

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

THE UNITED STATES OF AMERICA,
Plaintiff,

Civil Action No. 1:25-cv-03967

v.

COMPLAINT

JENA GRISWOLD, in her Official Capacity as
Secretary of State for the State of Colorado,

Defendant.

COMPLAINT

INTRODUCTION

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

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

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

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

I. JURISDICTION AND VENUE

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

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

II. PARTIES

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

8. Defendant Secretary of State of Colorado, Jena Griswold, is sued in her official capacity as chief state election official responsible for coordinating Colorado’s responsibilities under the NVRA. *See* 52 U.S.C. § 20509; Col. Rev. Statutes 1-1-107(b). Griswold is sued in her official capacity only.

BACKGROUND

9. This proceeding arises from the Attorney General’s investigation into Colorado compliance with federal election law, particularly the NVRA and HAVA.

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

The National Voter Registration Act

11. The NVRA requires each state to “designate a State Secretary 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 Griswold is the chief election official of the State of Colorado.

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 those who do not possess a valid drivers’ license, and for those who have neither a unique identifier. *id.* § 21083(a)(5)(A).

The Civil Rights Act

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

17. 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 twenty-two months after any federal general, special or primary election. *See* 52 U.S.C. § 20701, *et seq.*

18. Section 303 of the CRA provides, in pertinent part, “[a]ny 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.

FACTUAL ALLEGATIONS

19. The Attorney General recently received a complaint alleging noncompliance of Secretary Griswold’s office with the duties outlined in 52 U.S.C. § 20507.

20. On May 12, 2025, the Attorney General sent a letter to Secretary Griswold seeking information regarding Colorado’s compliance with federal election law. See Letter from Attorney General to Secretary Griswold (“May 12 Letter”).

21. The Letter requested a copy of all records, as outlined in 52 U.S.C. § 20701, and a certification that no record required for preservation has been deleted, destroyed or altered from its original format. The May 12 Letter also requested that Colorado provide all statutes, regulations, written guidance, internal policies, or database user manuals that set out the procedures Colorado has put in place relating to implementing the requirements of 52 U.S.C. § 20701.

22. The May 12 Letter requested that this information be provided within 14 days of the date of the letter.

23. Secretary Griswold did not respond to the May 12 Letter.

24. On December 1, 2025, attorney Eric Neff followed up by email to Secretary Griswold requesting Colorado’s Statewide Voter Registration list (“SVRL”) (the December 1 Email). The December 1 Email also stated that:

The United States is prepared at this early stage to enter into an MOU with the State of Colorado regarding the sharing of the nonpublic, unredacted voter registration list. I have

attached that MOU, which we believe cures all potential concerns a state might rightfully raise regarding its citizens' private data and identifying information.

25. On December 3, 2025, Secretary Griswold responded by email stating "We received your request. We will not be producing unredacted voter files or signing the MOU." December 3 Email.

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

26. On May 12, 2025, the Attorney General sent a written demand to Secretary Griswold for the production of specific election records pursuant to 52 U.S.C. § 20703.

27. The written demand "contain[ed] a statement of the basis and the purpose therefor." 52 U.S.C. § 20703.

28. On December 3, 2025, Secretary Griswold refused to provide the records requested.

Wherefore, the United States respectfully requests this Court:

- A. Declare that Defendant's refusal to provide the election records upon a demand by the Attorney General violates Title III of the Civil Rights Act as required by 52 U.S.C. § 20703;
- B. Order Secretary Griswold to provide to the Attorney General the current electronic copy of Colorado's computerized statewide voter registration list, with all fields, including each registrant's full name, date of birth, residential address, and either their state driver's license number, the last four digits of their Social Security number, or

HAVA unique identifier as required by 52 U.S.C. § 21083 within 5 days of a Court order.

DATED: December 11, 2025

Respectfully submitted,

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Civil Rights Division

/s/ *Brittany E. Bennett*

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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*

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