
3. Felony conviction

For each of those voters identified in categories 1-3 above, provide their registration information on the statewide voter registration list, including their vote history.

Please provide this information within 14 days of the date of this letter. The information and materials may be sent by encrypted email to [voting.section@usdoj.gov](mailto:voting.section@usdoj.gov) or via the Department's secure file-sharing system, Justice Enterprise File Sharing (JEFS).

Should further clarification be required, please contact Maureen Riordan at [maureen.riordan2@usdoj.gov](mailto:maureen.riordan2@usdoj.gov). We look forward to your assistance in advance.

Sincerely,



---

Michael E. Gates  
Deputy Assistant Attorney General  
Civil Rights Division

Maureen Riordan  
Acting Chief, Voting Section  
Civil Rights Division

cc: Karen Sellers  
Executive Director, Board of Elections  
140 Walnut St.  
Frankfort, KY 40601  
karen.sellers@ky.gov

# EXHIBIT 3



## Civil Rights Division

Voting Section  
950 Pennsylvania Ave, NW – 4CON  
Washington, DC 20530

August 8, 2025

Karen Sellers  
Executive Director, State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601

Dear Executive Director Sellers:

By letter dated July 17, 2025, we made a request to the Secretary of State of the Commonwealth of Kentucky for information regarding the commonwealth's procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 *et seq.* By letter dated July 23, 2025, the Office of the Secretary of State responded that the records we request "are not within the possession of [the Office], but with the State Board of Elections." The July 23 response also directed us to "consult the State Board of Elections" for more information regarding the answers provided by the State Board of Elections to the most recent Election Administration and Voting Survey ("EAVS"). We have enclosed a copy of our July 17, 2025 letter and the Secretary of State's July 23, 2025 response letter.

We ask that you provide the information requested in our July 17, 2025 letter within 14 days of the date of this letter. The information and materials may be sent by encrypted email to [voting.section@usdoj.gov](mailto:voting.section@usdoj.gov) or via the Department's secure file-sharing system, Justice Enterprise File Sharing (JEFS).

Should further clarification be required, please contact Maureen Riordan at [maureen.riordan2@usdoj.gov](mailto:maureen.riordan2@usdoj.gov). We look forward to your assistance in advance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael E. Gates".

Michael E. Gates  
Deputy Assistant Attorney General  
Civil Rights Division

Maureen Riordan  
Acting Chief, Voting Section  
Civil Rights Division

cc: The Honorable Michael G. Adams  
Secretary of State  
700 Capital Ave., Ste. 152  
Frankfort, KY 40601  
sos.secretary@ky.gov

# EXHIBIT 4



**U.S. Department of Justice**

Civil Rights Division

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

August 14, 2025

Via Mail and Email

The Honorable Michael Adams  
Secretary of State  
700 Capital Ave., Ste. 152  
Frankfort, KY 40601  
[sos.secretary@ky.gov](mailto:sos.secretary@ky.gov)

**Re: Complete Kentucky's Voter Registration List with All Fields**

Secretary Adams:

We understand that the time the Justice Department has provided your state to respond to the request for a statewide voter registration list ("VRL") and other information has not reached its deadline.

Given responses from other states thus far, we want to clarify that the Justice Department's request to provide an electronic copy of the statewide VRL should contain *all fields*, which means, your state's VRL must include the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number as required under the Help America Vote Act ("HAVA")<sup>1</sup> to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested Kentucky's VRL to assess your state's compliance with the statewide VRL maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

The Help America Vote Act ("HAVA"), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State's VRL via Section 401, which makes the Attorney

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

General solely responsible for actions to enforce HAVA's computerized statewide voter registration list requirements. *See* 52 U.S.C. § 21111; *see also Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 ("CRA"), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

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

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

When providing the electronic copy of the statewide VRL, Kentucky must ensure that it contains *all fields*, which includes either the registrant's full name, date of birth, residential address, his or her state driver's license number, or the last four digits of the registrant's social security number as required under the Help America Vote Act ("HAVA")<sup>2</sup> to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

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

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

HAVA specifies that the "last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974" (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver's License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency's function to

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<sup>2</sup> In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are clearly preempted by federal law.

accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic Voter Registration List<sup>3</sup> to the Justice Department by the date set for your delivery by our original letter, or by August 21, 2025, whichever is later.

