UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY and U.S. CITIZENSHIP AND IMMIGRATION SERVICES,

Defendants.

Civil Action No. 26-cv-3393 (BAH)

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JOINT STATUS REPORT

Plaintiffs Citizens for Responsibility and Ethics in Washington ("CREW") and Defendants the U.S. Department of Homeland Security ("DHS") and U.S. Citizenship and Immigration Services ("USCIS") (collectively, "the Parties") respectfully submit this Joint Status Report pursuant to the Court's Minute Order of October 31, 2026.

DEFENDANTS' POSITION:

This Court's Order directed the Parties to file a Joint Status Report on November 4, 2026 at 12:00 p.m. "(1) advis[ing] the Court of the number of pages processed by DHS from its search of the DAS for Election Integrity since October 23, 2026, and (2) unless the consultation of fourteen pages of responsive records is completed by that date, submit as attachments sworn declarations from individuals with knowledge of and responsibility for the processing of plaintiff's FOIA requests at DHS:a) Identifying the other government entity to which the fourteen

pages of responsive records has been referred; and b) Providing the anticipated timeline for completion of the consultation and agency review of these records." Min. Order of Oct. 31.

Pursuant to that Order, Defendant DHS respectfully advises this Court that since October 23 it has reviewed 1,211 pages and made an initial determination on those pages' responsiveness. Those pages are part of the subset of 14,211 pages of records obtained using one of Plaintiff's proposed search queries. DHS will process records in accordance with the parties' agreed schedule.

In the Parties' Joint Status Report of October 30, ECF No. 21, DHS reported that fourteen pages of responsive records obtained from DHS's search of its Office of Public Affairs ("OPA") were in consultation with another government entity and could not be disclosed to Plaintiff. As detailed by the attached sworn declaration by Catrina M. Pavlik-Keenan, Deputy Chief Freedom of Information Act Officer for the DHS Privacy Office, those fourteen pages remain in consultation and the other entity with whom DHS is consulting is the White House. DHS has identified those pages as responsive and identified material to be withheld once the record is returned to it. DHS has asked the White House to return the record as soon as possible.

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PLAINTIFF'S POSITION:

Plaintiff believes it may be helpful to share some additional detail on Defendants' search process for the Court to understand the status of this case. For reference, Plaintiff has been informed that all 32,000 pages from the Office of the DAS for Election Integrity come from a single custodian, the DAS for Election Integrity, Heather Honey.

On October 16, 2026, Plaintiff provided five priority search proposals, each aimed at collecting a subset of the total universe of records that would be responsive to different parts of Plaintiff's request. Those search proposals, as well as the results Defendants provided, are below:

Plaintiff's "Specific Figures Query" ("190,832" OR 190832 OR "35,152" OR 35152 OR "15,903" OR 15903 OR "14,576" OR 14576 OR "118,003" OR 118003 OR "8,576" OR 8576 OR "278,000" OR 278000 OR "250,000" OR 250000 OR "6,218" OR 6218) w/10 (register* OR vote* OR non-citizen* OR noncitizen* OR alien* OR illegal* OR "Nevada" OR "California" OR "New Jersey" OR "Pennsylvania")	DOCUMENTS: 153 PAGES: 14,211
Plaintiff's "Methodology Query" (match* OR data* OR "record linkage" OR dedup* OR "false positive*" OR "error rate" OR threshold* OR confidence* OR attribute* OR indicator* OR SAVE w/10 (vote* OR registrant* OR "registration" OR "non-citizen*" OR noncitizen* OR alien* OR "voter ID*" OR "A-number*" OR "A number*" OR "A#*")	This search query resulted in an error.
Plaintiff's "Date Source Query" ("Publicly available" OR PCQS OR person centric query service OR SAVE OR Systematic Alien Verification for Entitlements OR voter*) w/10 (acqui* OR obtain* OR purchas* OR download* OR export* OR public OR portal OR registration OR vendor OR broker OR database OR scrap*)	DOCUMENTS: About 500 PAGES: 28,910
Plaintiff's "Internal Assessments Query" (ceiling OR preliminary OR manual OR vetted OR unvetted OR inflated OR confirm* OR "confidence" OR "enumerator*") w/10 (Nevada OR Pennsylvania OR California OR "New Jersey" OR Aguilar OR Schmidt OR Weber OR Ott OR Hebert OR "Secretary of State" OR "Secretary of the Commonwealth")	DOCUMENTS: About 450 PAGES: 28,271
Plaintiff's "Fact Sheet Query" ("Preventing Alien Voting" OR "fact sheet" OR factsheet OR "press release" OR "talking points" OR "address to the nation" OR rollout OR "roll-out") AND (vote* OR "non-citizen*" OR noncitizen* OR alien*)	DOCUMENTS: 403 PAGES: 26,234
Reference Point: DHS's Suggested Query ("register" or "vote" AND "confidence" or "level" or "criteria" AND "Nevada" or "California" or "New Jersey" or "Pennsylvania")	DOCUMENTS: 261 PAGES: About 20,000

