UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,

Plaintiff,

v.

HARMEET DHILLON, in her official capacity as Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, *et al.*,

Defendants.

Civil Action No. 26-3461 (SLS)

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JOINT STATUS REPORT

Pursuant to the Court's October 27, 2026, Minute Order, Plaintiff National Association for the Advancement of Colored People ("NAACP") and Defendants the Civil Rights Division of the Department of Justice ("CRT") and Harmeet Dhillon, in her official capacity as Assistant Attorney General, Civil Rights Division, by and through undersigned counsel, respectfully submit this Joint Status Report in the above captioned action.

1. The above captioned action relates to a 20-category Freedom of Information Act ("FOIA") request Plaintiff submitted to CRT on September 2, 2026. *See* ECF No. 1-1. Plaintiff filed the Complaint in this matter on October 2, 2026, *see* ECF No. 1. Following the denial of Plaintiff's motion for emergency relief on October 22, 2026, the Court issued a Minute Order directing the parties to meet and confer to discuss narrowing the scope of the FOIA request, and to file a joint status report apprising the Court of their efforts and outlining any remaining disagreements. *See* Min. Order (Oct. 22, 2026).

2. Plaintiff submitted a prioritization proposal to Defendants. The proposal consisted

of the following four categories of documents from its FOIA request:

(1) List of all jurisdictions (counties, cities) that election monitors are to be deployed for the November 3, 2026 midterm general election;

(2) Total number of prosecutors and investigators from each criminal DOJ component who will serve as an election monitor;

(3) Written restrictions, if any, on criminal prosecutors and investigators from criminal components of DOJ, and on agents or investigators from the Federal Bureau of Investigation (F.B.I.) or any criminal investigative agency to be permitted to serve as an election monitor; and

(4) Total number of agents and investigators from the Federal Bureau of Investigation (F.B.I.), Department of Homeland Security (D.H.S.), U.S. Immigration and Customs Enforcement (I.C.E.), or any other federal law enforcement agency who have been deployed to serve as an election monitor in the 2026 primary elections, and total number of the same who will be deployed in the midterm general elections on November 3, 2026.

3. On October 23, 2026, the undersigned met to discuss Plaintiff's prioritization proposal. A staff member from CRT's FOIA office was present on the call. Because the parties disagreed as to next steps in this matter, they set out their respective positions separately in a JSR submitted on October 26, 2026. *See* ECF 22.

4. The Court held a Status Conference regarding the JSR on October 27, 2026 and, following the conference, the Court entered a Minute Order reading:

> Defendants are directed to file a notice today, October 27, 2026, outlining how many records are responsive to the four categories of documents outlined in the Parties' 22 Joint Status Report. The notice should also indicate when lists responsive to categories one and two as outlined in the 22 Joint Status Report will be finalized. If the Defendants need additional time to provide this information, they should so advise in their notice. The Parties are then directed to meet, confer, and submit a further Joint Status Report by October 28, 2026, indicating how they propose to proceed.

5. Defendants submitted their Notice [ECF 27] on October 27, 2026 summarizing their search efforts of the four categories as such: "In total, CRT performed two searches: a single search for categories (1) and (2); and a single search for categories (3) and (4). The former returned

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18,993 potentially responsive records; the latter returned 7,842 potentially responsive records. These search results reflect potentially responsive records and are, by their nature, overly inclusive." [ECF 27].

6. Defendants further stated in their Notice, "For category (1), CRT reports that it will not have a finalized list of jurisdictions until Election Day. For category (2), CRT notes that this category necessarily requires that CRT know the position titles of election monitors; however, CRT has not collected the position titles of DOJ employees who have signed up as election monitors and thus would likely need to create a record to provide this information." [ECF 27].