The information and materials may be sent by encrypted email to [voting.section@usdoj.gov](mailto:voting.section@usdoj.gov) or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at [maureen.riordan2@usdoj.gov](mailto:maureen.riordan2@usdoj.gov).

Regards,

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

Harmeet K. Dhillon  
Assistant Attorney General  
Civil Rights Division

cc: Karen Sellers  
Executive Director, Board of Elections  
140 Walnut St.  
Frankfort, KY 40601  
[karen.sellers@ky.gov](mailto:karen.sellers@ky.gov)

---

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

# EXHIBIT 5

Karen Sellers  
Executive Director  
karen.sellers@ky.gov



Richard House  
Assistant Director  
Richard.House@ky.gov

Taylor Brown  
General Counsel  
TaylorA.Brown@ky.gov

COMMONWEALTH OF KENTUCKY  
**STATE BOARD OF ELECTIONS**

via USPS and email

August 22, 2025

Michael E. Gates  
Deputy Assistant Attorney General  
U.S. Department of Justice, Civil Rights Division  
950 Pennsylvania Ave, NW – 4CON  
Washington, DC 20530  
Michael.Gates2@usdoj.gov

Mr. Gates,

The Kentucky State Board of Elections (“SBE”) is in receipt of correspondence from your office dated August 8, 2025, and August 14, 2025, which seeks information outlined in a letter delivered to Kentucky Secretary of State Michael Adams on July 17, 2025.

Your July 17, 2025, letter seeks both information and records from SBE in relation to voter list maintenance in the Commonwealth. For information related to Kentucky’s efforts to comply with the voter list maintenance program required under the National Voter Registration Act (“NVRA”), SBE points you to various sources, including:

- The webpage on SBE’s website dedicated to providing information on voter list maintenance, which can be accessed here: <https://elect.ky.gov/Resources/Pages/List-Maintenance.aspx>;
- The public record available from *Judicial Watch, Inc. v. Grimes, et al.*, 3:17-cv-00094, a lawsuit filed in federal court by the Judicial Watch foundation in which the U.S. Department of Justice (“DOJ”) intervened to ensure voter list maintenance efforts required by the NVRA were occurring in Kentucky. This case ended with the expiration of a consent decree on March 31, 2025. Leading up to this expiration date, DOJ did not request an extension of the consent decree or otherwise seek any further action that would indicate that Kentucky was not fulfilling the requirements of the NVRA;
- The Statement of Interest (attached) filed by DOJ on March 27, 2025, in federal court relating to *Kentuckians for the Commonwealth v. Adams, et al.*, 3:24-cv-00387, in which DOJ expressed support for the efforts Kentucky has made in executing its voter list maintenance program;
- Archived testimony regarding voter list maintenance in the Commonwealth from SBE General Counsel Taylor Brown to the Kentucky General Assembly’s Interim Joint Committee on State Government from July 29, 2025, available here: <https://www.youtube.com/watch?v=F2cHtVZbsFI>.

For specific answers to information related to the most recent EAVS report, SBE will promptly review the submissions provided to the survey and send responses to your questions by separate correspondence in the days to come.

As to your request for a current electronic copy of Kentucky's computerized statewide voter registration list, SBE understands, through your August 14, 2025 letter to Secretary Adams, that you desire a copy of the Commonwealth's voter registration list that contains "the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number."

While the August 14 letter to Secretary Adams further states that "all data received from you will be kept securely and treated consistently with the Privacy Act," as a prerequisite to such data being provided, SBE requests clarification as to how DOJ is complying with its requirements under both the Privacy Act of 1974 and the Driver's License Protection Act.

While you cite to the Help America Vote Act (HAVA) in so far that it reads "[t]he last 4 digits of a social security number...shall not be considered to be a social security number for purposes of Section 7 of the Privacy Act of 1974," Section 7 of the Privacy Act concerns the denial to individuals of rights, benefits, or privileges provided by law for their failure to disclose their social security number, as well as, information the government must provide to individuals when the government requests an individual to disclose their social security number. HAVA does not exempt DOJ from any other provisions of the Privacy Act, including those that require agencies maintaining a system of records, as defined under 52 U.S.C. §552a, to follow notice and procedural requirements including the promulgation of rules.

