

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>COMMONWEALTH OF PENNSYLVANIA; and AL SCHMIDT, in his official capacity as Secretary of the State of Pennsylvania,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: right;">Case No. 2:25-cv-1481 (Hon. Cathy Bissoon)</p>
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**MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO INTERVENE AS DEFENDANTS OF NICHOLAS MASTON, GREGORY
PERRY, TODD THATCHER, JOEL DICKSON, TRISHA KENT, LIOR STERNFELD,
JOHN THOMPSON, THE LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA, AND
COMMON CAUSE**

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Nicholas Maston, Gregory Perry, Todd Thatcher, Joel Dickson, Trisha Kent, Lior Sternfeld, John Thompson, the League of Women Voters of Pennsylvania, and Common Cause (collectively, “Proposed Intervenors” or the “Voter Intervenors”) submit this memorandum of law in support of their Motion to Intervene as Defendants pursuant to Rule 24(a) of the Federal Rules of Civil Procedure or, in the alternative, pursuant to Rule 24(b).

I. INTRODUCTION

Proposed Intervenors are (1) individual Pennsylvania voters whose privacy and voting rights have been attacked already and/or may be under further threat if the United States gets the relief it seeks, and (2) non-partisan, good-government organizations dedicated to grassroots voter engagement in Pennsylvania whose members and whose own work is also at risk. Proposed Intervenors are entitled to intervene as of right under Rule 24 because this motion is timely, because their rights and interests are at stake, and because those rights and interests are not adequately represented by the existing defendants.

The Voter Intervenors’ interests are unique among other reasons because of their experience during the 2024 Presidential Election, when wholly improper and unlawful mass-challenges filed across the Commonwealth targeted thousands of qualified Pennsylvania voters, including some of the individual Proposed Intervenors here. These baseless mass challenges to Pennsylvania mail-ballot voters, which threatened the voting rights of individual Proposed Intervenors as well as the vital pro-democracy work of organizational Proposed Intervenors, were developed by self-styled “election integrity” advocates using ill-conceived database-matching and database-analysis methods. And now, some of the same actors who facilitated these illegitimate attacks on Pennsylvania voters are working for the United States to promote “election integrity” through database-matching and analysis. Proposed Intervenors have an extremely strong and uniquely personal interest in ensuring that the United States’ requests for unfettered and total access to the

most sensitive aspects of Pennsylvania's non-public voter data will not be used to harass and potentially disenfranchise voters.

The Voter Intervenors' interests are also unique because both the individual Proposed Intervenors and the organizational Proposed Intervenors' members reflect communities that are under particular threat from the United States' requested relief. These communities include voters who are naturalized citizens, voters who have a previous felony conviction, voters who have moved and previously executed a change of address form or had previously been registered to vote in another state, voters who registered to vote by mail, and voters whose personal information is especially sensitive and who thus have heightened privacy interests in addition to the strong privacy interests under Pennsylvania law shared by all Pennsylvania voters.

The organizational Proposed Intervenors also have an interest in this case because their own grassroots, volunteer-led work engaging voters is threatened by the United States' request for sensitive, non-public voter data, which risks discouraging Pennsylvanians from registering to vote.

Proposed Intervenors' unique interests in this case, their unique perspective, and their unique motivation to interrogate the purpose of the United States' sweeping request for non-public Pennsylvania voter data will ensure the full development of the record here and aid the Court in its resolution of this case. Intervention as of right pursuant to Rule 24(a), or in the alternative permissive intervention pursuant to Rule 24(b), should be granted.

II. BACKGROUND

A. DOJ's Efforts to Obtain Private Voter Information from Pennsylvania

Over the summer of 2025, Plaintiff the United States, through its Department of Justice ("DOJ"), began sending letters to election officials in dozens of states, including Pennsylvania, making escalating demands for the production of voter registration databases. While Defendant Secretary Al Schmidt and his counterparts in other states have answered many of DOJ's questions

about voter registration processes and have offered to provide DOJ with large data sets about voter rolls, they have declined to provide the complete, non-public voter database, which includes, *inter alia* confidential, private voter information such as driver license numbers and partial Social Security Numbers (“SSN4s”).

DOJ’s demands of Pennsylvania began on June 23, 2025, when it wrote to Defendant Secretary Al Schmidt requesting information about voter registration and maintenance of voter rolls in Pennsylvania. *See* Ex. 1, Letter of Maureen Riordan to the Hon. Al Schmidt (June 23, 2025). In particular, DOJ expressed an interest in certain categories of voters, including: voters who might have “duplicate” records in the system for some reason (for example, because they changed addresses and registered to vote at their new address); “voters who have been convicted of a felony;” voters “who have moved outside the Commonwealth” and registered in their new state (even if those voters subsequently moved back to Pennsylvania); voters who are supposedly “ineligible to vote due to non-citizenship;” and voters who “registered to vote by mail.” *Id.* at 2.

Secretary Schmidt provided detailed responses to the June 23 requests in a heavily footnoted, 11-page letter. *See* Ex. 2, Letter of Al Schmidt to Maureen Riordan (July 23, 2025). However, the United States responded by demanding additional information, including with questions premised on inaccurate statements about Pennsylvania voter rolls and list maintenance. *See* Ex. 3, Letter of Deputy Attorney General Michael Gates to the Hon. Al Schmidt (Aug. 4, 2025). DOJ’s August 4 letter specifically demanded that Secretary Schmidt provide “[t]he current electronic copy of the Commonwealth of Pennsylvania’s computerized statewide voter registration list” with “all fields contained within the list.” *Id.* at 1. The August 4 letter again asked about voters with supposed “duplicate registrations,” as well as supposed “[n]on-citizen” voters and voters with a “[f]elony conviction.” *Id.* at 2. In a subsequent letter, the United States escalated

this data demand by sending another letter specifying that “the statewide VRL [voter registration list]... must... contain[] *all fields*, which includes either the registrant’s full name, date of birth, residential address, his or her state driver’s license number or the last four digits of the registrant’s social security number [SSN4s].” Ex. 4, Letter of Assistant Attorney General Harmeet Dhillon to the Hon. Al Schmidt (Aug. 14, 2025).

In subsequent letters, Secretary Schmidt answered the questions posed by the United States, including by correcting some of Plaintiffs’ mistaken factual premises, and offered to provide the United States a copy of Pennsylvania’s voter registration list (“Full Voter Export” or “FVE”), but declined to include in the FVE certain confidential, sensitive data, including voters’ driver’s license numbers and SSN4s. Ex. 5, Letter of Al Schmidt to Michael Gates (Aug. 18, 2025); Ex. 6, Letter of Al Schmidt to AAG Dhillon and DAAG Gates (Aug. 21, 2025). He further noted that the FVE does not contain information on certain “confidential voters,” including crime victims. Ex. 6 at 1 He went on to explain that no federal law required him to supply such private information to the federal government, and that Pennsylvania’s constitution, statutes, and regulations all restrict the disclosure of that information. *Id.* at 2.

The United States responded by filing this lawsuit, which is one of at least eight that DOJ has initiated recently against states and their top election officials, seeking to compel them to hand over this sensitive voter data.¹

¹ Press Release, U.S. Dep’t of Justice, *Justice Department Sues Six States for Failure to Provide Voter Registration Rolls* (Sept. 25, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-six-states-failure-provide-voter-registration-rolls>; Press Release, U.S. Dep’t of Justice, *Justice Department Sues Oregon and Maine for Failure to Provide Voter Registration Rolls* (Sept. 16, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-oregon-and-maine-failure-provide-voter-registration-rolls>.

Notably, according to public reporting, DOJ’s request for private, sensitive voter data from Pennsylvania and other states appears to be in connection with novel efforts by the United States to construct a national voter database, and to otherwise use untested forms of database matching in order to scrutinize state voter rolls. According to this reporting, DOJ employees “have been clear that they are interested in a central, federal database of voter information.” Devlin Barrett & Nick Corasaniti, *Trump Administration Quietly Seeks to Build National Voter Roll*, N.Y. TIMES, Sept. 9, 2025, <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>. DOJ is coordinating in these novel efforts with the federal Department of Homeland Security (DHS). *Id.*; see also, e.g., Jonathan Shorman, *DOJ is Sharing State Voter Roll Lists with Homeland Security*, STATELINE (Sept. 12, 2025), <https://stateline.org/2025/09/12/doj-is-sharing-state-voter-roll-lists-with-homeland-security>; Sarah Lynch, *US Justice Dept Considers Handing over Voter Roll Data for Criminal Probes, Documents Show*, REUTERS (Sept. 9, 2025), <https://www.reuters.com/legal/government/us-justice-dept-considers-handing-over-voter-roll-data-criminal-probes-documents-2025-09-09>.

