

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

4 ERIC NEFF
5 Acting Chief, Voting Section
6 Civil Rights Division

7 BRITTANY E. BENNETT
8 Trial Attorney, Voting Section
9 Civil Rights Division

10 U.S. Department of Justice
11 4 Constitution Square
12 150 M Street, Room 8.141
13 Washington, D.C. 20002
14 Telephone: (202) 704-5430
15 Email: Brittany.Bennett@usdoj.gov

16 Attorneys for Plaintiff, UNITED STATES OF AMERICA
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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF NEVADA
9

10 THE UNITED STATES OF AMERICA,
11 Plaintiff,
12

13
14 v.

COMPLAINT

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16 FRANCISCO V. AGUILAR, in his
17 Official Capacity as Secretary of State
18 for the State of Nevada,
19

20 Defendant.
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22 **COMPLAINT**
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INTRODUCTION

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

7 2. Title III likewise grants the Attorney General the sweeping power to
8 obtain these records: “Any record or paper required by [section 301] to be retained
9 and preserved shall, upon demand in writing by the Attorney General or [her]
10 representative directed to the person having custody, possession, or control of such
11 record or paper, be made available for inspection, reproduction, and copying at the
12 principal office of such custodian by the Attorney General or [her] representative....”
13 52 U.S.C. § 20703. The written demand “shall contain a statement of the basis and
14 the purpose therefor.” *Id.*

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

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

1 purpose' contained in the written demand" or "the scope of the order to produce."
2 *Id.*

3 I. JURISDICTION AND VENUE

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

6 6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because
7 a substantial part of the events or omissions giving rise to the United States' claims
8 occurred in this District, and the Defendant is located in and conducts election
9 administration activities in this District.

10 II. PARTIES

11 12 7. Plaintiff is the Attorney General of the United States. The Attorney
13 General has authority to enforce various federal election statutes, including the CRA,
14 *see* 52 U.S.C. § 20703; the National Voter Registration Act ("NVRA"), 52 U.S.C.
15 § 20510(a); and Title III of the Help America Vote Act ("HAVA"), 52 U.S.C.
16 § 21111.

17 8. Defendant Secretary of State for the State of Nevada, Francisco Aguilar,
18 is sued in his official capacity as chief state election official responsible for
19 coordinating Nevada's responsibilities under the NVRA. *See* 52 U.S.C. § 20509;
20 Nev. Rev. Stat. § 293.247 Aguilar is sued in his official capacity only.

21 BACKGROUND

22 9. This proceeding arises from the Attorney General's investigation into
23 Nevada's compliance with federal election law, particularly the NVRA and HAVA.

24 10. Both the NVRA and HAVA require States to maintain and preserve
25 certain records and papers that fall within the scope of Section 301 of Title III of the
26 CRA.
27
28

The National Voter Registration Act

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

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

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

The Help America Vote Act

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

15. HAVA further establishes “[m]inimum standard[s] for accuracy of State voter registration records,” 52 U.S.C. § 21083(a)(4), and prohibits States from processing voter-registration applications without obtaining and verifying certain identifying information from the applicants, namely, a Driver’s License number for those who possess a valid one, the last four digits of a social security number for

1 those who do not possess a valid Drivers' license, and for those who have neither a
2 unique identifier. 52 U.S.C. § 21083(a)(5)(A).

3 **The Civil Rights Act**

4 16. Congress empowered the Attorney General to request records pursuant
5 to Title III of the CRA, codified at 52 U.S.C. § 20701, *et seq.*

6 17. Section 301 of the CRA requires state and local officials to retain and
7 preserve records related to voter registration and other acts requisite to voting for
8 any federal office for a period of twenty-two months after any federal general,
9 special or primary election. *See id.*

10 18. Section 303 of the CRA provides, in pertinent part, “[a]ny record or
11 paper required by Section 20701 of this title to be retained and preserved shall, upon
12 demand in writing by the Attorney General or [her] representative directed to the
13 person having custody, possession, or control of such record or paper, be made
14 available for inspection, reproduction, and copying at the principal office of such
15 custodian by the Attorney General or [her] representative....” 52 U.S.C. § 20703.

16 **FACTUAL ALLEGATIONS**

17 19. On June 25, 2025, the Attorney General sent a letter to State Secretary
18 Francisco Aguilar, seeking information regarding Nevada’s compliance with federal
19 election law. See Letter from Attorney General to Secretary Aguilar (“June 25
20 Letter”).
21

22 20. The Letter requested, among other information and documents, a
23 description of the verification process under HAVA Section 303(a)(5) that election
24 officials perform to verify the required information supplied by the registrant. The
25 June 25 Letter also requested—pursuant to HAVA—that Nevada provide a current
26 copy of its computerized statewide voter registration list, including both active and
27 inactive voters (“SVRL”), required under Section 303 of HAVA.
28

1 21. The Attorney General's June 25 letter asked Secretary Aguilar to
2 produce the requested information and records by encrypted email or via the
3 Department's secure file-sharing system, Justice Enterprise File Sharing (JEFS).

4 22. In response, on July 25, 2025, Secretary Aguilar's Office sent a letter
5 with some responses to the Attorney General's requests for information, including a
6 link to Nevada's purported SVRL, however, the SVRL provided did not include *all*
7 *fields*.

8 23. On August 14, 2025, the Attorney General responded to Secretary
9 Aguilar's July 25 Letter, advising the federal basis for her request, including the
10 NVRA and HAVA, and informed the Secretary that the CRA empowers the Attorney
11 General to request election records to enforce federal law. The Letter then demanded
12 pursuant to the CRA "an electronic copy of Nevada's complete and current VRL."
13 The Attorney General further stated that "[t]he purpose of the request is to ascertain
14 Nevada's compliance with the list maintenance requirements of the NVRA and
15 HAVA." ("August 14 Letter") The letter directed that the SVRL should contain "all
16 fields, which includes the registrant's full name, date of birth, residential address,
17 his or her state driver's license number, or the last four digits of the registrant's social
18 security number as required under the Help America Vote Act ("HAVA") to register
19 individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i)." (footnote
20 omitted).

21 24. The August 14 Letter explained to Secretary Aguilar that "HAVA
22 specifies that the 'last 4 digits of a social security number . . . shall not be considered
23 to be a social security number for purposes of section 7 of the Privacy Act of 1974.'" 5
24 U.S.C. § 552a note; 52 U.S.C. § 21083(c). In addition, any prohibition of
25 disclosure of a motor vehicle record contained in the Driver's License Protection
26 Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use
27 by a government agency in carrying out the government agency's function to
28 accomplish its enforcement authority as the Department is now doing.

1
2 DATED: December 11, 2025

Respectfully submitted,

3 HARMEET K. DHILLON
4 Assistant Attorney General
5 Civil Rights Division
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7 /s/ *Brittany E. Bennett*

8 ERIC NEFF
9 Acting Chief, Voting Section
10 BRITTANY E. BENNETT
11 Trial Attorney, Voting Section
12 Civil Rights Division
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17 Telephone: (202) 704-5430
18 Email: brittany.bennett@usdoj.gov
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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ *Brittany E. Bennett*

Brittany E. Bennett

Trial Attorney, Voting Section

Civil Rights Division

U.S. Department of Justice

4 Constitution Square

150 M Street NE, Room 8.141

Washington, D.C. 20002

Telephone: (202) 704-5430

Email: brittany.bennett@usdoj.gov