As to the Driver's License Protection Act, you rightly cite 18 U.S.C. §2721(b)(1) for the proposition that a driver's license number *may* be disclosed "[f]or use by any government agency...in carrying out its functions." This discretionary disclosure requires driver's license data to be used to carry out a government function. SBE requests an explanation as to what function DOJ is carrying out. Your August 14 letter to Secretary Adams states that "[t]he purpose of the request is to ascertain Kentucky's compliance with the list maintenance requirements of the NVRA and HAVA." SBE is unclear as to how providing Kentuckians' driver's license numbers to DOJ furthers the agency's stated goal.

SBE makes the integrity of the elections conducted in all 120 counties of the Commonwealth its first priority. Additionally, SBE is committed to safeguarding the sensitive information it possesses, as that information belongs to the Kentuckians SBE serves. Before a voter list containing driver's license numbers or partial social security numbers is released, responses to our concerns are required.

Sincerely,



Karen Sellers  
Executive Director  
Kentucky State Board of Elections

# EXHIBIT 6

Karen Sellers  
Executive Director  
karen.sellers@ky.gov



Richard House  
Assistant Director  
Richard.House@ky.gov

Taylor Brown  
General Counsel  
TaylorA.Brown@ky.gov

COMMONWEALTH OF KENTUCKY  
**STATE BOARD OF ELECTIONS**

via USPS and email

August 29, 2025

Michael E. Gates  
Deputy Assistant Attorney General  
U.S. Department of Justice, Civil Rights Division  
950 Pennsylvania Ave, NW – 4CON  
Washington, DC 20530  
Michael.Gates2@usdoj.gov

Mr. Gates,

As promised in my letter to you from last week, dated August 21, 2025, below you will find responses to your department's questions from your July 17, 2025 correspondence related to the Kentucky State Board of Elections' ("SBE") submissions to the most recent EAVS report.

1). The recent history of the relationship between Kentucky's total voter registration numbers and its citizen voting age population is well illustrated in *Judicial Watch, Inc. v. Grimes, et al.*, 3:17-cv-00094, a lawsuit to which the DOJ was a party. In the years since, Kentucky has vigorously undertaken a general program for removing ineligible voters from the Commonwealth's voter rolls. The program has removed more than 756,000 ineligible voters since 2019 and has been so successful that the DOJ filed a Statement of Interest supporting SBE's voter list maintenance efforts in a recently filed challenge to the state's program (*Kentuckians for the Commonwealth v. Adams, et al.* 3:24-cv-00387). For more details on Kentucky's program, please see SBE's website at: <https://elect.ky.gov/Resources/Pages/List-Maintenance.aspx>.

2). Kentucky does regularly check for incomplete registrations that are duplications of existing complete and valid registrations. The removal of duplicates from the state's Voter Registration System occurs at the county level. On a day-to-day basis, counties are responsible for identifying and removing complete and valid registrations, that are, per the survey's instructions, "submitted by persons already registered to vote at the same address, under the same name and personal information (e.g. date of birth, social security number, driver's license), and with the same political party." Because this day-to-day process relies on the human clerk or deputy to manually recognize the existing and conflicting identifiers, once a year SBE digitally analyzes the state's voter rolls for potential duplicate registrations and directs the counties to review these and purge as necessary. Kentucky's responses to question A3d indicated a response of "Does Not Apply" in part, because the Microsoft Excel template provided by Fors Marsh, and required, to answer the survey was pre-marked with the response. For numbers that can be considered responsive to the question asked by the survey, please see SBE's website at: <https://elect.ky.gov/Resources/Pages/List-Maintenance.aspx>.

Kentucky also has a process for merging voter records that is initiated at the state level after a request from a county to do so. Once the record is merged in the Voter Registration System by SBE, the county is then asked to confirm that the record is accurate. SBE does not track how many registrations are merged, therefore, the response to A13a “Data Not Available” was recorded pursuant to the survey’s instruction “if your jurisdiction does not track this data, report Data Not Available.”