According to public reporting, these efforts are being conducted with the involvement of purported “election integrity” advocates within and outside government. Those advocates include Heather Honey, who now serves as DHS’s “deputy assistant secretary for election integrity,” and has been the leader, for years, of a group called “PA Fair Elections.” Jen Fifield, *Pa.’s Heather Honey, Who Questioned the 2020 Election, Is Appointed to Federal Election Post*, PA. CAPITAL-STAR (Aug. 27, 2025), <https://penncapital-star.com/election-2025/pa-s-heather-honey-who-questioned-the-2020-election-is-appointed-to-federal-election-post/>; Doug Bock Clark, *She Pushed to Overturn Trump’s Loss in the 2020 Election. Now She’ll Help Oversee U.S. Election Security*, PROPUBLICA (Aug. 26, 2025), <https://www.propublica.org/article/heather-honey-dhs->

election-security; *see also* *PA Fair Elections v. Pa. Dep't of State*, 337 A.3d 598, 600 n.1 (Pa. Commw. Ct. 2025) (noting, in suit brought by PA Fair Elections and Honey, that Honey is an “authorized representative of PA Fair Elections” and determining that PA Fair Elections’ complaint, challenging Pennsylvania’s voter roll maintenance practices pursuant to the federal Help America Vote Act, was meritless). Also involved is Cleta Mitchell, a private attorney and leader of a national group called the “Election Integrity Network” that is associated with PA Fair Elections. *See, e.g.*, Matt Cohen, *DHS Said to Brief Cleta Mitchell’s Group on Citizenship Checks for Voting*, DEMOCRACY DOCKET (June 12, 2025), <https://www.democracydocket.com/news-alerts/dhs-said-to-brief-cleta-mitchells-anti-voting-group-on-checking-citizenship-for-voters/>; *see also* Jude Joffe-Block & Miles Parks, *The Trump Administration Is Building a National Citizenship Data System*, NPR (June 29, 2025), <https://www.npr.org/2025/06/29/nx-s1-5409608/citizenship-trump-privacy-voting-database> (reporting that Mitchell had received a “full briefing” from federal officials).

According to public reporting, Honey, Mitchell, and their organizations were previously involved in efforts to overturn the result of the 2020 election and to attack the integrity of elections in Pennsylvania in particular. *See, e.g.*, Carter Walker, *This Pa. Activist Is the Source of False and Flawed Election Claims Gaining Traction Across the Country*, VOTEBEAT (Feb. 12, 2025), <https://www.votebeat.org/pennsylvania/2024/02/12/heather-honey-pennsylvania-election-integrity-eric/> (discussing Honey’s “false” claims regarding voting in Pennsylvania in 2020 and her extensive collaboration with Mitchell); *see also* Brett Sholtis, *Pa. Election Integrity Group Met with 2 Architects of 2020 Effort to Overturn Election*, LANCASTERONLINE (July 21, 2024), https://lanasteronline.com/news/politics/pa-election-integrity-groupmet-with-2-architects-of-2020-effort-to-overturnelection/article_d477633c-460f-11ef-9d56-2fd754d57cab.html

(describing Mitchell meeting with PA Fair Elections). For example, in the months before the 2024 election, Honey and PA Fair Elections pushed an effort to remove thousands of lawful Pennsylvania voters from the rolls, based on faulty sources of voter data such as “Eagle AI,” a voter database analysis tool supported by Mitchell and her Election Integrity Network. *See* Brett Sholtis, ‘PA Fair Elections,’ *Tied to Powerful Conservative Groups, Pushes to Remove People from Voter Rolls*, WESA (Sept. 28, 2024), <https://www.wesa.fm/politics-government/2024-09-28/pa-fair-elections-conservative-pennsylvania-voter-role-purges>; *see also* Andy Kroll & Nick Surgey, *Inside Ziklag, the Secret Organization of Wealthy Christians Trying to Sway the Election and Change the Country*, PROPUBLICA (July 13, 2024), <https://www.propublica.org/article/inside-ziklag-secret-christian-charity-2024-election> (“Mitchell is promoting a tool called EagleAI, which has claimed to use artificial intelligence to automate and speed up the process of challenging ineligible voters.”). As noted below, these efforts apparently continued through the 2024 elections with efforts to challenge the mail ballots of thousands of lawful Pennsylvania voters, including a number of the individual Proposed Intervenors. *See infra* p. 10-11.

B. Proposed Intervenors

Proposed Intervenors Nicholas Maston, Gregory Perry, Todd Thatcher, Joel Dickson, Trisha Kent, Lior Sternfeld, John Thompson are qualified Pennsylvania voters whose voting rights and privacy rights would be threatened should the United States obtain its requested relief.

- Nicholas Maston is a medical doctor who resides in Delaware County. Dr. Maston’s mail ballot was challenged by “election integrity” advocates on the eve of the 2024 Presidential Election based on the fact that Dr. Maston had previously completed a USPS change of address form when he resided temporarily in Chicago for medical training. Dr. Maston moved back to Pennsylvania in the summer of 2024 and properly registered to vote in Delaware County. *See* Mot., Ex. A (“Maston Decl.”), ¶¶ 3, 6, 8.

- Gregory Perry is a “federal voter” who last resided in Lehigh County when he served as the Director of the Allentown Art Museum. Mr. Perry now lives abroad and has voted as an overseas voter for years. *See* Mot., Ex. B (“Perry Decl.”), ¶¶ 6-7. His mail ballot was also challenged ahead of the 2024 Presidential Election. *Id.* ¶ 9.
- Todd Thatcher is a Chester County voter whose mail ballot was challenged on the eve of the 2024 Presidential Election because he had previously lived in California (where he had been registered to vote and filled out a USPS change of address form). Mr. Thatcher’s ballot was challenged despite the fact that he had subsequently returned to Pennsylvania in 2024, reestablished residence, and properly registered to vote in Chester County. Mot., Ex. C (“Thatcher Decl.”), ¶¶ 6, 7, 9, 13.
- Joel Dickson is also a Chester County voter whose mail ballot was challenged during the 2024 Presidential Election cycle because he had previously resided in Texas (where he had been registered to vote and filled out a USPS change of address form). Mr. Dickson was challenged despite the fact that he had subsequently moved back to Chester County in 2024, reestablished residence, and properly registered to vote. Mot., Ex. D (“Dickson Decl.”), ¶¶ 7, 10, 11.
- Trisha Kent is a “federal voter” who votes in Beaver County, where she lived until moving to Canada to be with her spouse. Mot., Ex. E (“Kent Decl.”), ¶¶ 5, 6. Her mail ballot was also challenged in 2024. *Id.* ¶ 10.
- Lior Sternfeld is a Pennsylvania voter and professor at Penn State University who became a naturalized U.S. citizen in 2023 and first voted in 2024. Mot., Ex. F (“Sternfeld Decl.”), ¶¶ 4, 7, 9.

- John Thompson is a Pennsylvania voter and formerly incarcerated person whose right to vote was restored following his return home in 2017 after decades in prison. Mot., Ex. G (“Thompson Decl.”), ¶¶ 5, 7.

