

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRACY FORWARD FOUNDATION,
P.O. Box 34553
Washington, D.C. 20043,

Plaintiff,

vs.

Case No. 26-cv-2624

U.S. DEPARTMENT OF HOMELAND
SECURITY
2707 Martin Luther King Jr Ave SE
Washington, D.C. 20528,

IMMIGRATION AND CUSTOMS
ENFORCEMENT
500 12th Street SW, Stop 5009
Washington, D.C. 20536-5009, and

U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Defendants.

COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Democracy Forward Foundation (“DFF”) brings this action against Defendants U.S. Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”), and the U.S. Department of Justice (“DOJ”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Plaintiff alleges as follows:

Jurisdiction and Venue

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

2. Venue is proper under 28 U.S.C. § 1391(e), as Defendants’ headquarters are located in Washington, D.C., within this district, and a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred here.

Parties

3. Plaintiff Democracy Forward Foundation (“DFF”) is a not-for-profit organization incorporated under the laws of the District of Columbia and based in Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part, by educating the public on government actions and policies.

4. Defendant DHS is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. DHS, through its component ICE, has possession, custody, and control of records to which Plaintiff seeks access.

5. Defendant ICE is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. ICE has possession, custody, and control of records to which Plaintiff seeks access.

6. Defendant DOJ is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. DOJ has possession, custody, and control of records to which Plaintiff seeks access.

Legal Standards

7. The FOIA statute requires agencies to “make available to the public information” by making agency records “promptly” available upon request. 5 U.S.C. § 552(a).

8. Agencies are required to process FOIA requests on an “expedited” basis when there is a “compelling need” for the information requested or where agency regulations provide additional standards warranting expedition in “other cases.” *Id.* § 552(a)(6)(E).

9. Under regulations governing each Defendant's processing of FOIA requests, expedited processing is warranted for a matter of "widespread and exceptional media interest in which there exist possible questions about the government's integrity that affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv) (DOJ); 6 C.F.R. § 5.5(e)(1)(iv) (ICE).

DFF's FOIA Requests

10. In the lead-up to the 2026 midterm elections, prominent federal officials and political figures have publicly called for or endorsed deploying ICE agents and other immigration enforcement officials to polling places.¹ When asked about this possibility, President Trump said he "would do anything necessary to make sure we have honest elections," but the Trump-Vance Administration has refused to confirm or deny whether and to what extent it plans to deploy ICE to polling places during those elections.²

11. Federal law prohibits the presence of armed federal officers at the polls and prohibits interference with the right to vote. *See, e.g.*, 18 U.S.C. § 592 (prohibiting stationing troops or armed men at polling places); 18 U.S.C. § 595 (prohibiting interference by federal officers or employees with elections); Section 11(b) of the Voting Rights Act, 52 U.S.C. § 10307(b) (prohibiting voter intimidation). Whether and how the federal government intends to

¹ *See, e.g.*, Adora Brown & Manuela Silva, *Trump administration remains open to placing federal agents at polls during midterms*, Spotlight PA (Mar. 30, 2026), <https://www.spotlightpa.org/news/2026/03/election-2026-midterms-trump-administration-federal-government>; Jacob Knutson, *Deputy attorney general endorses sending ICE agents to voting sites*, Democracy Docket (Mar. 26, 2026), <https://www.democracydocket.com/news-alerts/deputy-attorney-general-blanche-ice-agents-polling-places/>; Rebecca Beitsch, *Blanche: 'Why is there objection to sending ICE officers to polling places?'*, The Hill (Mar. 27, 2026), <https://thehill.com/homenews/administration/5803874-todd-blanche-immigration-enforcement-polling-places-2026-election/>.

² C-SPAN, *President Trump Says He's Willing to Send ICE, National Guard to the Polls in November* (May 12, 2026), <https://www.c-span.org/clip/white-house-event/president-trump-says-hes-willing-to-send-ice-national-guard-to-the-polls-in-november/5200208>.

deploy ICE officials at or near polling places therefore raises significant questions of law and public concern.

12. These matters have generated widespread and sustained media attention from national, regional, and local outlets,³ and have prompted intense public interest concerning the collection and use of federal resources in connection with the 2026 elections,⁴ raising questions about the government's integrity that affect public confidence and must be resolved before the 2026 midterm elections.

13. DFF submitted multiple FOIA requests seeking records to shed light on whether and how the Trump-Vance Administration plans to deploy ICE to polling places during the 2026 midterm elections. The public interest, media attention, and urgency of these records is great, as they may shed light directly on crucial questions of voting rights and election integrity in the upcoming midterm elections. As such, DFF sought expedited processing of its requests to DOJ and ICE, based primarily on the extensive media interest in this matter, which has raised questions about the integrity of the government's actions that affect public confidence.