3). A voter registration application in Kentucky can find itself in the column “invalid or rejected registrations (other than duplicates)” for numerous reasons, two of the most common being that the wrong county was initially listed at one of the state’s relatively new regional driver’s license issuing offices, or from a voter making numerous and repeated attempts to view their voter registration on the Commonwealth’s online self-service voter registration portal. A voter may access the portal at any time; if no changes are made to the application for registration by a voter accessing the portal, it is recorded as an application that has no changes made to the existing registration and is therefore rejected.

4). “Confirmation notices” are defined conflictingly in the EAVS report instructions as both “notice[s] mailed to a voter to confirm changes made to their information in a database of registered voters,” and “notices...sent pursuant to NVRA Section 8(d)(1)(B) [sic] and Section 8(d)(2).” The 97,539 “confirmation notices” listed reflect the number of postcards sent by Kentucky pursuant to sections 8(c)(1) and 8(d)(2) of the NVRA only. Counties in Kentucky are not asked to track the category under which a “confirmation notice” is returned and therefore, Kentucky’s response to these questions on the survey was in line with the instructions for A10, that declare: “if your state or jurisdiction sends confirmation notices but does not track data on how many are sent or the outcome of those confirmation notices, then your response should be “Data not available.” Likewise, as to specific reasons “confirmation notices” are sent, asked for in A11, since Kentucky does not collect this information, our response of “Does Not Apply” was pre-marked on the Fors Marsh-provided Microsoft Excel template required to answer the survey.

5). Differences between the percent of “confirmation notices” sent by Kentucky as compared to other states is likely attributable to the use of the phrase “confirmation notices” in the EAVS report. There are the notices described in the survey’s instructions as “[a] notice mailed to a voter to confirm changes made to their information in a database of registered voters,” which can be communications such as those described in KRS 116.0452(2), as well as those described in the survey’s instructions as those notices sent under sections 8(c)(1) and 8(d)(2) of the NVRA. Given the context of the questions presented by the survey, Kentucky did not include the former in its EAVS response, though it is likely that some states did. For an explanation of Kentucky’s process for determining when to send either of these notices, please see the above-referenced Kentucky Revised Statute, as well as SBE’s website at: <https://elect.ky.gov/Resources/Pages/List-Maintenance.aspx>.

6). Assuming that you are referring to the notices sent under sections 8(c)(1) and 8(d)(2) of the NVRA, an explanation of how Kentucky uses the “confirmation notice process” to remove ineligible voters from our voter rolls can be found on SBE’s website at: <https://elect.ky.gov/Resources/Pages/List-Maintenance.aspx>.

Sincerely,



Karen Sellers  
Executive Director  
Kentucky State Board of Elections

# EXHIBIT 7

Karen Sellers  
Executive Director  
karen.sellers@ky.gov



Richard House  
Assistant Director  
Richard.House@ky.gov

Taylor Brown  
General Counsel  
TaylorA.Brown@ky.gov

COMMONWEALTH OF KENTUCKY  
**STATE BOARD OF ELECTIONS**

via USPS and email

October 15, 2025

Michael E. Gates  
Deputy Assistant Attorney General  
U.S. Department of Justice, Civil Rights Division  
950 Pennsylvania Ave, NW – 4CON  
Washington, DC 20530  
[Michael.Gates2@usdoj.gov](mailto:Michael.Gates2@usdoj.gov)

Mr. Gates,

I write to you today on behalf of the Kentucky State Board of Elections (“SBE”) to follow up on the letter I sent to you on August 22, 2025, which responded to the correspondence delivered to Kentucky Secretary of State Michael Adams on July 17, 2025, and August 14, 2025.

Your letter dated July 17, 2025, sought “[t]he current electronic copy of Kentucky’s computerized statewide voter registration list” pursuant to 52 U.S.C. 20507(i). The letter from your office dated August 14, 2025, aimed to further explain that you desired a copy of the Commonwealth’s voter registration list that contained “the registrant’s full name, date of birth, residential address, his or her state driver’s license number or the last four digits of the registrant’s social security number.”