Proposed Intervenor the League of Women Voters of Pennsylvania (“LWV-PA”) and Common Cause (“Common Cause”) are nonpartisan organizations committed to, *inter alia*, ensuring that all eligible Pennsylvania voters register to vote and exercise their right of suffrage at each election. *See* Mot., Ex. H (“LWV-PA Decl.”), ¶ 5; Mot., Ex. I (“Common Cause Decl.”), ¶¶ 6, 12. The organizational Proposed Intervenor expend significant resources conducting on-the-ground voter engagement and assistance efforts, including registering qualified individuals to vote, helping voters navigate the vote-by-mail process, encouraging voters to participate, and assisting voters when they experience problems in trying to vote. *See* LWV-PA Decl. ¶ 7; Common Cause Decl. ¶¶ 11, 12. In addition to their work engaging voters, both organizations also have thousands of members who are themselves registered Pennsylvania voters. *See* LWV-PA Decl. ¶ 6; Common Cause Decl. ¶¶ 8, 9. The organizational Proposed Intervenor’s members include voters who are likely to fall into the categories identified in DOJ’s letters, including voters who are at risk of having a supposed “duplicate” record in the system, voters who have registered to vote by mail, persons with a felony conviction, and naturalized citizens. *See* LWV-PA Decl. ¶ 8; *see also* Common Cause Decl. ¶¶ 8-9. They also may include voters whose information is “confidential” due to their particular status as crime victims, public officials, or due to some other heightened need for privacy. *See* LWV-PA Decl. ¶ 9; *see also* Common Cause Decl. ¶¶ 8-9.

The relief requested by the United States would impair the privacy interests of all of the individual Voter Intervenor, as well as those of LWV-PA and Common Cause’s members. *See, e.g.*, LWV-PA Decl. ¶¶ 8, 9; Common Cause Decl. ¶¶ 13, 14; Maston Decl. ¶¶ 15, 16; Perry Decl.

¶ 12; Thatcher Decl. ¶¶ 16, 17; Dickson Decl. ¶¶ 18, 19; Kent Decl. ¶¶ 15, 16; Sternfeld Decl. ¶¶ 11-14; Thompson Decl. ¶ 11. The requested relief would also threaten LWV-PA's and Common Cause's grassroots voter-engagement work by chilling voter engagement because of compromised voter privacy. It would also threaten voters' rights by facilitating baseless voter challenges and other barriers to the free exercise of the right to vote.

Notably, five of the Proposed Intervenors were *personally subjected* to such baseless challenges to their mail ballots in 2024 by persons affiliated with Honey, the current DHS high official involved in the United States' purported "election integrity" efforts. In particular, in 2024, over 4,000 Pennsylvania voters were subjected to mass-challenges lodged by individuals affiliated with PA Fair Elections. *See* Carter Walker, *Efforts to Challenge Pennsylvania Voters' Mail Ballot Applications Fizzle*, SPOTLIGHT PA (Nov. 8, 2024), <https://www.spotlightpa.org/news/2024/11/mail-ballot-application-challenges-pennsylvania-fair-elections/> (describing mass-challenges and noting connection to PA Fair Elections and Honey); *see also* Jeremy Roebuck and Katie Bernard, *'I Can't Think of Anything Less American': Right-Wing Activists' Effort to Nullify Hundreds of Pa. Votes Met with Skepticism*, PHILA. INQUIRER (Nov. 1, 2024), <https://www.inquirer.com/politics/election/heather-honey-pa-fair-elections-vote-challenges-pennsylvania-20241101.html> (noting sworn testimony regarding PA Fair Elections' involvement in the challenges); Hansi Lo Wang, *Thousands of Pennsylvania Voters Have Had Their Mail Ballot Applications Challenged*, NPR (Nov. 5, 2024), <https://www.npr.org/2024/11/04/nx-s1-5178714/pennsylvania-mail-ballot-voter-challenges-trump> (same). These efforts involved (1) mass-challenges to voters based on their appearance on the USPS change-of-address database and (2) mass-challenges to "federal voters" (*i.e.*, former Pennsylvania residents who live abroad but remain entitled to vote in federal elections in

Pennsylvania). *See, e.g.,* Wang, *Thousands of Pennsylvania Voters, supra*. According to public reporting and contemporaneous hearing testimony, PA Fair Elections facilitated these challenges, which were based on self-evidently flawed attempts to analyze and match data from the Pennsylvania voter database with external sources. *Id.*; accord Bethany Rogers, *Testimony: Pa. Election Denial Group Behind Voter Registration Cancellation Form Mailings*, GOERIE.COM (Nov. 2, 2024), <https://www.goerie.com/story/news/politics/elections/state/2024/11/02/pa-voter-registration-cancellation-letters-chester-county/75996247007/>.²

The baseless voter challenges, which were filed in at least twelve counties across the Commonwealth, were eventually all rejected after significant efforts by individual challenged voters (including voter Proposed Intervenors), pro-democracy organizations (including organizational Proposed Intervenors and their counsel), and county boards of elections, all of whom scrambled during the week of the 2024 election to deal with the illegitimate mass-challenges and to assuage the concerns of the thousands of voters who had been told that, as a result of the challenges, their ballots might not be counted. *See, e.g.,* Walker, *Efforts to Challenge Pennsylvania Voters, supra*; *see also* Maston Decl. ¶¶ 8-13; Perry Decl. ¶ 9-11; Thatcher Decl. ¶¶ 9, 10; Dickson Decl. ¶¶ 8-14; Kent Decl. ¶¶ 11-13; LWV-PA Decl. ¶¶ 10-11. Many of the challenged voters attended live and virtual hearings before their respective Boards of Elections and wrote passionate statements defending their qualifications to vote, despite having been approved by their county election offices months prior. *Id.*

² For example, the challenger in Chester County, who baselessly challenged Proposed Intervenors Thatcher and Dickson's ballots, testified under oath about PA Fair Elections' involvement in her effort. Chester County, *Nov. 1, 2024 Election Board overview Hearing* at 50:30-51:34; 58:00-58:47; 1:54:58-1:55:19, <https://chestercopa.portal.civicclerk.com/event/852/>.

III. MOVANTS ARE ENTITLED TO INTEREVE NE AS A MATTER OF RIGHT

In the Third Circuit, a party is entitled to intervene as of right under Fed. R. Civ. P. 24(a) upon establishing that

(1) the application for intervention is timely; (2) the applicant has a sufficient interest in the litigation; (3) the interest may be affected or impaired, as a practical matter by the disposition of the action; and (4) the interest is not adequately represented by an existing party in the litigation.

United States v. Territory of V.I., 748 F.3d 514, 519 (3d Cir. 2014) (quotation marks and citations omitted). Courts construe these factors consistent with a “policy preference which, as a matter of judicial economy, favors intervention over subsequent collateral attacks.” *Kleissler v. U.S. Forest Serv.*, 157 F.3d 964, 970 (3d Cir. 1998) (quotation marks and citations omitted).

The Voter Intervenors satisfy all four of these considerations. The Court should permit their intervention as a matter of right. *See Constand v. Castor*, No. 15-cv-5799, 2016 WL 5681454, at *3 (E.D. Pa. Oct. 3, 2016) (noting that “Rule 24(a) contains mandatory language—the court ‘must permit’ intervention, so long as certain conditions are satisfied . . .”).

A. The Motion to Intervene is Timely

Intervention is timely based on consideration of: “(1) the stage of the proceeding; (2) the prejudice that delay may cause the parties; and (3) the reason for the delay.” *Wallach v. Eaton Corp.*, 837 F.3d 356, 371 (3d Cir. 2016) (quotation marks and citations omitted). Ultimately, “[t]he timeliness of a motion to intervene is determined from all the circumstances” and in the court’s “sound discretion.” *Choike v. Slippery Rock Univ. of Pa. of State Sys. of Higher Educ.*, 297 F. App’x 138, 140 (3d Cir. 2008) (quotation marks and citations omitted).

The Motion is timely. The United States initiated this litigation on September 25, 2025, and Defendants have not yet filed an answer or a motion to dismiss. On October 1, the United States moved to stay proceedings for lapse of appropriations, and this Court granted the motion on

October 7 by a text order on the docket. *See also* Order Granting Omnibus Stay Application, No. 2:25-mc-01098-MRH (W.D. Pa. Oct. 3, 2025).

Requests to intervene at the preliminary stages, like this one, are timely for purposes of Rule 24. *See, e.g., Cmty. Vocational Schs. of Pittsburgh, Inc. v. Mildon Bus Lines, Inc.*, No. 09-cv-1572, 2017 WL 1376298, at *5 (W.D. Pa. Apr. 17, 2017) (motion to intervene timely where “discovery [was] not yet closed [and] no schedule for summary judgment motions or trial [was] set”). The Voter Intervenors’ prompt intervention will not delay the timely advancement of the action or otherwise harm the parties. Where “‘few legally significant events have occurred,’” courts have generally “not found prejudice.” *Id.* (quotation marks and citations omitted).

