

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](mailto:Brittany.Bennett@usdoj.gov)

16 SIGAL CHATTAH  
17 First Assistant United States Attorney  
18 District of Nevada  
19 Nevada Bar No. 8264  
20 501 Las Vegas Blvd. South, Suite 1100  
21 Las Vegas, Nevada 89101  
22 (702) 388-6336  
23 [Sigal.Chattah@usdoj.gov](mailto:Sigal.Chattah@usdoj.gov)

24  
25  
26  
27  
28  
Attorneys for Plaintiff, UNITED STATES OF AMERICA

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

v.

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

Defendant(s).

Case Number: 3:25-cv-00728

**MEMORANDUM IN SUPPORT OF  
THE MOTION FOR ORDER TO  
COMPEL PRODUCTION OF  
RECORDS PURSUANT TO 52  
U.S.C. § 20701, et seq.**

---

**MEMORANDUM OF LAW**

RETRIEVED FROM DEMOCRACYDOCKET.COM

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 5

II. BACKGROUND ..... 6

    A. Title III of the Civil Rights Act of 1960..... 6

    B. The United States Seeks to Ensure Nevada Is Complying with  
Federal Law..... 8

III. ARGUMENT..... 10

    A. An Order to Show Cause to Produce Under the CRA Is  
Warranted..... 10

    B. A State’s Claims to Protecting Privacy Interests Are Not a Basis to  
Withhold the Information Requested..... 13

    C. An Order to Show Causes is Appropriate, Necessary, and  
Grounded in Law..... 14

IV. CONCLUSION..... 16

RETRIEVED FROM DEMOCRACYDOCKET.COM

**TABLE OF AUTHORITIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Cases**

*Alabama ex rel. Gallion v. Rogers*, 187 F. Supp. 848 855-56 (M.D. Ala. 1960) ..... 6

*Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013) ..... 13

*Coleman v. Kennedy*, 313 F.2d 867 (5th Cir. 1963)..... 5, 7, 12

*Crook v. S.C. Election Comm’n*, No. 2025-CP-40-06539 (Richland Cty. Comm. Pleas Oct. 1, 2025) ..... 13

*Dinkens v. Attorney General*, 285 F.2d 430 (5th Cir. 1961) ..... 6

*Gonzalez v. Arizona*, 677 F.3d 383 (9th Cir. 2012)..... 13, 14

*In re Gordon*, 218 F. Supp. 826, 826-27 (S.D. Miss. 1963)..... 7

*Kennedy v. Bruce*, 298 F.2d 860 (5th Cir. 1962)..... 7

*Kennedy v. Lynd*, 306 F.2d 222 (5th Cir. 1962) ..... passim

**Statutes**

18 U.S.C. § 2721..... 10

5 U.S.C. § 552a..... 9, 10

52 U.S.C. § 20501..... 8

52 U.S.C. § 20507..... 8, 12

52 U.S.C. § 20701..... passim

52 U.S.C. § 20703..... 5, 7, 11, 14

52 U.S.C. § 20704..... 10

52 U.S.C. § 21083..... 8, 9, 10, 12

## I. INTRODUCTION

Section 301 of 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).<sup>1</sup> It provides, “Every officer of election shall retain and preserve, for a period of twenty-two months from the date of [a federal election] *all* records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election...” 52 U.S.C. § 20701 (transferred from 42 U.S.C. § 1974) (emphasis added).

Section 303 provides the Attorney General of the United States a correspondingly sweeping power to obtain Federal election records: “Any record or paper required by [52 U.S.C. § 20701] 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 ... by the Attorney General or [her] representative....” 52 U.S.C. § 20703. The written demand need only “contain a statement of the basis and the purpose therefor.” *Id.*; *Coleman v. Kennedy*, 313 F.2d 867, 868 (5th Cir. 1963) (per curiam).

On August 14, 2025, the Attorney General, through her representative, made a written demand to Secretary Aguilar to produce certain Federal election records covered by the CRA. *See* Compl. at 3. That written demand explained that the purpose was for enforcement of the list maintenance requirements of the National Voter Registration Act (“NVRA”) and the Help America Vote Act (“HAVA”). *Id.*

---

<sup>1</sup> Caselaw addressing the CRA in any depth is confined to courts within the Fifth Circuit in the early years following the CRA’s enactment. Since then, courts have not had occasion to revisit the issue. The United States is unaware of any courts disagreeing with the Fifth Circuit’s approach to the CRA.