Plaintiff understands that Defendants have thus far been working to process the results from the "Specific Figures" query because it produced the smallest subset of records, but those results do not represent the entire universe of potentially responsive records. Defendants have represented that all 13,000 pages processed as of October 30, 2026 are nonresponsive. *See* JSR, ECF no. 21. Plaintiff believes that it is unlikely that the current search terms (which target the specific numbers of noncitizens the government alleges may be registered to vote), could produce 13,000 unresponsive pages out of about 14,000 pages of results. It is unclear whether the additional records processed since the October 30, 2026, JSR have been deemed responsive, as DHS has not shared that information with Plaintiff, or in today's JSR. Plaintiff believes there is likely to be further litigation over the sufficiency of search and processing as a result.

Plaintiff has requested prioritization of DHS's search multiple times, noting that its top priorities are discrete records which presumably could be easily located by the person Defendants represent is the single custodian of all of the responsive records. Plaintiff shared those top priorities with Defendants on October 16, 2026, and further narrowed them on October 20, 2026, and they are pasted below:

- Any final memos, directives, guidance, or other analysis pertaining to Secretary Mullin's and President Trump's press conferences on July 16 and 17, 2026;
- Any final memos, directives, guidance, or other analysis pertaining to the fact sheet titled "Preventing Alien Voting" or the DHS press release of July 17, 2026;
- The code/queries and data sources that led to the output, or data-sources/matching-criteria description (reports show a "6-attribute" test).

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Counsel for Defendants represented to undersigned counsel via email on October 22, 2026 that it was "too late to go back and prioritize," but Plaintiff reiterates its interest in receiving those records first.

Separately, Plaintiff believes that the USCIS documents Plaintiff has already received are over-redacted, and has flagged that issue for government counsel in a meet and confer, but it is not resolved. Plaintiff anticipates that additional records received will continue to be over-redacted and there will therefore be additional litigation over those redactions, particularly given the upcoming deadline for certification of the election results.

Finally, Plaintiff reiterates its position from the prior JSR that Defendants have not adhered to the agreement of the parties' or this Court's order memorializing this agreement. *See* JSR, ECF no. 21. Fundamentally, DHS has not produced the records it agreed to produce by October 30, 2026. And now, Defendants have not provided the information this Court directed Defendants to include in a declaration today, namely, requiring Defendants to provide "the anticipated timeline for completion of the consultation and agency review of these records." *See* Minute Order of October 31, 2026. Plaintiff also notes that this declaration does not indicate when the records were sent from DHS to the White House, making it impossible to determine how long the White House has been assessing this single, short document.

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Plaintiff therefore requests the following:

1. Order DHS adhere to its agreement and this Court's order memorializing that agreement to disclose the records from DHS OPA it promised to disclose on October 30, 2026, by the end of the week;
2. Set an expedited process to resolve disputes over the sufficiency of Defendants' search and processing;

3. Set an expedited process to resolve disputes over redaction as they arise.

Dated: November 4, 2026.

Respectfully submitted,

/s/ Lauren C. Bingham
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