7. The parties met on October 28, 2026 at 10:00am to discuss how to narrow and prioritize the search. Plaintiff reports that it proposed the following in the 10:00am meeting, which it conveyed in writing by email at 11:03am:

a. Category 1

i. While Defendants are taking the position that the list of jurisdictions is not finalized until Election Day, Plaintiff's position is that the request is for a list of where "election monitors *are to be* deployed for the November 3, 2026 midterm general election," which would mean the records and documents Defendants are *currently* using to actually put in place its monitoring plans. (emphasis added). Plaintiff cited as examples the many news reports of local election officials informing the public that the Civil Rights Division has reached out about plans to deploy monitors to their respective jurisdictions. Plaintiff would like the records that contain the list(s) that CRT is operating off of.

ii. If Defendants maintain that a finalized list does not exist (or put forth some

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other objection), Plaintiff proposed to Defendants the following:

1. Allow the Court to decide the merit of statement that the list would not be final until Election Day; and
2. In the immediate future, Defendants should produce the correspondences, call and video logs, and any other notices and communications they have made to the jurisdictions where they have communicated their intent to conduct poll monitoring for the general election.

b. Category 3

i. Given that Defendants grouped #3 and #4 together in a single search, Plaintiff proposed CRT immediately run this search separately.

c. Category 4

i. Plaintiff shared with Defendants' counsel that Plaintiff is aware of an ATF employee being among the poll monitors to be deployed, which is contrary to the information provided to the Court during the October 27, 2026 status conference in which Counsel said the poll monitors will only consist of DOJ professional staff and attorneys such as AUSAs (criminal and civil) and other line attorneys.

d. Plaintiff requested the list of search terms Defendants initially used to allow Plaintiff to narrow the terms to prioritize for processing and production.

e. Plaintiff requested that moving forward Defendants will run separate searches for each of the four categories.

8. Counsel for Defendants provided the initial search terms at 2:18pm. Additionally,

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Counsel for Defendants provided the following update:

a. "For category 1, CRT is going to have a declaration that explains why the list is not finalized until Election Day. For your request that CRT produce correspondence and the like, although CRT appreciates that Plaintiff is trying to address the deliberative-process-privilege concerns, it views that as another category and search, and believes the parties should focus on those categories that have already been agreed to be prioritized."

b. "CRT is willing to run another search for #4 and willing to use Plaintiff's search terms."

c. "I believe CRT is still discussing category #2."

9. Plaintiff responded at 3:38pm with updated search terms for Categories #3 and #4. Additionally, Plaintiff informed Counsel for Defendants that Plaintiff will withdraw Category #2 because "[g]ven the time constraint and the multiple instances of confirmation that DOJ prosecutors *are* being deployed, [Plaintiff is] fine not knowing the numbers for now." Finally, Plaintiff underscored that it remains interested in Category #1's list of jurisdictions. "[Plaintiff] would like that information, [Plaintiff] believe it's finalized at least a day or two before the Election, and [Plaintiff thinks] it's relatively easier to locate/produce compared to other categories."

10. The parties met again at 4:00pm to briefly discuss the instant joint status report, and their email exchange over the preceding hours.

DEFENDANTS' POSITION

11. Over the past six days since the Court denied Plaintiff's motion, Defendants have worked extensively with Plaintiff to respond to its FOIA request. The parties have met three times

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by phone, attended a status conference, and filed (with the instant report) two joint status reports. CRT's FOIA office has made room while processing other time-sensitive matters—many from parties that have had their FOIA requests pending for much longer than Plaintiff's, and who, unlike Plaintiff, requested expedited processing in their requests—to run searches in response to Plaintiff's prioritized categories. When the Court denied Plaintiff's motion, it stated, "You don't get . . . any type of emergency relief in a FOIA case just because you come to court and you say, [']Hey, the 20-day window has passed.[']" Ex. 1 (Transcript of Mot. Hearing (Oct. 22, 2026)), at 15. Defendants' actions over the past six days have nonetheless been akin to what Plaintiff would receive were it provided emergency relief.

12. Defendants note that Plaintiff is emphasizing that it is seeking records related to "criminal law enforcement agents and investigators" acting as monitors implicitly suggesting that those monitors will be acting in a law enforcement capacity. As explained in the Neff Declaration, any criminal law enforcement agents or investigators will be acting in their capacity as DOJ monitors and not in any law enforcement capacity: "Thus, while monitoring, the monitors will not be acting as "law enforcement personnel," a "law enforcement officer," or a "law enforcement agent" as commonly understood." Decl. of Eric Neff ¶ 6.