³ See, e.g., Liz Landers & Doug Adams, *New Mexico secretary of state explains law barring armed federal agents at polls*, PBS News (May 21, 2026), <https://www.pbs.org/newshour/show/new-mexico-secretary-of-state-explains-law-barring-armed-federal-agents-at-polls>; Joseph Konig, *Trump Says 'I'd Do Anything Necessary' When Asked If He'll Send ICE and National Guard to Voting Locations*, People (May 12, 2026), <https://people.com/trump-comments-on-ice-national-guard-at-voting-locations-11973393>; Andrew Stanton, *Warnings Issued on Nationalizing Elections, ICE at Polls—'Huge Danger'*, Newsweek (Feb. 4, 2026), <https://www.newsweek.com/warnings-issued-on-nationalizing-elections-ice-at-polls-huge-danger-11467048>.

⁴ See, e.g., Data for Progress, *Voters Support Blocking ICE at Poll Sites to Prevent Election Interference* (Feb. 9, 2026), <https://www.dataforprogress.org/blog/2026/2/9/voters-support-blocking-ice-at-poll-sites-to-prevent-election-interference> (64 percent of voters believe the President will attempt to use ICE to interfere in the elections); Jasleen Singh & Kendall Verhovek, *Sending ICE to Polling Places Is Illegal*, Brennan Ctr. for Just. (Mar. 31, 2026), <https://www.brennancenter.org/our-work/research-reports/sending-ice-polling-places-illegal>.

ICE Election Communications Request

14. On April 23, 2026, DFF sent a FOIA request, bearing internal tracking number DFF-DHS-ICE-26-0510, to ICE seeking the following:

All email communications (including email messages, complete email chains, email attachments, calendar invitations) sent by any of the following ICE officials and containing any of the following key terms.

ICE Officials

- i. Todd Lyons, Acting Director
- ii. Charles Wall, Deputy Director
- iii. Carl Stiffler, Acting Chief of Staff
- iv. Jon Feere, Senior Advisor
- v. Todd Bensman, Advisor to the Border Czar
- vi. Peter Fitzhugh, Senior Advisor
- vii. David Venturella, Senior Advisor
- viii. Mark Hall, Senior Advisor
- ix. Jason Killmeyer, former Chief of Staff
- x. Anyone serving as Acting Director

Key Terms

- a. election
- b. elections
- c. midterm
- d. midterms
- e. vot*
- f. poli*
- g. ballot
- h. ballots
- i. dropbox
- j. dropboxes
- k. “drop box”
- l. “drop boxes”
- m. drop-box
- n. drop-boxes

15. The request further clarified:

Please note that DFF is using the asterisk (*) to designate the standard use of “wildcards” in the search for responsive

records. For example, a search for “vot*” would return all of the following: vote, voter, voting, etc. If your agency is unable to search for wildcards, please advise so that we may specifically include the variations that we would like searched.

In an effort to accommodate ICE and reduce the number of potentially responsive records to be processed and produced, we have limited this request to communications sent by the specified officials. To be clear, however, DFF still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a specified official’s response to an email and the initial received message are responsive to this request and should be produced.

16. This request sought records from January 1, 2026, through the date of the search.
17. On June 4, 2026, DFF sent ICE a request for expedited processing for this request.
18. On July 13, 2026, ICE sent an acknowledgement email invoking “unusual circumstances,” stating that it had aggregated this request with another DFF request, No. 2026-ICFO-21644, and would process the final response under 2026-ICFO-21644.
19. On Thursday, July 16, 2026, ICE requested clarification of the requests that it had aggregated under 2026-ICFO-21644, including this one.
20. On Tuesday, July 21, 2026, DFF responded to ICE’s clarification request by providing guidance on search terms and narrowing the original scope of its request.
21. DFF has received no further communication from ICE regarding this request. ICE has not issued a determination as to expedited processing.

ICE Directives and Training Materials Request

22. On April 23, 2026, DFF submitted a FOIA request, bearing internal tracking number DFF-DHS-ICE-26-0511, to ICE seeking the following:
 1. All formal and informal final directives, guidance, memoranda, protocols, and/or policies created by, issued to,

or otherwise provided to ICE regarding the presence of ICE agents or designated immigration officers at polling places.

2. Records reflecting any training materials developed, created, or issued regarding the presence of ICE agents or designated immigration officers at polling places.

Responsive records may include, but should not be limited to, PowerPoint slides, informational handouts, summary documents, handwritten or typed notes, training videos, or any other records used in trainings.

DFF believes your office is in the best position to identify where responsive records are likely to reside, but believes a reasonable search should include, at a minimum, Enforcement and Removal Operations (ERO), Homeland Security Investigations (HSI), and all ERO and HSI field offices.

23. This request sought records created, issued, or in effect from January 1, 2026, until the date of the search.

24. On June 4, 2026, DFF sent ICE a request for expedited processing for this request.

25. On July 13, 2026, ICE sent an acknowledgement email stating that it had aggregated this request with request No. 2026-ICFO-21644 and would process it under that number.

26. On July 16, 2026, ICE requested clarification of the requests that it had aggregated under 2026-ICFO-21644, including this one.

27. On July 21, 2026, DFF responded to ICE's clarification request by providing guidance on search terms and narrowing the original scope of its request.

28. DFF has received no further communication from ICE regarding this request. ICE has not issued a determination as to expedited processing.