SBE’s August 22, 2025, reply sought responses from your office to concerns about providing a voter registration list containing driver’s license numbers or partial social security numbers. As of today, SBE has not received the requested responses from your office.

Given that SBE has not received the requested clarification as to how DOJ is complying with its requirements under both the Privacy Act of 1974 and the Driver’s License Protection Act, I will not be able to provide you with a statewide voter registration list containing driver’s license numbers or partial social security numbers at this time. Nevertheless, it is SBE’s position that 52 U.S.C. 20507(i) does require production of a copy of the statewide voter registration list that does not include the otherwise protected data.

As such, a copy of Kentucky's voter registration list that does not include driver's license numbers or partial social security numbers is being provided, per your previous instructions, to the email address [voting.section@usdoj.gov](mailto:voting.section@usdoj.gov), through the Commonwealth's secure file-sharing system, Moveit. The file containing the voter registration list will be accessible through Moveit for the next 90 days.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Sellers", written in a cursive style.

Karen Sellers  
Executive Director  
Kentucky State Board of Elections

# EXHIBIT 8

**From:** [Sellers, Karen R \(SBE\)](#)  
**To:** [Brown, Taylor \(SBE\)](#)  
**Subject:** FW: MOU re: Complete Voter Roll Maintenance Information  
**Date:** Tuesday, December 2, 2025 1:37:53 PM  
**Attachments:** [20250814 Adams from CRT.pdf](#)  
[VRLData Sharing Agreement DOJ-STATE.pdf](#)  
[image002.png](#)

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

**From:** Neff, Eric (CRT) <Eric.Neff@usdoj.gov>  
**Sent:** Tuesday, December 2, 2025 9:38 AM  
**To:** Sellers, Karen R (SBE) <Karen.Sellers@ky.gov>  
**Cc:** SOS Secretary (SOS) <SOS.Secretary@ky.gov>  
**Subject:** MOU re: Complete Voter Roll Maintenance Information

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

**This Message Originated from Outside the Organization**  
This Message Is From an External Sender. [Report Suspicious](#) ?

Dear Executive Director Sellers,

I am the new point of contact for Voter Roll Maintenance communication. Please see the attached proposed MOU from the Department of Justice. This MOU in our opinion satisfies all reasonable concerns regarding privacy and data security. This MOU includes a request for compliance within 7 days of receipt of this communication. Compliance requires providing all records requested in previous communications with your Department, most notably our August 14 letter, which I have attached for your reference.

We appreciate your correspondence and what you have provided up to this point. Please do not hesitate to contact me with any questions or concerns.

Best,  
Eric

**Eric Neff**

Trial Attorney  
Civil Rights Division  
Department of Justice  
150 M St. NE, Ste. 8-139  
Washington, DC 20002  
[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)  
Cell: 202-532-3628



# EXHIBIT 9

**From:** [Neff, Eric \(CRT\)](#)  
**To:** [Brown, Taylor \(SBE\)](#)  
**Cc:** [Sellers, Karen R \(SBE\)](#); [Adams, Michael G \(SOS\)](#)  
**Subject:** Re: MOU re: Complete Voter Roll Maintenance Information  
**Date:** Tuesday, December 16, 2025 5:23:28 PM  
**Attachments:** [image001.png](#)

**This Message Originated from Outside the Organization**

This Message Is From an External Sender.

[Report Suspicious](#)

I assume this means they also took no action as to the underlying demand for records?

Get [Outlook for iOS](#)

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**From:** Brown, Taylor (SBE) <TaylorA.Brown@ky.gov>  
**Sent:** Tuesday, December 16, 2025 4:20:41 PM  
**To:** Neff, Eric (CRT) <Eric.Neff@usdoj.gov>  
**Cc:** Sellers, Karen R (SBE) <Karen.Sellers@ky.gov>; Adams, Michael G (SOS) <michaelg.adams@ky.gov>  
**Subject:** [EXTERNAL] RE: MOU re: Complete Voter Roll Maintenance Information

Mr. Neff,

The Kentucky State Board of Elections met this morning.

No action was taken regarding the MOU today; the Board will meet again on January 5, 2026.