1 Secretary Aguilar refused to produce the requested Federal election records.  
2 litigation followed.

3 Pursuant to Section 305 of the CRA, the United States moves for an order to  
4 show cause requiring Secretary Aguilar and Nevada to produce the Federal election  
5 records identified in the written demand. *See Alabama ex rel. Gallion v. Rogers*, 187  
6 F. Supp. 848, 855-56 (M.D. Ala. 1960), *aff'd and adopted in full sub nom. Dinkens*  
7 *v. Attorney General*, 285 F.2d 430 (5th Cir. 1961) (per curiam). The CRA displaces  
8 the Federal Rules of Civil Procedure by creating a “special statutory proceeding.”  
9 *Lynd*, 306 F.2d at 225 “All that is required is a simple statement by the Attorney  
10 General” after making a written demand for Federal election records and papers  
11 covered by the statute, explaining that the person against whom an order is sought  
12 has failed or refused to make the requested records “available for inspection,  
13 reproduction, and copying...” *Id.* at 226 (quoting 52 U.S.C. § 20703). The United  
14 States has satisfied those requirements. Accordingly, the United States respectfully  
15 requests that the Court issue an order to show cause requiring Defendant to produce  
16 the Federal election records described in its written demand.

## 17 18 **II. BACKGROUND**

### 19 **A. Title III of the Civil Rights Act of 1960.**

20 Under Section 301 of the CRA, every “officer of election” must “retain and  
21 preserve ... all records and papers which come into his possession relating to any ...  
22 act requisite to voting in [a Federal] election” for a period of twenty-two months  
23 from that election, 52 U.S.C. § 20701. Section 303 of the CRA provides, “Any record  
24 or paper required by section 301 to be retained and preserved shall, upon demand in  
25 writing by the Attorney General or [her] representative directed to the person having  
26 custody, possession, or control of such record or paper, be made available for  
27 inspection, reproduction, and copying at the principal office of such custodian by the  
28

1 Attorney General or [her] representative....” 52 U.S.C. § 20703. The written  
2 demand “shall contain a statement of the basis and the purpose therefor.” *Id.*

3 If an officer of election refuses to comply with the CRA’s command, the Act  
4 requires “a special statutory proceeding in which the courts play a limited, albeit  
5 vital, role” in assisting the Attorney General’s investigative powers. *Lynd*, 306 F.2d  
6 at 225. The Attorney General or her representative may request a Federal court to  
7 issue an order directing the officer of election to produce the demanded records, akin  
8 to “a traditional order to show cause, or to produce in aid of an order of an  
9 administrative agency.” *Id.*

10 The special proceeding is “summary” in “nature” and neither “plenary [n]or  
11 adversary.” *In re Gordon*, 218 F. Supp. 826, 826-27 (S.D. Miss. 1963); *see Kennedy*  
12 *v. Bruce*, 298 F.2d 860, 863 (5th Cir. 1962) (noting that this procedure “does not  
13 amount to the filing of a suit of any kind”). “All that is required is a simple statement  
14 by the Attorney General that after a ... written demand” for Federal election records  
15 covered by Section 301 of the CRA (52 U.S.C. § 20701), “the person against whom  
16 an order for production is sought ... has failed or refused to make such papers  
17 ‘available for inspection, reproduction, and copying ....’” *Lynd*, 306 F.2d at 226  
18 (quoting 52 U.S.C. § 20703). The court does not entertain “any other procedural  
19 device or maneuver—either before or during any hearing of the application—to  
20 ascertain the factual support for, or the sufficiency of, the Attorney General’s  
21 ‘statement of the basis and the purpose therefor’ as set forth in the written demand.”  
22 *Id.* (quoting 52 U.S.C. § 20703). Rather, “[t]he Court, with expedition, should grant  
23 the relief sought or, if the respondent-custodian opposes the grant of such relief, the  
24 matter should be set down without delay for suitable hearing on the matters open for  
25 determination.” *Id.*

