

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DEMOCRATIC NATIONAL COMMITTEE	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civ. A. No. 26-2928 (CKK)
	)	
U.S. DEPARTMENT OF JUSTICE	)	
	)	
Defendant.	)	
	)	

JOINT STATUS REPORT

Defendant, U.S. Department of Justice (“DOJ” or “the Department”), and Plaintiff, Democratic National Committee, by and through their respective counsel, hereby submit this joint status report (“JSR”).

Statement of the Democratic National Committee

This case concerns FOIA requests the Democratic National Committee (“DNC”) sent to components of DOJ concerning any planned seizure of ballots, voting machines, and other voting system components. Compl. ¶ 1 (Doc 1.). The DNC originally sent records requests under the Freedom of Information Act (“FOIA”) in February 2026, and after five months without a substantive response the DNC brought this suit. *Id.* ¶¶ 30, 33. DOJ filed its Answer on September 28, 2026. *See* Answer (Doc. 15). The DNC provides the following update for each DOJ component below:

With respect to Federal Bureau of Investigation (“FBI”), the FBI administratively closed the DNC’s FOIA request on March 27, 2026, stating that it was “too vague” and the “FBI [could not] reasonably locate records with a ‘reasonable amount of effort.’” Compl. ¶ 39. The DNC then tried to work with the FBI to address its specificity concerns, but the FBI refused to engage in a

cooperative process. *Id.* ¶ 40. Now that the DNC has initiated litigation, the FBI has begun its search based on the DNC’s original request, rather than defend its earlier actions. *See* Defs.’ ¶ 3, *infra*. The DNC respectfully requests that this Court order the FBI to complete its review before the next deadline for a joint status report.

With respect to the DOJ’s Criminal Division (“CRM”), on October 8, 2026, CRM sent the DNC a final response letter stating that “Criminal division personnel searched the sections likely to maintain records and no responsive records subject to the FOIA were located.” *See* Letter from Ali Kargbo, Acting Deputy Chief FOIA/PA Unit to Daniel J. Freeman, DNC Litigation Director (Oct. 7, 2026), attached as Exhibit 1. However, DOJ has long published *Federal Prosecutions of Election Offenses* (8th ed. 2017) (Richard C. Pilger, ed.), and DOJ removed *Federal Prosecutions of Election Offenses* from its website under the ostensible purpose of review. Compl. ¶ 18. No updated edition or alternative guidance has been issued. *Id.* *Federal Prosecutions of Election Offenses* provided guidance on when election related documents should be taken from the custody of local election administrators. *Id.* ¶¶ 19-20. The removal of the *Federal Prosecution of Elections Offenses* was a final decision that is properly within the scope of FOIA and the DNC’s request for policy documents.

In addition, on October 13, 2026, Reuters reported that acting Deputy Attorney General Trent McCrotter, who exercises supervisory authority over CRM, sent a letter to the California Secretary of State demanding the state compare a list of alleged noncitizens to the state’s voter file and immediately cease treating any individual on the list as a duly registered voter. *See* Jacob Bogage and Andrew Goudsward, *US Justice Department Threatens California Over Alleged Noncitizen Voters, Letter Shows*, Reuters (Oct. 13, 2026); <https://www.reuters.com/world/us-justice-department-threatens-california-over-alleged-noncitizen-voters-letter-2026-10-14/>; *see*

also Mi Familia Vota, 129 F.4th 691, 717 (9th Cir. 2025) (prohibiting comparable actions less than 90 days before a federal election), *cert. granted*, 146 S. Ct. 2799 (2026). The letter threatens that if California officials fail to comply with DOJ demands within 48 hours, the Department “will have no choice but to seek emergency relief.” Coming from the acting Deputy Attorney General overseeing the Criminal Division, this appears to be a plausible threat that DOJ will attempt to engage in warrant-based ballot seizure.

In light of CRM’s failure to identify responsive records and the strong inference that responsive documents do exist, the DNC respectfully requests this Court order CRM to provide the parameters of the search it conducted and to conduct supplemental searches, including but not limited to documents and communications related to the removal of the *Federal Prosecution of Elections Offenses*, any subsequent revision, and potential actions to seize ballots in states that do not comply with last-minute DOJ demands.

With respect to the DOJ’s Civil Rights Division (“CRT”), CRT sent a letter acknowledging receipt of the DNC’s request on February 24, 2026 but did not otherwise respond until today. Compl. ¶¶ 53-54. On October 14, 2026, CRT provided a final response letter that CRT “located no records responsive to your request.” Letter from John Buchko, Acting Civil Rights Division FOIA Chief to Daniel J. Freeman, DNC Litigation Director (Oct. 14, 2026), attached as Exhibit 2. The DNC respectfully requests that this Court order Defendant to provide the parameters of the search it conducted, to determine if additional searches are necessary.