ICE Legal Advice Request

29. On April 23, 2026, DFF sent a FOIA request, bearing internal tracking number

DFF-DHS-ICE-26-0512, to ICE seeking the following:

Records reflecting any final legal advice and analysis (including both formal legal analyses and memoranda, as well as informal electronic communications) regarding the presence of ICE agents or designated immigration officers at polling places, including, but not limited to, Section 11(b) of the Voting Rights Act, 18 U.S.C. § 592, and 18 U.S.C. § 595.

DFF believes your office is in the best position to identify where responsive records are likely to reside, but believes a reasonable search should include, at a minimum, the Office of the Principal Legal Advisor.

30. This request sought records created, issued, or in effect from January 20, 2025, through the date of the search.

31. On June 4, 2026, DFF sent ICE a request for expedited processing for this request.

32. On July 16, 2026, ICE requested clarification of the requests that it had aggregated under 2026-ICFO-21644, including this one.

33. On July 21, 2026, DFF responded to ICE's clarification request by providing guidance on search terms and narrowing the original scope of its request.

34. DFF has received no further communication from ICE regarding this request. ICE has not issued a determination as to expedited processing.

DOJ Final Legal Analyses Request

35. On April 23, 2026, DFF submitted a FOIA request to DOJ, bearing internal tracking number DFF-DOJ-OLC-26-0513, seeking the following:

Records reflecting any final legal advice and analysis (including both formal legal analyses and memoranda, as well as informal electronic communications) regarding the presence of immigration enforcement officials at polling places, including, but not limited to, Section 11(b) of the Voting Rights Act, 18 U.S.C. § 592, and 18 U.S.C. § 595.

36. The request sought records created, issued, or in effect from January 20, 2025, until

the date of the search.

37. On May 5, 2026, DOJ sent DFF a formal acknowledgement letter assigning the request tracking number FY26-169.

38. On June 4, 2026, DFF sent DOJ a request for expedited processing for this request.

39. On June 12, 2026, DOJ denied DFF's request for expedited processing and stated that the request would continue to be processed in the simple track.

40. On July 14, 2026, DFF administratively appealed DOJ's denial of expedited processing.

41. On July 14, 2026, DOJ acknowledged DFF's appeal and assigned it the appeal number A-2026-01905.

42. On July 23, 2026, DOJ denied DFF's administrative appeal of DOJ's denial of expedited processing.

43. DFF has received no further communication from DOJ regarding this request.

Exhaustion of Administrative Remedies

44. More than twenty (20) business days have elapsed since Defendants received each of the requests described above, and Defendants have failed to make and communicate determinations regarding those requests within the time period required by law. Through Defendants' failure to comply with the statutory time limits, DFF has constructively exhausted its administrative remedies as to each request. 5 U.S.C. § 552(a)(6)(C)(i).

45. More than ten (10) days have elapsed since Defendants received DFF's requests for expedited processing for each of the above requests.

46. DFF has also exhausted its administrative remedies with respect to expedited processing through ICE's failure to respond and DOJ's denial of DFF's expedited processing requests.

CLAIM FOR RELIEF

Count 1 (Violation of FOIA, 5 U.S.C. § 552)

47. Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein.

48. By failing to respond to Plaintiff's requests with determinations and prompt productions of responsive records within the statutorily mandated time period, Defendants have violated their duties under 5 U.S.C. § 552, including but not limited to, their duties to conduct a reasonable search for responsive records, to take reasonable steps to release all nonexempt information, and to not withhold responsive records.

Count 2 (Violation of FOIA, Failure to Grant Expedited Processing, 5 U.S.C. § 552, 6 C.F.R. § 5.5(e)(1)(iv), 28 C.F.R. § 16.5(e)(1)(iv))

49. Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein.

50. By failing to grant expedited processing under 6 C.F.R. § 5.5(e)(1)(iv) and 28 C.F.R. § 16.5(e)(1)(iv), respectively, Defendants ICE and DOJ have violated the FOIA and Defendants' regulations for this matter involving exceptional and widespread media interest raising questions of governmental integrity that affect public confidence.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

1. Order Defendants to conduct searches for any and all responsive records to Plaintiff's FOIA requests using search methods reasonably calculated to lead to discovery of all responsive records;
2. Order Defendants to expedite processing of Plaintiff's requests and produce non-exempt portions of all responsive records as soon as is practicable;

3. Order Defendants to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
4. Enjoin Defendants from continuing to withhold any and all non-exempt responsive records;
5. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action; and
6. Grant any other relief this Court deems appropriate.

Dated: July 27, 2026

Respectfully submitted,

/s/ Hart W. Wood

Hart W. Wood
(Bar No. 1034361)
Daniel A. McGrath
(Bar No. 1531723)
Ronald A. Fein
(Bar No. 90026641)
Robin F. Thurston
(Bar No. 7268942)
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043
(202) 448-9090
hwood@democracyforward.org
dmcgrath@democracyforward.org
rfein@democracyforward.org
rthurston@democracyforward.org