HARMEET K. DHILLON
Assistant Attorney General
Civil Rights Division

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

U.S. Department of Justice
4CON – Room 8.1815
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530
Telephone: (202) 704-5430
Email: Brittany.Bennett@usdoj.gov

Attorneys for Plaintiff, UNITED STATES OF AMERICA

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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

UNITED STATES OF AMERICA Plaintiff, v. SCOTT NAGO, in his Official Capacity as Chief Elections Officer for the State of Hawaii, Defendant.	CASE NO: 1:25-cv-00522 MOTION FOR ORDER TO COMPEL THE PRODUCTION OF RECORDS PURSUANT TO 52 U.S.C. § 20701, *et seq*.

MOTION FOR ORDER TO COMPEL RECORDS DEMANDED PURSUANT TO THE CIVIL RIGHTS ACT OF 1960

Plaintiff, UNITED STATES OF AMERICA, by and through the Attorney General, pursuant to Title III of the Civil Rights Act of 1960 ("CRA"), 52 U.S.C. § 20701, *et seq.*, hereby moves this Honorable Court for an Order compelling Defendant, Scott Nago, to produce the documents requested by Plaintiff. The Attorney General offers the attached Memorandum of Law, Declaration of Eric Neff, and Exhibits, in Support of its Motion to Compel Production.

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Introduction

The Attorney General has been tasked by Congress with enforcement authority for both the National Voter Registration Act ("NVRA") and the Help America Vote Act ("HAVA"). *See* 52 U.S.C. § 20510(a) and 52 U.S.C. § 21111. Both statutes require Defendant to conduct specified maintenance of Hawaii's voter registration list. These requirements are an integral measure to ensure that Defendant's statewide voter registration lists ("SVRL") are accurate. Ensuring the accuracy of the list of eligible voters preserves the integrity of Hawaii's federal election procedures.

Pursuant to Section 301 of the CRA, "every officer of election shall retain and preserve, for a period of twenty-two months from the date of 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 are voted for, 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 (emphasis added).

Further, Section 303 of the CRA provides, "Any record or paper required by [section 301] 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. This demand shall contain a statement of the basis and the purpose therefor." 52 U.S.C. § 20703 (emphasis added).

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The United States has properly demanded records from Defendant pursuant to these federal statutes and Defendant has failed to comply as detailed in the Memorandum of Law in Support of this Motion, and exhibits filed contemporaneously herein. The United States brings this action and files this Motion to compel Defendant to produce the requested records forthwith.

Section 305 of the CRA provides that "[t]he United States District Court for the district in which a demand is made pursuant to [Section 303] of this title, or in which a record or paper so demanded is located, shall have jurisdiction by

appropriate process to compel the production of such record or paper." 52 U.S.C. § 20705.

Prayer for Relief

For the foregoing reasons, Plaintiff requests that this Court enter an Order directing Defendant to produce the demanded records. Plaintiff further requests this Court:

A. Order Defendant to produce an electronic copy of the Hawaii statewide Voter Registration List, to include each registrant's name, date of birth, address, and as required by HAVA, the last four digits of the registrant's social security number, driver's license/state identification number or the unique HAVA identifier; and

B. Order the Defendant to submit the demanded records electronically to the Attorney General within 5 (five) days of this order.

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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
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

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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

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