With respect to DOJ’s Office of Information Policy (“OIP”) sent the DNC a letter acknowledging the DNC’s request on February 19, 2026, but has not provided any response to-date. Answer ¶¶ 54-55. OIP is responsible for searching for records from DOJ leadership offices, including the Office of the Deputy Attorney General. Given the acting Deputy Attorney General’s

recent letter to the California Secretary of State, it is likely that responsive records exist and such records should be produced with urgency. The DNC is willing to meet and confer with OIP to discuss scoping and search terms

In light of the “time-sensitive importance” of the records requested and their “significant importance to the debates of the day,” *Middle East Forum v. USDHS*, 297 F. Supp. 3d 183, 186-87 (D.D.C. 2018), the DNC respectfully suggests that the parties file joint status reports every 14 days, advising as to Defendants’ progress and any potential need for further proceedings. The DNC concurs with Defendant that it would be premature to establish a schedule for production of a *Vaughn* index or briefing of dispositive motions.

Statement of Defendant

On August 20, 2026, Plaintiff filed its Complaint, which seeks the release of records responsive to Plaintiff’s February 6, 2026 FOIA requests to the Federal Bureau of Investigation (“FBI”) and the Department’s Criminal Division (“CRM”). *See* ECF No. 1. Plaintiff’s FOIA requests seek records pertaining to “planned, anticipated, or potential inspection or seizure of election materials—with or without a warrant—to be conducted in the period beginning 30 days before a federal primary or general election and the certification of such election by appropriate state election officials.” *Id.* at ¶¶ 34, 47. CRM concluded that other components of DOJ may maintain records related to Plaintiff’s request and routed the request to DOJ’s Civil Rights Division (“CRT”) and Office of Information Policy (“OIP”). ECF No. 15 ¶ 52. Defendant filed its Answer to the Complaint on September 28, 2026. *See generally id.*

Defendant provides the following updates:

FBI: FBI is currently conducting searches for potentially responsive records and anticipates being able to provide an update within the next 30 days. As FBI is presently searching for records, FBI does not have a production schedule at this time.

CRM: CRM has issued its final response to Plaintiff and concluded it does not possess records responsive to the request.

CRT: CRT has issued its final response to Plaintiff and concluded it does not possess records responsive to the request.

OIP: OIP has designed its search for records potentially responsive to Plaintiff's FOIA request, and its search process is presently underway. Upon completion of OIP's initial records search, OIP will review the results of the search to determine whether any records are responsive to Plaintiff's FOIA request. OIP further intends to confer with Plaintiff, as applicable, regarding potential scoping and/or narrowing agreements. In light of the current status of the proceedings, it is not yet possible to estimate the anticipated number of records responsive to Plaintiff's FOIA request to OIP, or the anticipated date(s) for release of any responsive records.

Defendants are complying with the Court's order by providing this update and is proceeding in good faith. CRM and CRT have each issued final responses. FBI and OIP are each progressing timely in their search for relevant documents and processing. However, as outlined above, FBI and OIP are not prepared at this time to provide an estimated date for the completion of the FOIA processing.

Defendants oppose Plaintiff's attempts to litigate the appropriate timing of Defendant's completion of its review and production of records by statements in a joint status report. The proper purpose of a joint status report is to concisely update the Court on the status of the case and to identify matters that may warrant further proceedings—not to litigate the merits. Ordering an

agency to complete an action is distinct from the Court addressing scheduling matters for the Parties in a FOIA case. Federal Rule of Civil Procedure 7(b)(1) requires that “[a] request for a court order must be made by motion.” A separately filed motion would allow the Court to see exactly what relief Plaintiff requests, the factual bases (if any) in support, and the legal argument(s) trying to justify this relief. A separately filed motion would also provide notice to Defendants so that they could appropriately prepare their response, gather factual materials if needed, and address the merits. Defendants do not request an *Open America* stay at this time but reserve the right to do so should it determine that circumstances warrant one.

Given this status, a summary judgment motion and the filing of a *Vaughn* Index are premature at this time. Defendants respectfully propose that the parties file their next joint status report on or before October 28, 2026, and every thirty days thereafter, to update the Court on the status of this case.

Dated: October 14, 2026
Washington, DC

Respectfully submitted,

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