26 Those matters, though, are “severely limited.” *Id.* The court may adjudicate  
27 only: (1) “whether the written demand has been made”; and (2) “whether the  
28 custodians against whom orders are sought have been given reasonable notice of the

1 pendency of the proceeding.” *Id.* Neither “the factual foundation for, or the  
2 sufficiency of, the Attorney General’s ‘statement of the basis and the purpose’  
3 contained in the written demand” nor “the scope of the order to produce” is open for  
4 review. *Id.*; *see Coleman*, 313 F.2d at 868. As the Fifth Circuit has explained, “No  
5 showing even of a prima facie case of a violation of Federal law need be made.” *Id.*  
6 (citation omitted). Instead, “[i]f, after issuance of an order to produce, a genuine  
7 dispute subsequently arises as to whether or not any specified particular paper or  
8 record comes within [52 U.S.C. § 20701’s] broad statutory classification,” that issue  
9 may be decided by the court. *Lynd*, 306 F.2d at 226.

10 **B. The Attorney General is compelling Federal election records under**  
11 **the CRA to assess Nevada’s NVRA and HAVA compliance.**

12 On June 25, 2025, the Attorney General, acting through her representatives at  
13 the Department of Justice (“Department”), sent a letter to Secretary Aguilar, an  
14 officer of election, regarding Nevada’s compliance with Federal list maintenance  
15 requirements. Ex. 1, Dep’t Ltr. to Sec’y Aguilar dated June 25, 2025 (“June 25  
16 Letter”). The NVRA and HAVA have list maintenance requirements “to protect the  
17 integrity of the electoral process.” 52 U.S.C. § 20501(b)(3). The statutes impose  
18 certain recordkeeping duties and require reasonable efforts to maintain lists of  
19 eligible voters for federal elections. *See* 52 U.S.C. §§ 20507 (a)(4), 20507(i)(1),  
20 21083(a)(1)(A). The Department requested information regarding Nevada’s HAVA  
21 compliance. *See* Ex. 1, June 25 Letter.

22 The June 25 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 electronic copy of its computerized statewide voter registration list, including both  
27 active and inactive voters (“SVRL”), required under Section 303 of HAVA. Ex. 1,  
28 June 25 Letter at 2.

1 On July 25, 2025, Secretary Aguilar sent a letter with some responses to the  
2 Attorney General’s requests for information, including a link to Nevada’s purported  
3 SVRL, however, the SVRL provided did not include all fields (“July 25 Letter”) Ex.  
4 2.

5 On August 14, 2025, the Attorney General responded to Secretary Aguilar’s  
6 July 25 Letter, advising the federal basis for her request, including the NVRA and  
7 HAVA, and informed the Secretary that the CRA empowers the Attorney General to  
8 request election records to enforce federal law. The Letter then demanded pursuant  
9 to the CRA “an electronic copy of Nevada’s complete and current VRL.” The  
10 Attorney General further stated that “[t]he purpose of the request is to ascertain  
11 Nevada’s compliance with the list maintenance requirements of the NVRA and  
12 HAVA.” (“August 14 Letter”) Ex. 3.

13 The August 14 Letter directed that the SVRL should contain “all fields, which  
14 includes the registrant’s full name, date of birth, residential address, his or her state  
15 driver’s license number, or the last four digits of the registrant’s social security  
16 number as required under the Help America Vote Act (“HAVA”) to register  
17 individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).” (footnote  
18 omitted).

19 The August 14 Letter explained to Secretary Aguilar that “HAVA specifies  
20 that the ‘last 4 digits of a social security number . . . shall not be considered a social  
21 security number for purposes of section 7 of the Privacy Act of 1974.’” *See* 5 U.S.C.  
22 § 552a note; 52 U.S.C. § 21083(c). The August 14 Letter stated the demand was  
23 made pursuant to the CRA to assess Nevada’s compliance with the list maintenance  
24 provisions of the NVRA and HAVA.