B. The Voter Intervenors Have Substantial Interests in the Underlying Litigation

The Voter Intervenors have a “sufficient”—*i.e.*, a “significantly protectable”—interest in the litigation. *Donaldson v. United States*, 400 U.S. 517, 531 (1971). Under Rule 24(a)(2), a protectable interest is any “cognizable legal interest” that is more than a mere “interest of a general and indefinite character.” *Pennsylvania v. President U.S.*, 888 F.3d 52, 58 (3d Cir. 2018).³ Here, Proposed Intervenors have multiple interests at stake.

First, the individual Voter Intervenors, and LWV-PA and Common Cause’s members, have a right to privacy in the sensitive voter data the United States seeks based on the Pennsylvania Constitution, *see, e.g., Pa. State Educ. Ass’n v. Pa. Dep’t of Cmty. & Econ. Dev.*, 148 A.3d 142, 156 (Pa. 2016) (noting Pennsylvania jurisprudence “requiring governmental agencies to respect

³ The Voter Intervenors need not separately establish Article III standing because they seek to intervene as Defendants, and because one or both Defendants seek the same ultimate outcome as Proposed Intervenors, namely, dismissal or denial of the claims brought by the United States. *See Town of Chester v. Laroe Estates, Inc.*, 581 U.S. 433, 439-40 (2017); *Pennsylvania v. President U.S.*, 888 F.3d 52, 57 n.2 (3d Cir. 2018).

the constitutional privacy rights of citizens when disseminating requested information”), as well as state statutory and regulatory law limiting the dissemination of voter information such as driver’s license numbers and SSN4s, *e.g.*, 25 Pa.C.S. § 1404; 4 Pa. Code § 183.14. No federal law supersedes these state-law privacy protections; indeed, federal law provides *additional* protections that DOJ’s requests, and its larger project of creating a federal voter database, put at risk. *See* 5 U.S.C. § 552a(e)(7) (provision of the federal Privacy Act prohibiting the creation or maintenance of any database “describing how any individual exercises rights guaranteed by the First Amendment,” which necessarily includes exercising the right to vote). These privacy interests are significant and inure to each of the individual Voter Intervenors as Pennsylvania voters, as well as LWV-PA’s and Common Cause’s members, who are also Pennsylvania voters. *See supra* pp. 7–11. Moreover, certain LWV-PA and Common Cause members have a separate privacy interest in preventing the disclosure of their personal information because of their status as crime victims, public officials, or some other sensitive designation. *See, e.g.*, LWV-PA Decl. ¶ 9.

Second, DOJ’s requests are likely to be used to challenge the voter registration of certain Pennsylvanians, including voters with felony convictions; voters who have moved within Pennsylvania or left the Commonwealth and then returned to Pennsylvania (but might be deemed “duplicate” voters or “out-of-state” voters due to a shoddy matching system); voters who are naturalized citizens (but might be deemed “ineligible to vote due to non-citizenship” by an outdated or faulty database-matching process) and voters who “registered to vote by mail.” *See* Ex. 1, Letter of Maureen Riordan to the Hon. Al Schmidt (June 23, 2025), at 2; *see also* Ex. 3, Letter of Deputy Attorney General Michael Gates to the Hon. Al Schmidt (Aug. 4, 2025), at 2. A number of the individual Voter Intervenors fit these categories. *See* Sternfeld Decl. ¶ 7 (naturalized citizen); Thompson Decl. ¶ 5 (formerly incarcerated); *see also* Maston Decl. ¶ 6(d), Thatcher Decl.

¶ 13, Dickson Decl. ¶ 11, (voters who relocated back to Pennsylvania). Numerous members of LWV-PA also fall within those categories. *E.g.*, LWV-PA Decl. ¶ 8.

Third, the voters whose mail ballots were baselessly challenged in 2024 by “election integrity” activists, including current federal officials, using ill-conceived voter database matching and analysis techniques, such as Maston, Perry, Thatcher, Dickson, and Kent, have an *especially strong, personal interest* in making sure that their experience in 2024 is not and cannot be repeated. Maston Decl. ¶ 16; Perry Decl. ¶ 12; Thatcher Decl. ¶ 17; Dickson Decl. ¶ 19; Kent Decl. ¶ 16.

Similarly, organizations like LWV-PA, who had to divert their resources to assist voters in dealing with these baseless mass-challenges, will also see their core missions harmed if another set of database-driven mass challenges are deployed, this time by “election integrity” activists wielding the power of the United States government. Such mass challenges will also force these organizations to redirect resources to overcoming prospective voters’ reasonable fears about having to provide personal information when registering to vote. Courts routinely find that public interest organizations, like the organizational Proposed Intervenor, should be granted intervention in election-related cases, demonstrating the significantly protectable interests such organizations have in the electoral process. *See, e.g., Texas v. United States*, 798 F. 3d 1108, 1111 (D.C. Cir. 2015); *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-2078, 2020 WL 8262029, at *1 (M.D. Pa. Nov. 12, 2020); *Pub. Int. Legal Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 799-800 (E.D. Mich. 2020); *Kobach v U.S. Election Assistance Comm’n*, No. 13-cv-04095, 2013 WL 6511874 (D. Kan. Dec. 12, 2013). This case is no exception. The Voter Intervenor has multiple, independently sufficient interests that can support intervention here.

C. Disposition of this Case Is Likely to Impair the Interests of Proposed Intervenor

The Voter Intervenor also satisfy the third prong of the intervention analysis because their interests “may be affected or impaired, as a practical matter by the disposition of the action.” *Virgin Islands*, 748 F.3d at 519. They need not show that their interests “will” be impaired by disposition of the litigation; only that they “may” be. *See Brumfield v. Dodd*, 749 F.3d 339, 344 (5th Cir. 2014) (citing 6 Moore’s Federal Practice § 24.03[3][a], at 24–41 (3d Ed. 2008)). Indeed, the “very purpose of intervention is to allow interested parties to air their views so that a court may consider them before making potentially adverse decisions.” *Id.* at 345; *see also Brody ex rel. Sugzdisinis v. Spang*, 957 F.2d 1108, 1122 (3d Cir. 1992).

Here, a decision in favor of the United States would expose the Voter Intervenor to the very harms they seek to avoid, including the irrevocable disclosure of private data to actors who may misuse it in any number of ways, including by mass-challenging or otherwise attacking Pennsylvanians’ right to vote. *See supra* pp. 7–11.

D. The Interests of Existing Defendants Diverge from Those of Proposed Intervenor

The Voter Intervenor also meet their “minimal” burden of demonstrating that the existing parties in the litigation may not protect their interests. *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972); *Hoots v. Pennsylvania*, 672 F.2d 1133, 1135 (3d Cir. 1982). “The possibility that the interests of the applicant and the parties may diverge ‘need not be great,’” *Am. Farm Bureau Fed’n v. Env’tl. Prot. Agency*, 278 F.R.D. 98, 110 (M.D. Pa. 2011), and a proposed intervenor need show only that “although [its] interests are similar to those of a party, they diverge sufficiently that the existing party cannot devote [them] proper attention,” *United States v. Territory of V.I.*, 748 F.3d 514, 519–20 (3d Cir. 2014).

Here, the Voter Intervenor have a personal and particularized interest in ensuring their private information remains private, by preventing the disclosure of sensitive, personal information. As governmental entities, Defendants have a generalized interest in carrying out their legal obligations under federal and state laws, and in minimizing burdens on governmental employees and resources—but they do not have a direct, personalized interest in the privacy of Proposed Intervenor and their members. *See generally Kleissler*, 157 F.3d at 972 (“[W]hen an agency’s views are necessarily colored by its view of the public welfare rather than the more parochial views of a proposed intervenor whose interest is personal to it, the burden [of establishing inadequacy of representation] is comparatively light.”). This divergence of interests, between the government’s general need to balance various considerations, and the Proposed Intervenor’s personal and particular interest in the privacy of their own data, is a classic scenario supporting granting a motion to intervene. *See, e.g., Am. Farm Bureau Fed’n*, 278 F.R.D. at 110-11 (public interest groups allowed to intervene in litigation in which EPA was a defendant, “[b]ecause the EPA represents the broad public interest . . . not only the interests of the public interest groups” and similar stakeholders); *Kobach v. U.S. Election Assistance Comm’n*, No. 13-cv-4095, 2013 WL 6511874, at *4 (D. Kan. Dec. 12, 2013) (applicants who had shown their interests in protecting voter rights, particularly in minority and underprivileged communities, may have private interests that diverge from the public interest of the defendant Election Assistance Commission); *see also, e.g., Meek v. Metro. Dade Cnty.*, 985 F.2d 1471, 1478 (11th Cir. 1993) (“The intervenors sought to advance their own interests in achieving the greatest possible participation in the political process. Dade County, on the other hand, was required to balance a range of interests likely to diverge from those of the intervenors.”), *abrogated on other grounds by Dillard v. Chilton Cnty. Comm’n*, 495 F.3d 1324 (11th Cir. 2007).