Thanks,

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601  
(502) 782-9499  
[TaylorA.Brown@ky.gov](mailto:TaylorA.Brown@ky.gov)

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---

**From:** Neff, Eric (CRT) <Eric.Neff@usdoj.gov>  
**Sent:** Tuesday, December 9, 2025 4:41 PM  
**To:** Brown, Taylor (SBE) <TaylorA.Brown@ky.gov>  
**Cc:** Sellers, Karen R (SBE) <Karen.Sellers@ky.gov>; Adams, Michael G (SOS) <michaelg.adams@ky.gov>  
**Subject:** RE: MOU re: Complete Voter Roll Maintenance Information

Thank you, and yes Ms. Scutchfield was very helpful in getting me up to speed on the process.

The DOJ believes its letter requests and the proposed MOU adequately state our position. However, if it helps the Board's deliberations at all, I can add at this point that four states – Arkansas, Indiana, Kansas, and Wyoming – have already turned over the data and declined to sign an MOU to do so. We agree that it is unnecessary, but we are offering it to all states regardless, as some have asked for it. Texas has already signed it, and Missouri has orally indicated they are signing it today or tomorrow. States with Boards similar to yours – Wisconsin and South Carolina come to mind – have scheduled votes on it as well.

In addition, 21 states already provide this data to DHS to run through the SAVE database. I do not know whether Kentucky is one of those states or not.

If there are any questions you have leading up to the meeting, do not hesitate to contact me.

Thanks,  
Eric

---

**From:** Brown, Taylor (SBE) <[TaylorA.Brown@ky.gov](mailto:TaylorA.Brown@ky.gov)>  
**Sent:** Tuesday, December 9, 2025 4:23 PM  
**To:** Neff, Eric (CRT) <[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)>  
**Cc:** Sellers, Karen R (SBE) <[Karen.Sellers@ky.gov](mailto:Karen.Sellers@ky.gov)>; Adams, Michael G (SOS) <[michaelg.adams@ky.gov](mailto:michaelg.adams@ky.gov)>  
**Subject:** [EXTERNAL] RE: MOU re: Complete Voter Roll Maintenance Information

Mr. Neff,

The Kentucky State Board of Elections is in receipt of your email from Tuesday, December 2, 2025, titled "MOU re: Complete Voter Roll Maintenance Information."

Additionally, I have been informed that you have spoken with Assistant Secretary of State Jenni Scutchfield, who may have informed you that it is the Board who is tasked with voter list maintenance in the Commonwealth. As such, any MOU related to voter list maintenance requires approval by the Board by a majority vote. The Board is scheduled to meet again on Tuesday, December 16, 2025. If you have any additional information that you would like the Board to consider at that meeting, please feel free to send it to me at this email address.

Thanks,

Taylor Austin Brown  
General Counsel  
State Board of Elections  
140 Walnut Street  
Frankfort, Kentucky 40601  
(502) 782-9499  
[TaylorA.Brown@ky.gov](mailto:TaylorA.Brown@ky.gov)

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**From:** Sellers, Karen R (SBE) <[Karen.Sellers@ky.gov](mailto:Karen.Sellers@ky.gov)>  
**Sent:** Tuesday, December 2, 2025 1:38 PM  
**To:** Brown, Taylor (SBE) <[TaylorA.Brown@ky.gov](mailto:TaylorA.Brown@ky.gov)>  
**Subject:** FW: MOU re: Complete Voter Roll Maintenance Information

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

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**From:** Neff, Eric (CRT) <[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)>  
**Sent:** Tuesday, December 2, 2025 9:38 AM  
**To:** Sellers, Karen R (SBE) <[Karen.Sellers@ky.gov](mailto:Karen.Sellers@ky.gov)>  
**Cc:** SOS Secretary (SOS) <[SOS.Secretary@ky.gov](mailto:SOS.Secretary@ky.gov)>  
**Subject:** MOU re: Complete Voter Roll Maintenance Information

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

Dear Executive Director Sellers,

I am the new point of contact for Voter Roll Maintenance communication. Please see the attached proposed MOU from the Department of Justice. This MOU in our opinion satisfies all reasonable concerns regarding privacy and data security. This MOU includes a request for compliance within 7 days of receipt of this communication. Compliance requires providing all records requested in previous communications with your Department, most notably our August 14 letter, which I have attached for your reference.