25 The Department made clear in the August 14 Letter that the Attorney General  
26 and her representatives would comply with Federal privacy laws applicable to the  
27 demanded Federal election records. For example, the Department pointed out that in  
28 addition to the Privacy Act, the CRA provides:

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

8 Ex. 3, August 14 Letter at 2. (quoting 52 U.S.C. § 20704).

9 The August 14 Letter further explained, “HAVA specifies that the ‘last 4  
10 digits of a social security number . . . shall not be considered a social security number  
11 for purposes of section 7 of the Privacy Act of 1974...’” *Id.* at 2 (citing note to 5  
12 U.S.C. § 522(a) and 52 U.S.C. § 21083(c)). In addition, the letter noted that any  
13 prohibition of disclosure of a motor vehicle record contained in the Driver’s License  
14 Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure  
15 is for use by a government agency, such as the Department, that is carrying out its  
16 enforcement functions. *Id.* To facilitate Secretary Aguilar’s safe transmission of the  
17 Federal election records, the Department provided instructions to use encrypted  
18 email or to send via the Department’s secure file-sharing system. *Id.*

19 27. On August 21, 2025, Secretary Aguilar responded to the Attorney  
20 General’s letter, claiming the Attorney General’s request had no basis and asserting  
21 privacy concerns. The letter also claimed that the Secretary’s office would conduct  
22 a careful analysis that the Attorney General’s request requires and will reach out  
23 thereafter. However, the Attorney General never received the requested VRL with  
24 all fields as requested (“August 21 Letter”) Ex. 4.

### 25 III. ARGUMENT

#### 26 A. The United States is entitled to an Order to Show Cause under the 27 CRA.

28 An order to show cause for production of documents under the CRA is  
appropriate when the United States files a “simple statement” describing its written

1 demand for inspection, reproduction, and copying, and explaining that the officer of  
2 election to whom it was directed has “failed or refused to make such papers  
3 ‘available for inspection, reproduction, and copying.’” *Lynd*, 306 F.2d at 226  
4 (citation omitted). The written demand must include “a statement of the basis and  
5 the purpose therefor.” 52 U.S.C. § 20703.

6 The Department’s June 25 Letter and August 14 Letter satisfy these  
7 requirements by: (1) making a written demand for inspection, reproduction, and  
8 copying of Federal election records, including the SVRL and records of voter  
9 registration application within twenty-two months of a Federal election; (2) directing  
10 that demand to Secretary Aguilar, an officer of election as defined by Section 306 of  
11 the CRA;<sup>2</sup> and (3) stating that the purpose of the demand is “...ascertain Nevada’s  
12 compliance with the list maintenance requirements of the NVRA and HAVA,” Ex.  
13 4, August 14 Letter at 2.

14 Secretary Aguilar’s failure to provide the requested information and SVRL is  
15 a direction violation of Federal law. Ex. 4. Officers of election have no discretion to  
16 refuse to provide the Federal election records or papers or the content of those  
17  
18

---

19 <sup>2</sup> Section 306 provides:

20  
21 As used in this title, the term “officer of election” means any person  
22 who, under color of any Federal, State, Commonwealth, or local law,  
23 statute, ordinance, regulation, authority, custom, or usage, performs or  
24 is authorized to perform any function, duty, or task in connection with  
25 any application, registration, payment of poll tax, or other act requisite  
26 to voting in any general, special, or primary election at which votes are  
27 cast for candidates for the office of President, Vice President,  
28 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. § 20706.

1 records made available to the Attorney General. *See* 52 U.S.C. § 20703; *see also* 52  
2 U.S.C. § 20701 (referring to “all records and papers”).

3 Further, the Attorney General cannot assess compliance with HAVA and the  
4 NVRA without the SVRL with all fields and other requested Federal election records  
5 pertaining to Nevada’s list maintenance efforts. HAVA prohibits a state from  
6 processing a voter registration application without the applicant’s driver’s license  
7 number, where an applicant has a current and valid driver’s license, or, for other  
8 applicants, the last four digits of the applicant’s social security number; for those  
9 lacking both identification numbers, the state must assign a unique HAVA identifier.  
10 *See* 52 U.S.C. §§ 21083(a)(5)(A)(i)-(ii). Without the data, including those  
11 identification numbers, the United States cannot evaluate the state’s compliance with  
12 HAVA.