Moreover, there may be issues, positions, and claims that the Defendants may not be willing to raise that are critical to public interest organizations like LWV-PA and Common Cause. As one example, there is a risk that political considerations external to the legal issues presented by this case may motivate Defendants to pursue a settlement that would jeopardize the private information of Proposed Intervenors or of their members. *See Judicial Watch, Inc. v. Ill. State Bd. of Elections*, No. 24-C-1867, 2024 WL 3454706, at *5 (N.D. Ill. July 18, 2024) (allowing intervention in NVRA case and observing that “potential intervenors can cite potential conflicts of interests in future settlement negotiations to establish that their interests are not identical with those of a named party”); *cf. Berger v. N.C. State Conference of the NAACP*, 597 U.S. 179, 198 (2022) (reversing denial of motion to intervene where North Carolina Board of Elections was “represented by an attorney general who, though no doubt a vigorous advocate for his clients’ interests, is also an elected official who may feel allegiance to the voting public or share the Board’s administrative concerns”).

Moreover, and perhaps most starkly of all, the Voter Intervenors’ direct and personal interest in avoiding the debacle of the 2024 mass-challenges gives them a particular interest in developing facts and advancing arguments relating to the motivations and validity of the federal government’s request for non-public voter data, which could be used to (again) baselessly challenge voters using ill-conceived database-matching techniques, just as was done to Maston, Perry, Thatcher, Dickson, and Kent. For example, the United States requests the data at issue pursuant to purported public disclosure provisions in the Civil Rights Act of 1960, but any requests pursuant to those provisions must come with “a statement of the basis and the purpose therefor.” 52 U.S.C. § 20703. The motivations and purposes for DOJ’s requests, including whether they are another attempt to improperly mass-challenge Pennsylvania voters using faulty data-matching

techniques, is thus highly relevant here. Proposed Intervenor’s unique and personal interest in pursuing this highly relevant line of factual inquiry and argument is itself strong grounds to support intervention.⁴ *See supra* pp. 5–7, 10–11.

IV. IN THE ALTERNATIVE, THE COURT SHOULD GRANT PERMISSIVE INTERVENTION

Even if the Court determines that the Voter Intervenor’s are not entitled to intervene as a matter of right, the Court should exercise its broad discretion to grant permissive intervention. A court may grant permissive intervention when the motion to intervene is “timely,” the proposed intervenors have “a claim or defense that shares with the main action a common question of law or fact,” and intervention will not “unduly delay or prejudice the adjudication of the original parties’ rights.” Fed. R. Civ. P. 24(b). The decision whether to grant permissive intervention is “highly discretionary.” *Brody ex rel. Sugzdinis v. Spang*, 957 F.2d 1108, 1115 (3d Cir. 1992). Permissive intervention is appropriate where, as here, the proposed intervenors may meaningfully contribute to the proper development of the factual or legal issues in dispute. *See, e.g., Am. Farm Bureau Fed’n*, 278 F.R.D. at 111 (“In deciding whether to permit intervention under Rule 24(b), courts consider whether the proposed intervenors will add anything to the litigation.” (internal quotation marks and citation omitted)).

Here, the Voter Intervenor’s will contribute to the Court’s resolution of key questions of law and fact common to the main action, including: (1) whether federal law permits the United States to force Defendants to give it the personal information it seeks; (2) whether federal and state legal

⁴ While the Voter Intervenor’s motion rises or falls on its own merit, their interests are also different from, and not adequately represented by, the other proposed intervenors. Those groups do not include any voters who were baselessly challenged in 2024, and do not appear to include any individuals or group members who fall within the particular categories of voters identified in DOJ’s requests, such as voters with felony convictions or those who are naturalized citizens.

protections for individual privacy prohibit the disclosure of that information; and (3) whether the United States’ motivations and its potential uses for the data sought are permissible. Proposed Intervenor’s distinct perspective on the legal and factual issues before the Court will thus complement or amplify Defendants’ arguments.

For one example, certain individual Voter Intervenor’s such as Maston, Perry, Thatcher, Dickson, and Kent have personal experience with being falsely flagged as ineligible voters on the basis of data like that sought by the United States here, and can contribute to the Court’s understanding of the relevant facts. For another example, LWV-PA and Common Cause can provide relevant factual background and context about the concerns that prompt prospective voters to hesitate to provide personal information as part of the voter-registration process. Under such circumstances, district courts routinely grant permissive intervention to voters and voter-activation organizations. *See, e.g.,* Mem. Opinion & Order, *Judicial Watch, Inc. v. Pennsylvania*, Case No. 1:20-cv-708 (M.D. Pa. Nov. 19, 2020), Dkt. No. 50 at 3 (granting permissive intervention in NVRA case to Common Cause and LWV-PA upon finding that “the presence of the intervenors may serve to clarify issues and thereby serve judicial economy” (internal quotation marks, citation, and footnote omitted)); *Donald J. Trump for President, Inc. v. Boockvar*, No. 4:20-cv-2078, 2020 WL 8262029, at *1 (M.D. Pa. Nov. 12, 2020) (granting Rule 24(b) motion where voters and organizations “have an interest in the constitutionality of Pennsylvania’s voting procedures, which goes to the heart of Plaintiffs’ action” (internal quotation marks and citation omitted)).

Finally, granting intervention at this early stage of the case would not delay or prejudice the adjudication of the original parties’ rights under Fed. R. Civ. P. 24(b)(3). *See, e.g.,* Mem. Op. & Order, *Donald J. Trump for President, Inc. v. Boockvar*, No. 2:20-cv-966 (W.D. Pa. Aug. 3, 2020), Dkt. No. 309 at 6 (“[I]ntervention at this time will not unduly delay or prejudice the

adjudication of the rights of Plaintiffs, since the case has not progressed to a stage where intervention would be burdensome.”). But denying intervention would almost certainly deprive the Voter Intervenors of the chance to defend their cognizable, significant, and protectable interests in this litigation.

V. CONCLUSION

For the reasons stated above, the Court should grant the Motion to Intervene as Defendants as of right, or in the alternative, via permissive intervention.

Dated: October 9, 2025

Respectfully submitted,

/s/ Witold J. Walczak

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** application for admission pro hac vice
forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record and by email on counsel for the Commonwealth of Pennsylvania and Secretary Schmidt.

/s/ Witold J. Walczak

EXHIBIT 1



Civil Rights Division

Voting Section
950 Pennsylvania Ave, NW – 4CON
Washington, DC 20530

June 23, 2025

Via U.S. Mail and E-Mail

The Honorable Al Schmidt
Secretary of the Commonwealth
401 North Street, Room 302
Harrisburg, PA 17120
al.schmidt@pa.gov
st-press@pa.gov

Dear Secretary Schmidt:

The Help America Vote Act (“HAVA”) establishes minimum standards for states to follow in several key aspects of administration of federal elections, including voting systems, provisional ballots, voter information posters on election days, first-time voters who register to vote by mail, and statewide voter registration databases. HAVA is codified at 52 U.S.C. § 20901 to 21145. In particular, HAVA imposes certain list maintenance obligations on states as part of the uniform statewide database requirements of Section 303(a)(2) of HAVA, 52 U.S.C. § 21083(a)(2), including coordinating the computerized statewide voter registration list (“statewide voter registration list”) with state agency records on felony status and death.