We appreciate your correspondence and what you have provided up to this point. Please do not hesitate to contact me with any questions or concerns.

Best,  
Eric

**Eric Neff**  
Trial Attorney  
Civil Rights Division  
Department of Justice  
150 M St. NE, Ste. 8-139  
Washington, DC 20002  
[Eric.Neff@usdoj.gov](mailto:Eric.Neff@usdoj.gov)  
Cell: 202-532-3628



# EXHIBIT 10

**From:** [Marcum, Jessica \(SBE\)](#)  
**To:** [Brown, Taylor \(SBE\)](#)  
**Cc:** [Sellers, Karen R \(SBE\)](#); [House, Richard D \(SBE\)](#)  
**Subject:** FW: Delivery Receipt for package "Requested Voter Registration Data"  
**Date:** Tuesday, November 18, 2025 4:54:35 PM

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**Confirmation of Package was opened: 11/18/2025**

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**From:** Commonwealth of Kentucky FTP Notification Service <COTMOVEitFTP@ky.gov>  
**Sent:** Tuesday, November 18, 2025 4:22 PM  
**To:** Marcum, Jessica (SBE) <jessica.marcum@ky.gov>  
**Subject:** Delivery Receipt for package 'Requested Voter Registration Data'

**Package Delivery Receipt**

[voting.section@usdoj.gov](mailto:voting.section@usdoj.gov) viewed package "Requested Voter Registration Data" at 11/18/2025 4:22:24 PM. (Original package posted at 10/15/2025 4:21:17 PM.)

You are receiving this email because our records show you posted package "Requested Voter Registration Data" and requested delivery receipts for the package.

Please use the following URL and your username/password to view the complete history of this package:

( <https://ftp.ky.gov/human.aspx?OrgID=8628&Arg12=msghistory&Arg06=291201276&Arg08=3c30fgh9f564x11y&username=jessica.marcum> )

Regards,  
Commonwealth of Kentucky FTP Notification Service

# EXHIBIT 11



U.S. Department of Justice  
Civil Rights Division

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**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 Kentucky (“You” or “your state”).

**II. AUTHORITY.**

By this Agreement, the State of Kentucky (“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. § 20510(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: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
FRANKFORT DIVISION  
CASE NO. 3:26-cv-00019-GFVT

THE UNITED STATES OF AMERICA

PLAINTIFF

v.

MICHAEL ADAMS, in his Official Capacity  
as KENTUCKY SECRETARY OF STATE and  
as CHIEF ELECTION OFFICIAL for the  
KENTUCKY STATE BOARD OF  
ELECTIONS; ROSS OWENS, II in his  
Official Capacity as KENTUCKY STATE  
BOARD OF ELECTIONS MEMBER; ERIC  
FARRIS in his Official Capacity as  
KENTUCKY STATE BOARD OF  
ELECTIONS MEMBER; JOHN BROWN, III  
in his Official Capacity as KENTUCKY  
STATE BOARD OF ELECTIONS MEMBER;  
SUE PERRY in her Official Capacity as  
KENTUCKY STATE BOARD OF  
ELECTIONS MEMBER; DEANNA  
BRANGERS in her Official Capacity as  
KENTUCKY STATE BOARD OF  
ELECTIONS MEMBER; CORY SKOLNICK  
in his Official Capacity as KENTUCKY  
STATE BOARD OF ELECTIONS MEMBER;  
DWIGHT SEARS in his Official Capacity as  
KENTUCKY STATE BOARD OF  
ELECTIONS MEMBER; JULIE GRIGGS in  
her Official Capacity as KENTUCKY STATE  
BOARD OF ELECTIONS MEMBER

DEFENDANTS

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ORDER

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The United States of America fails to state a claim against the State Board of Elections and its members, and the law does not allow the Department to “demand” Kentucky’s statewide voter registration list. For the reasons more fully stated in the State Board of Elections’ motion to dismiss, the Complaint brought by the United States is DISMISSED, and its demand for records is DENIED.

**SO ORDERED.**