13 Similarly, HAVA requires list maintenance to “be conducted in a manner that  
14 ensures” the elimination of duplicate names from the statewide list. 52 U.S.C. §  
15 21083(a)(2)(B)(iii). Voter files, including the three identification numbers described  
16 above, are needed to determine if the state has a reasonable program of identifying  
17 and removing duplicate voter registrations. That is why twenty-five states and the  
18 District of Columbia (including Nevada) participate in the Electronic Registration  
19 Information Center (“ERIC”) and routinely share that data with one another.

20 The same unredacted Federal election records, including the SVRL, are  
21 needed to assess Nevada’s compliance with the NVRA. Section 8(a)(4) of the  
22 NVRA requires each state to “conduct a general program that makes a reasonable  
23 effort to remove the names of ineligible voters from the official lists of eligible  
24 voters...” 52 U.S.C. § 20507(a)(4). For example, use of unredacted voter data  
25 ensures that matches to identify deceased voters are more accurate and complete.

26 Secretary Aguilar has rejected the United States’s written demand pursuant to  
27 the CRA to produce Nevada’s statewide VRL and other Federal election records.  
28 Consequently, the United States respectfully requests that this Court issue an Order

1 to Show Cause requiring Secretary Aguilar and the State of Nevada to immediately  
2 produce those records through a secure method. *See Lynd*, 306 F.2d at 226; *Coleman*,  
3 313 F.2d at 868.

4 **B. The CRA does not permit Defendant to withhold Federal elections**  
5 **because of privacy concerns.**

6 Defendant has refused to produce the Federal election records demanded by  
7 the Attorney General under the CRA because they contend that Nevada’s privacy  
8 laws are controlling. The Supremacy Clause of the Constitution says otherwise. It is  
9 a basic tenet of our Federal system that when Federal and state law conflict, the  
10 federal law governs. *See* U.S. Const. art. VI. As this Circuit has explained, if a federal  
11 election law like the NVRA and state law “do not operate harmoniously in a single  
12 procedural scheme for federal voter registration, then Congress has exercised its  
13 power to ‘alter’ the state’s regulation, and that regulation is superseded.” *Gonzalez*  
14 *v. Arizona*, 677 F.3d 383, 394 (9th Cir. 2012) (en banc), *aff’d sub nom. Arizona v.*  
15 *Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1 (2013).

16 A South Carolina court recently confronted the same argument from an  
17 individual voter seeking to enjoin state officials from cooperating with the  
18 Department. Addressing Federal preemption over state statutes governing privacy,  
19 the court explained, “Federal law likely requires the Election Commission to provide  
20 the requested information to DOJ, and while DOJ has also pointed to the National  
21 Voter Registration Act and the Help America Vote Act, Title III [of the Civil Rights  
22 Act] alone is sufficient to reach that conclusion.” *Crook v. S.C. Election Comm’n*,  
23 No. 2025-CP-40-06539 (Richland Cty. Comm. Pleas Oct. 1, 2025), attached to the  
24 Declaration of Eric Neff as Ex. 5, at 10. The court noted, “Title III requires that, for  
25 22 months after a federal election, a state election official ‘retain and preserve’ ‘all  
26 records and papers which come into his possession relating to any application,  
27 registration, payment of poll tax, or other act requisite to voting in such election.’ 52  
28 U.S.C. § 20701.” *Id.* at 10-11. The court reasoned,

1 Title III has long been understood to “encompass[], among other things,  
 2 voting registration records,” *McIntyre v. Morgan*, 624 F. Supp. 658, 664  
 3 (S.D. Ind. 1985), which is not surprising given the scope of the statutory  
 4 text. And since HAVA’s enactment two decades ago, registration  
 5 records must include either “the applicant’s driver’s license number” or  
 6 “the last four digits of the applicant’s social security number.” 52 U.S.C.  
 7 § 21083(a)(5)(A). The Attorney General (or his representative) may  
 8 demand in writing “[a]ny record or paper” that a state election official  
 9 must keep under § 20701. *Id.* § 20703. That demand must simply  
 10 “contain a statement of the basis and the purpose therefor.” *Id.*

11 *Id.* at 11. As a result, the court found, “DOJ’s request for South Carolina’s voter  
 12 registration list fits comfortably within this legal framework” and denied the voter’s  
 13 request to enjoin the state’s production of its list to the Department. *Id.* at 11-12. For  
 14 those reasons, *id.*, any state-law privacy right to the contrary is preempted by the  
 15 CRA’s broad grant of access to the Attorney General. *See* 52 U.S.C. § 20703;  
 16 *Gonzalez*, 677 F.3d at 394. Consequently, the Attorney General is entitled to the  
 17 Federal election records she has demanded from Nevada under the CRA,  
 18 notwithstanding any conflicting state privacy laws.