Please provide the following information regarding the Commonwealth’s HAVA compliance:

- (1) Describe how the Commonwealth processes new applications to register to vote for elections for federal office, as required by HAVA Section 303.
- (2) Describe the process by which Pennsylvania assigns a unique identifier to each legally registered voter in Pennsylvania, as required by HAVA Section 303(a)(1)(A).
- (3) Describe how the statewide voter registration list is coordinated with the databases of other agencies in the Commonwealth, as required by HAVA Section 303(a)(1)(A). Provide the name of each database used for coordination, and describe the procedures used for the coordination as well as how often the databases are coordinated with the statewide voter registration list.
- (4) Describe the process by which any duplicate voter registrations are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(B)(iii). Please include an explanation of how the Commonwealth determines what constitutes a duplicate voter registration record.

- (5) Describe the process by which voters who have been convicted of a felony and are incarcerated are (a) identified and, (b) if applicable under Commonwealth law, removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(I).
- (6) Describe the process by which deceased registrants are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(II).
- (7) Describe all technological security measures taken by the Commonwealth to prevent unauthorized access to the statewide voter registration list, as required by HAVA Section 303(a)(3).
- (8) Describe the process by which voters who have moved outside the Commonwealth and subsequently register to vote in another state are identified and removed from the statewide voter registration list, under HAVA Section 303(a)(4)(A).
- (9) Describe the process by which registrants who are ineligible to vote due to non-citizenship are identified and removed from the statewide voter registration list.
- (10) HAVA requires the Commonwealth to verify voter registration information by mandating that applicants provide certain information under HAVA Section 303(a)(5). Please provide a copy of the voter registration application(s) utilized for in-person voter registration, a link to the Commonwealth's online voter registration application, and, if applicable, the voter registration application used for same-day registration.
- (11) Please describe the verification process under HAVA Section 303(a)(5) that election officials perform to verify the required information supplied by the registrant. Please describe what happens to the registration application if the information cannot be verified.
- (12) Provide a copy of the current agreement, under HAVA Section 303(a)(5)(B)(i), between the Commonwealth's chief election official and the Commonwealth's motor vehicle authority.
- (13) Provide a copy of the current agreement between the official responsible for the Commonwealth's motor vehicle authority and the Commissioner of Social Security Administration under HAVA Section 303(a)(5)(B)(ii).
- (14) Under HAVA Section 303(b), describe the Commonwealth's requirements for an individual to vote if the individual registered to vote by mail and has not previously voted in an election for federal office in the Commonwealth.

Please provide this information within 30 days of the date of this letter. The information and materials may be sent by email to voting.section@usdoj.gov or by FedEx or UPS to:

U.S. Department of Justice, Civil Rights Division
Voting Section
4 Constitution Square
150 M Street NE, 8th Floor
Washington, DC 20002

If you have any questions, please email voting.section@usdoj.gov. We very much appreciate your cooperation in our nationwide efforts to monitor HAVA compliance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maureen Riordan", is written over a horizontal line.

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division

Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

cc: Jessica Mathis, Director, Bureau of Election Services and Notaries
401 North Street, Room 210, Harrisburg, PA 17120
jesmathis@pa.gov

EXHIBIT 2



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

July 23, 2025

Via Electronic Mail

Maureen Riordan
Acting Chief, Voting Section
U.S. Department of Justice, Civil Rights Division
4 Constitution Square
150 M Street NE, 8th Floor
Washington, DC 20002
Voting.section@usdoj.gov

Dear Ms. Riordan:

I write in response to your letter dated June 23, 2025, posing various questions regarding the Help America Vote Act of 2002 (“HAVA”).¹ As Pennsylvania’s chief election official, I take seriously the obligations under that law to ensure that all eligible voters have access to the ballot here in the Commonwealth, and the responsibilities it imposes on our county election officials to faithfully maintain our voter rolls. Although it is our local election officials who are responsible for maintaining their voter lists, the Pennsylvania Department of State (“Department”) works diligently with these 67 counties to help them ensure that all electoral processes are fully compliant with federal and Pennsylvania laws, including HAVA.

Please allow me to respond to your questions in turn.

1) Describe how the Commonwealth processes new applications to register to vote for elections for federal office, as required by HAVA Section 303.

As a starting point, please note that it is the voter registration commission in each county that is accorded sole authority under Pennsylvania law to adjudicate voter registration applications.² Specifically, Pennsylvania voter registration applications are received and processed by the 67 county voter registration commissions pursuant to the Pennsylvania voter registration law.³ The

¹ 52 U.S.C. § 20901 *et seq.*

² 25 Pa.C.S. § 1203.

³ 25 Pa.C.S. §§ 1101–1906.

same registration qualifications and processing system apply to elections for local, state, and federal office.

As required by federal law, all voter lists are maintained in a computerized system. The Department manages Pennsylvania's Statewide Uniform Registry of Electors ("SURE" or "SURE System"), which is used not only to maintain our rolls but to process applications to register to vote. Whether the voter application is received on paper or by another computerized system, the information submitted by the applicant is typed or transferred into the SURE System for review and decision by county election authorities.

If an application is complete and the applicant is qualified, the county official approves the registration and adds the applicant to SURE as an active voter.⁴ If the application is incomplete, the applicant is notified, and provided an opportunity to supplement the application until the county has undertaken "reasonable efforts" to determine the necessary missing information.⁵ If the information on the application indicates that the voter resides in a different Pennsylvania county, the application is forwarded to that county.⁶ If the application is not approved, a rejection notice is sent advising the applicant of the right to appeal pursuant to the voter registration law and Election Code.⁷ The counties mail a voter registration card to all approved applicants.⁸

More information on voting registration and application methods can be found by referencing the most recent report issued by the Department on the Administration of Voter Registration in Pennsylvania.⁹

2) Describe the process by which Pennsylvania assigns a unique identifier to each legally registered voter in Pennsylvania, as required by HAVA Section 303(a)(1)(A).

Upon a county's approval of a voter registration application, the approved registrant is added to SURE, which assigns a voter ID number to each registrant.¹⁰ The ID number includes a county-specific suffix to indicate which county the person is registered in, which is changed if a registrant moves and re-registers in a new county within Pennsylvania.

3) Describe how the statewide voter registration list is coordinated with the databases of other agencies in the Commonwealth, as required by HAVA Section 303(a)(1)(A). Provide the name of each database used for coordination, and describe the procedures used for the

⁴ 25 Pa.C.S. § 1328(b).

⁵ 25 Pa.C.S. § 1328(b)(2)(i).

⁶ 25 Pa.C.S. § 1328(b)(1).

⁷ 25 P.S. § 3073, 25 Pa.C.S. § 1328(b).

⁸ 25 P.S. § 1328(c).

⁹ Pa. Dep't of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at

https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

¹⁰ 25 Pa.C.S. § 1328(c)(1).

coordination as well as how often the databases are coordinated with the statewide voter registration list.

The SURE system is coordinated with other state agency databases, including:

- The Pennsylvania Department of Transportation (“PennDOT”) driver license database, for receiving and updating voter registrations, as well as to confirm and query the DLN/SSN4 provided by applicants; and
- The Pennsylvania Department of Health registry of deaths, for purposes of canceling deceased voters.

4) *Describe the process by which any duplicate voter registrations are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(B)(iii). Please include an explanation of how the Commonwealth determines what constitutes a duplicate voter registration record.*

Pennsylvania’s voter registration forms request that the applicant indicate whether it is a new registration, or a change of name, address, or party; if the applicant correctly marks this part of the application it assists in reducing duplicate entries.

Regardless of the applicant’s designation, when processing a registration, SURE performs an automated check for possible duplicates, using information such as the applicant’s first and last names, and birthdate. County personnel can also compare the SSN4 or Driver’s License number included with the form in a manual duplicate query procedure. The specific procedure to be used is set forth in the regulations on the Establishment, Implementation and Administration of the Statewide Uniform Registry of Electors (“SURE Regulations”).¹¹

The investigations carried out by the county voter registration commission may result in sending correspondence which triggers inactive status or cancellation as a duplicate.¹² Additional information on duplicate voters can be found in response to Question 8 below.