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13. Plaintiff provides below that they now only seek records responsive to Categories 1, 3, and 4.[1] With respect to the three remaining categories, Defendants state the following:

1. For Categories 3 and 4, Defendants appreciate that Plaintiff has shared proposed search terms, and will forthwith run searches using those terms. As stated in their Notice, the terms in Defendants' initial search were overly inclusive, to ensure that

[1] Although Plaintiff is no longer seeking prioritization of Category 2, Defendants nonetheless note that, as previously stated, *see* ECF No. 27, they do not track the position title of election monitoring volunteers. *See* Decl. of Eric Neff ¶ 9.

no responsive records were not hit. *See* ECF No. 27. Nonetheless, Defendants want to ensure that they are searching for the records that Plaintiff seeks, and using Plaintiff's proposed search terms helps accomplish that.

2. For Category 1, Defendants aver that "CRT has not yet finished identifying all locations for deploying monitors" and "has not internally committed to a time when that list of locations will be complete before Election Day." Even if this were not the case, however, releasing this information would raise other concerns inasmuch as its advanced publication could undermine CRT's monitoring efforts—which it has undertaken in past election cycles going back decades—and potentially put its monitors at risk. Decl. of Eric Neff ¶ 12. News outlets have reported that groups are currently organizing to "monitor" DOJ's monitors. *Id.* On this last point, Defendants note that monitors consist of volunteer staff, exclusive of any persons acting in a law enforcement agent capacity, *id.* ¶ 5, who are provided comprehensive training consistent with past practice, *id.* ¶ 4, and are provided explicit limitations on their monitoring, *id.* ¶¶ 7-8.

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14. The relief that Plaintiff requests—that Defendants begin producing documents on a "rolling basis" immediately—does not reflect the reality of producing records pursuant to a FOIA request. As set forth above, the initial search results identified over 25,000 records responsive. Defendants still must run new searches using Plaintiff's proposed terms, upload those records to its processing platform, and review the records for redactions and exemptions which, given the number of records, could not be done prior to November 3rd.

PLAINTIFF'S POSITION

15. While Plaintiff appreciates the information from Mr. Neff's Declaration, FOIA

exists to provide the public with access to documents and records of the government, and a prepared declaration does not provide the source of information Plaintiff seeks.

16. Given the new information from Mr. Neff regarding law enforcement agency personnel from DEA, BOP, and ATF, this is exactly the circumstances that make our Category #3 important; Plaintiff and the public need to know what restrictions, if any, are in place on who can serve from these agencies. It is also noted that Mr. Neff stated no *agents* from F.B.I. or I.C.E. will be deployed, but he does not use the same positional language in reference to BOP, ATF, and DEA. The records Plaintiffs seek from Categories #3 and #4 will be directly responsive to the question of whether CRT will use *agents* from BOP, ATF, and DEA. Mr. Neff also does not mention U.S. Marshals, which is another search term Plaintiff seeks in Categories #3 and #4.

17. Mr. Neff states in paragraph two that the election monitoring efforts are in a similar manner and for similar purposes, but that is directly at odds with what AG Blanche and AAG Dhillon have indicated, both in terms of number of monitors and the country-wide placement, but also their stated purposes of election integrity and seeking to prevent fraud.

18. Mr. Neff also raises the issue in paragraph 12 that transparency with regard to the placement of monitors in jurisdictions will put monitors at risk. To the contrary, CRT has a longstanding practice of notifying the public in advance of where they will be on Election Day. The lack of notice to the public, moreover, puts voters and election officials at risk of confusion and intimidation from unannounced federal presence.

19. Plaintiff has further narrowed its request to eliminate Category #2. Counsel for Defendants conceded during the October 27, 2026 Status Conference with the Court that Defendants will utilize criminal prosecutors and criminal investigators from criminal DOJ components and the various U.S. Attorney Offices.

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20. Plaintiff is focused on information related to criminal law enforcement agents and investigators searching as monitors, and the jurisdictions where the monitors will be deployed.