19 **C. The Attorney General is entitled to relief under the CRA’s**  
 20 **summary proceeding for obtaining Federal election records.**

21 The CRA displaces the Federal Rules of Civil Procedure and creates a “special  
 22 statutory proceeding” under which Secretary Aguilar, as an officer of election for  
 23 Nevada, must produce the voter-registration lists and other federal election records  
 24 demanded by the Attorney General.<sup>3</sup> *Lynd*, 306 F.2d at 225. The court in *Lynd*

---

25 <sup>3</sup> Although this Motion for an Order to Show Cause is made under the CRA, the  
 26 United States notes that the NVRA includes a similar requirement for production of  
 27 Federal election records. *See* 52 U.S.C. §§ 20507, 20510(a). “[W]hen Congress uses  
 28 the same language in two statutes having similar purposes ... it is appropriate to  
 presume that Congress intended that text to have the same meaning in both statutes.”  
*Smith v. City of Jackson*, 544 U.S. 228, 233 (2005) (plurality opinion).

1 reasoned that a special proceeding was necessary to obtain federal election records  
2 because no other procedural device or maneuver was available:

3  
4 There is no place for a motion for a bill of particulars or for a more  
5 definite statement under F.R.Civ.P. 12(e), 28 U.S.C.A. There is no place  
6 for any other procedural device or maneuver— either before or during  
7 any hearing of the application— to ascertain the factual support for, or  
8 the sufficiency of, the Attorney General's 'statement of the basis and  
9 the purpose therefor' as set forth in the written demand. [52 U.S.C. §  
10 20703]. Thus with respect to the reasons why the Attorney General  
11 considers the records essential, there is no place, either as a part of  
12 pleadings, discovery, or trial, for interrogatories under F.R.Civ.P. 33,  
13 oral depositions of a party under F.R.Civ.P. 26(a), 30, production of  
14 documents under F.R.Civ.P. 34, or request for admissions as to facts or  
15 genuineness of documents or other things under F.R.Civ.P. 36, 37.

16 *Id.* at 226.

17 The “special statutory proceeding” of these statutes is “a summary  
18 proceeding.” *Id.* at 225-26. To institute this proceeding, the United States need only  
19 file a “simple statement” describing its written demand for the Federal election  
20 records and explaining that Secretary Aguilar, acting as an officer of election for  
21 Nevada, “failed or refused to make such papers ‘available for inspection,  
22 reproduction, and copying.’” *Id.* at 226 (citation omitted). Accordingly, the Court  
23 “should grant the relief sought or, if the respondent-custodian opposes the grant of  
24 such relief, the matter should be set down without delay for suitable hearing on the  
25 matters open for determination.” *Id.* The Attorney General’s right to reproduction  
26 and copying of Federal election records is not dependent upon any other showing.  
27 *Id.* Therefore, the United States respectfully requests that this Court issue an Order  
28 to Show Cause directing Secretary Aguilar to produce the Federal election records  
described in the Attorney General’s written demand.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IV. CONCLUSION**

For the foregoing reasons, the United States requests that this Court enter an Order directing Defendant to comply with the Attorney General’s request for all Federal election records described in its June 25 Letter and August 14 Letter. Those records should be provided electronically to the United States within five days.

Dated: December 11, 2025

Respectfully submitted,

HARMEET K. DHILLON  
Assistant Attorney General  
Civil Rights Division

/s/ Brittany E. Bennett

ERIC NEFF  
Acting Chief, Voting Section  
BRITTANY E. BENNETT  
Trial Attorney, Voting Section  
Civil Rights Division  
4 Constitution Square  
150 M Street, Room 8.141  
Washington, D.C. 20002  
brittany.bennett@usdoj.gov  
Tel. (202) 704-5430  
Attorneys for the United States

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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

RETRIEVED FROM DEMOCRACYDOCS.COM