5) *Describe the process by which voters who have been convicted of a felony and are incarcerated are (a) identified and, (b) if applicable under Commonwealth law, removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(I).*

Under Pennsylvania law, felons are not permitted to vote only during the period of their incarceration; the specific mechanism for this is disqualification for an absentee or mail-in ballot (and the person’s inability to vote in person at the local polling place).¹³ Upon release from

¹¹ 4 Pa. Code § 183.6(a). The SURE Regulations are found at 4 Pa. Code ch. 183.

¹² 4 Pa. Code § 183.6(a)(6), (7), (d).

¹³ 25 P.S. §§ 2602(w), (z.6), 3146.1, 3150.11. While the Election Code’s disqualification is to “persons confined in a penal institution,” the Pennsylvania Attorney General has interpreted that to mean only those who are imprisoned as a result of a felony conviction (as opposed to pretrial detainees or those confined only for misdemeanor offenses). Op. Pa. Att’y Gen. No. 1974-47.

confinement (including on parole or probation), such individuals are once again permitted to vote.

The text of the voter registration law¹⁴ purports to disqualify from registration anyone who has been incarcerated for a felony within the past five years, but that five-year exclusion was declared unconstitutional and is not in force.¹⁵ Under controlling case law, incarcerated felons are entitled to be registered to vote, but may not actually cast a ballot until their release.¹⁶

Accordingly, because Pennsylvania law does not provide a basis to cancel a person's voter registration as a result of a felony conviction, there is no need for any systematic cancellation process for that purpose. Counties instead can place these records in a hold status during the period of incarceration to prevent unlawful voting.

6) *Describe the process by which deceased registrants are identified and removed from the statewide voter registration list under HAVA Section 303(a)(2)(A)(ii)(II).*

County registration commissions have the sole authority to cancel registrations of deceased electors. To do so, they use a report provided by the Pennsylvania Department of Health, obituaries and other sources as permitted by the Pennsylvania voter registration law.¹⁷

The Pennsylvania Department of Health reports all deaths of adults over age 18 to the county voter registration commission to facilitate prompt cancellation of deceased voters' registrations (the "DOH Report").¹⁸ The Department receives the DOH Report twice per month. It then transmits the DOH Report file to county voter registration commissions through the SURE System. County commissions are required to query the Department of Health's DOH Report at least monthly.¹⁹ If records on the report match a deceased elector in their jurisdiction, the commission shall cancel the voter record.²⁰

¹⁴ 25 Pa.C.S. § 1301.

¹⁵ *Mixon v. Commw.*, 759 A.2d 442, 451 (Pa. Cmwlth. Ct. 2000) *aff'd* 783 A.2d 763, 763 (Pa. 2001). *See also Am. C.R. Union v. Phila. City Comm'rs*, 872 F.3d 175, 185 (3d Cir. 2017) ("The unambiguous text of the HAVA simply does not require election officials to purge voter rolls of incarcerated felons.").

¹⁶ The exception to this general rule is that those convicted for committing election-related crimes are disenfranchised for a period of four years following conviction, with the person's voter registration to be canceled. 25 P.S. § 3552. In this instance, the voter registration cancellation would be specifically triggered as the trial court would indicate that in its order and communicate directly with county voter registration authorities. *See, e.g., Commw. v. Thurman*, No. CP-51-CR-553-2018 (Phila. Cnty. Ct. Com. Pl. May 9, 2018) (order imposing sentencing following guilty plea for election offenses includes the annotation "Defendant not eligible to VOTE until MAY 9, 2022").

¹⁷ 25 Pa.C.S. §§ 1505, 1901(a)(2).

¹⁸ 25 Pa.C.S. § 1505(a).

¹⁹ 4 Pa. Code § 183.6(d)(1)(iii).

²⁰ 25 Pa.C.S. §§ 1505(a), 1901(a)(2).

The county voter registration commissions are also permitted to use published newspaper obituaries or probate records to cancel a deceased elector's registration.²¹

7) *Describe all technological security measures taken by the Commonwealth to prevent unauthorized access to the statewide voter registration list, as required by HAVA Section 303(a)(3).*

Although voting systems are maintained by the county boards of election, the Department maintains some election-related infrastructure, including the SURE System. The Department supervises and controls credentials to the SURE System.

The Department provides access only through individualized credentials, whether to county or Department personnel. Moreover, counties access the SURE system using computers provided by the Department, and they are maintained in the same manner that any Commonwealth user machine is maintained. Users undergo IT Security Training and comply with identity and access management policies required by the Commonwealth. Additional instruction to counties regarding password protection is included in the Department's guidance.²²

Like all Commonwealth information systems, access is controlled with state-of-the-art security techniques, which are subject to ongoing improvements for enhanced security. In addition, the devices that county election officials use to access the SURE system are configured in a completely locked down mode and prevent access to programs not essential for the SURE system, including access to Internet.

8) *Describe the process by which voters who have moved outside the Commonwealth and subsequently register to vote in another state are identified and removed from the statewide voter registration list, under HAVA Section 303(a)(4)(A).*

Again, Pennsylvania's 67 county registration commissions are responsible for voter list maintenance. The Department works with the counties to assist each county in fulfilling its responsibilities under Pennsylvania and federal law, specifically Section 8 of the NVRA and Section 303(a)(4)(A) of HAVA.

Removal and cancellation of voter registration are governed by the voter registration law and SURE Regulations.²³ As contemplated by the NVRA, the Department, through its membership in the Electronic Registration Information Center ("ERIC"), receives data through the United States Postal Service's National Change of Address program, and forwards it to the county voter

²¹ 25 Pa.C.S. § 1505(b).

²² See, e.g., Pa. Dep't of State, Guidance on Electronic Voting System Preparation and Security at 4–5 (Oct. 13, 2020), available at <https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/directives-and-guidance/2020-PADOS-Guidance-Electronic-Voting-System-Security.pdf>. Although presented in the context of security for electronic voting systems, the principles apply equally to access to SURE.

²³ 25 Pa.C.S. § 1901 and 4 Pa. Code ch. 183.

registration commissions. In accordance with the SURE Regulations,²⁴ if a county voter registration commission receives information that a voter has moved out of the county (including to another Pennsylvania county, or out-of-state), the commission sends to the registrant, at the address of registration (the “old” address), a Notice of Change of Address (“NCOA”) via forwardable mail with a postage prepaid preaddressed return form by which the registrant may verify or correct the address information.

The Department assists the counties in conducting several list maintenance programs to ensure accuracy of the voter registration rolls (including removal of those who have moved to another state):

- a) **Five-Year Notices.** Counties send these notices to voters who have not voted or had other contact for a period of five years. These voters are marked as inactive and set for cancellation if there is no further contact and affirmation of continued residence before the date of the second federal general election.
- b) **National Change of Address Notice.** Counties send these notices to voters for whom the U.S. Postal Service reported a move. If the voters do not reply to either confirm or deny the move, an Address Verification Notice is sent; lack of response to the AVN will trigger inactive status and cancellation following the second federal general election.
- c) **ERIC Duplicate Notices (out of state).** Counties evaluate potential matches, send a notice, and mark the voter as inactive where ERIC data identifies that the same person may be registered in multiple jurisdictions.
- d) **ERIC In-State Moves.** Where ERIC data suggests a person has moved without updating voter registration, the county sends a notice to verify continued residence. This notice triggers inactive status (and potential cancellation if no affirmation of residence is received before the second federal general election).
- e) **ERIC Out-of-State Moves.** Counties use ERIC data where a Pennsylvania registered voter appears to have a more recent voter registration from another member state. In this situation, the county sends a notice to verify continued residence. This notice triggers inactive status (and potential cancellation if no affirmation of residence is received before the second federal general election).
- f) **Address Verification Notices.** When another type mailing to a voter is returned by the post office as undeliverable, the counties send an Address Verification Notice.

These programs are described in greater detail in the Department’s annual report on voter registration.²⁵

As noted above, as part of the Department’s membership in ERIC, it receives and distributes data on potential duplicate voter records to county officials. Because ERIC is a consortium of

²⁴ 4 Pa. Code § 183.6(d)(5).