21. Plaintiff is concerned with Defendants' initial searches, and subsequent timeliness in their responses to government counsel regarding narrowing and prioritizing the results from their initial broad searches. Specifically, Defendants grouped together Categories 1 & 2, and 3 & 4 to conduct two total searches. Additionally, Defendants did not include any of the words "prosecutor," "investigator," or "criminal" in the search they conducted that included Category #2.

22. Plaintiff does not share Defendants' belief that it cannot share a list of jurisdictions under Category #1 until Election Day. Given that Defendants provide notice to jurisdictions, recruit staff members to monitor, and plan out necessary logistics such as travel, Plaintiff's position is that the list of jurisdictions would be final several days prior to Election Day. Plaintiff would gladly accept whatever records reflect the list of jurisdictions which Defendants are using to conduct outreach to the counties and states where Defendants will deploy monitors.

23. Plaintiff requests that Defendants run a search for Category #3 using the narrowed terms it provided and narrowing the time period to April 15th – October 27, 2026. Specifically, the search terms it recommends are:

- ("Restriction" OR "Permitted") AND
- ((election NEAR(2) monitor) OR "Federal Observers" OR (DOJ NEAR(2) monitor) OR "monitoring" OR ("2026 midterm" NEAR(2) election) OR ("General Election") OR "November Election" OR "November 3rd" OR "November 3, 2026" OR "11/3/26") AND
- ("Prosecutor" OR "Investigator" OR "Agent" OR "Special Agent") AND
- (("Law Enforcement" NEAR(2) Agency) OR "Immigration Customs

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Enforcement" OR "ICE" OR "I.C.E." OR "Federal Bureau of Investigation" OR "F.B.I." OR "FBI" OR "Department of Homeland Security" OR "DHS" OR "D.H.S." OR "Alcohol Tobacco Firearms" OR "ATF" OR "A.T.F." OR "Drug Enforcement Administration" OR "DEA" OR "D.E.A." OR "Marshals" OR "USMS" OR "U.S.M.S." OR "Customs and Border Patrol" OR "CBP" OR "C.B.P" OR "Homeland Security Investigation" OR "HSI" OR "H.S.I" OR "Bureau of Prisons" OR "B.O.P." OR "BOP")

24. Plaintiff requests that Defendants run a search for Category #4 using the narrowed terms it provided and narrowing the time period to April 15th – October 27, 2026. Specifically, the search terms it recommends are:

- ("Number" OR (“2026 midterm” NEAR(2) election) OR ("General Election") OR "November Election" OR "November 3rd" OR "November 3, 2026" OR "11/3/26")) AND
- ("Investigator" OR "Agent" OR "Special Agent") AND
- (("Law Enforcement" NEAR(2) Agency) OR "Immigration Customs Enforcement" OR "ICE" OR "I.C.E." OR "Federal Bureau of Investigation" OR "F.B.I." OR "FBI" OR "Department of Homeland Security" OR "DHS" OR "D.H.S." OR "Alcohol Tobacco Firearms" OR "ATF" OR "A.T.F." OR "Drug Enforcement Administration" OR "DEA" OR "D.E.A." OR "Marshals" OR "USMS" OR "U.S.M.S." OR "Customs and Border Patrol" OR "CBP" OR "C.B.P" OR "Homeland Security Investigation" OR "HSI" OR "H.S.I" OR "Bureau of Prisons" OR "B.O.P." OR "BOP").

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As noted above, Defendants report that they are working to run searches for Categories 3 and 4. In light of the Court's earlier denial of Plaintiff's emergency motion, Defendants respectfully request that the Court order that they continue to process these categories as they would in the normal course, and that the parties file another joint status report in 14 days.

The information contained in Mr. Neff's declaration underscores the necessity and urgency of the records requested by Plaintiff. Therefore, Plaintiff respectfully proposes the Court direct Defendants to conduct searches for the three (3) categories detailed above, and produce records on a rolling basis each day up to and including November 3, 2026.

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Dated: October 28, 2026

Respectfully submitted,

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