²⁵ Pa. Dep’t of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

member states, and because there is no national voter registration database, ERIC is in a unique position to compare, without access to personally identifiable information, the verified data provided by member states to locate records of voters who may be potentially registered in more than one state. It also provides a report on voters who may be registered in more than one Pennsylvania county. These pairs of voter records are identified for further review by county officials, who determine whether the same person is potentially registered in more than one jurisdiction. If the county identifies the registrant as potentially duplicated in another jurisdiction, a notice is sent to the voter's address on record. Further information about this program can be found in the annual report on voter registration.²⁶

In 2024, Pennsylvania counties sent out over 502,067 notices to voters in connection with list maintenance activities pursuant to the NVRA and Pennsylvania law. With respect to the NCOA process specifically, Pennsylvania counties mailed 130,119 NCOA notices in 2024. The Department provides counties with NCOA information in June of each year. Counties then begin a two-step mailing process. First, counties send an initial mailing based on data of individuals who have moved as reflected in NCOA data. Those notices are sent via forwardable mail to the address of registration and offer the voter the opportunity to confirm their address or update it. Based on the response, county election officials then update their records accordingly. Following this process, county election officials send a second notice to voters who either: did not respond to the first notice or whose initial notice was returned as undeliverable. This notice, referred to as an Address Verification Notice or AVN, would not typically be sent until approximately 30 days after the initial notice. With the mailing of the AVN, the record is marked Inactive, triggering the waiting period required by Sections 8(b), (c) & (d) of the NVRA before the voter record can be removed from the registration rolls. Information on the number of voter cancellations by Pennsylvania counties can be found in the tables found on pages 23–27 and 87–92 of the 2024 annual report on voter registration.²⁷

9) *Describe the process by which registrants who are ineligible to vote due to non-citizenship are identified and removed from the statewide voter registration list.*

All registrants must affirmatively answer “yes” to the question “Are you a citizen of the United States.”²⁸ An individual who states that they are not a U.S. citizen is not qualified to vote and their application would be required to be rejected by the county voter registration commission.²⁹

²⁶ Pa. Dep't of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

²⁷ Pa. Dep't of State, Administration of Voter Registration in Pennsylvania, 2024 Annual Report to the Pennsylvania General Assembly (June 30, 2025), available at https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

²⁸ 52 U.S.C. § 20508(b)(2)(A), 4 Pa. Code § 183.1.

²⁹ 25 Pa.C.S. §§ 1301, 1328.

False statements misrepresenting an applicant's citizenship on a voter registration form are crimes punishable under both state³⁰ and federal laws.³¹

Neither Pennsylvania nor federal law requires a voting registration applicant to provide documentary proof of citizenship. To the extent any county registration commission or the Department becomes aware that an individual who is not a U.S. citizen has registered or attempted to vote, where appropriate, the county may cancel such registration and refer the matter to law enforcement for handling.

10) HAVA requires the Commonwealth to verify voter registration information by mandating that applicants provide certain information under HAVA Section 303(a)(5). Please provide a copy of the voter registration application(s) utilized for in-person voter registration, a link to the Commonwealth's online voter registration application, and, if applicable, the voter registration application used for same-day registration.

Please refer to the following:

- Voter Registration Mail Application (the same form is accepted for in-person registration):
https://www.pavoterservices.pa.gov/documents/voterapplication_english.pdf
- Link to Online Voter Registration:
<https://www.pavoterservices.pa.gov/pages/VoterRegistrationApplication.aspx>
- Pennsylvania does not have same-day voter registration.

11) Please describe the verification process under HAVA Section 303(a)(5) that election officials perform to verify the required information supplied by the registrant. Please describe what happens to the registration application if the information cannot be verified.

As noted on the voter registration applications, the applicant is required to provide a Pennsylvania driver's license number (or non-driver ID card number) and/or the last four digits of their Social Security number, or to check a box that the person has not been assigned either type of number consistent with Section 303(a)(5)(A) of HAVA.

County voter registration commission staff enter the data from applications (or receive them electronically) and query them against the PennDOT database which will return a match or non-match. In the case of an applicant providing a driver's license number, the query is based on the applicant's last name (first two characters only), date of birth, and the driver's license number.

³⁰ 25 Pa.C.S. §§ 1703 (providing for a fine up to \$10,000 and five years in prison for improper registration), 1714 (incorporating criminal penalty provisions of the Crimes Code at 18 Pa.C.S. §§ 4902, 4903, and 4904) relating to perjury, false swearing, and unsworn falsification to authorities).

³¹ 18 U.S.C. §§ 1015(f) (imposing fines and up to five years in prison for misrepresenting one's citizenship on a voter registration application), 3559 and 3571 (setting fines at \$250,000 for class D felonies).

For applicants providing an SSN4, the query uses the first, middle and last names, birthdate, and the last four digits of the Social Security number.

County voter registration authorities adjudicate the sufficiency of the ID number provided “in accordance with State law.”³² There are four qualifications to register to vote under Pennsylvania law: age, citizenship, residence, and incarceration status.³³ The voter registration law further offers four grounds to reject a voter registration application: an incomplete application, non-qualification, non-entitlement to a transfer or address change, and non-entitlement to a name change.³⁴ “Failure to match ID number” is not among the bases offered in Pennsylvania law to reject a voter registration application. If the “information cannot be verified,”³⁵ SURE prompts the county voter registration commission to review the application for typographical errors and/or contact the voter to clarify and fix the discrepancy, but the county ultimately would approve the voter registration application—provided that there are no other irregularities in the application, or independent grounds to reject the application.³⁶ With respect to mail-ballot voters, the Election Code requires that any such voter whose submission of ID numbers (DLN or SSN) did not match against a government database must provide proof of identification within six days of the election, or their ballot will not be counted.³⁷ All in-person voters must present photo or non-photo ID the first time they appear to vote in an election district.³⁸

³² 52 U.S.C. § 21083(a)(5)(A)(iii).

³³ 25 Pa.C.S. § 1301(a), *accord* Pa. Const. art. VII, § 1. As noted above, controlling case law holds that even inmates incarcerated for a felony may be registered to vote. *Mixon v. Commw.*, 759 A.2d 442, 451 (Pa. Cmwlth. Ct. 2000) *aff’d* 783 A.2d 763, 763 (Pa. 2001).

³⁴ 25 Pa.C.S. § 1328(b)(2).

³⁵ We understand the reference in this question to “verification” to mean a positive match between the information provided in the voter registration application, including the ID number, and the corresponding entry in a PennDOT or Social Security database.

³⁶ 25 Pa.C.S. § 1328.

³⁷ 25 P.S. § 3146.8(h).

³⁸ 25 P.S. § 3050. Under an injunction, in-person voter ID is governed by the pre-2012 version of 25 P.S. § 3050. The *Applewhite* decision in 2014 enjoined enforcement of the changes wrought by Act 18 of 2012 as to in-person voting only, while leaving in place its changes to the identification requirements for absentee voting. *Applewhite v. Commw.*, No. 330 M.D. 2012, 2014 WL 184988, at *27 (Pa. Cmwlth. Jan. 17, 2014).

The language of that statute provides

(a) At every primary and election each elector who appears to vote in that election district for the first time and who desires to vote shall first present to an election officer one of the following forms of photo identification

* * *

(a.1) Where the elector does not have a photo identification as provided for in subsection (a), the elector shall present for examination one of the following forms of identification that shows the name and address of the elector

12) Provide a copy of the current agreement, under HAVA Section 303(a)(5)(B)(i), between the Commonwealth’s chief election official and the Commonwealth’s motor vehicle authority.

A copy of this agreement between the Department and the Pennsylvania Department of Transportation is attached.

13) Provide a copy of the current agreement between the official responsible for the Commonwealth’s motor vehicle authority and the Commissioner of Social Security Administration under HAVA Section 303(a)(5)(B)(ii).

A copy of this agreement between the Commissioner of Social Security and the Pennsylvania Department of Transportation is attached.

14) Under HAVA Section 303(b), describe the Commonwealth’s requirements for an individual to vote if the individual registered to vote by mail and has not previously voted in an election for federal office in the Commonwealth.

HAVA Section 303 imposes the requirement that a voter present photo identification, or a utility bill, bank statement, government check, paycheck, or other government document showing name and address to an official at the polling place (if voting in person) or submit a copy of such a document if voting by mail.³⁹ This is required of all voters who register to vote by mail, but have not previously voted in an election for federal office.⁴⁰ HAVA further provides a carve-out for several classes of voters, including (A) registrants who provided an ID document with their mail voter registrant application, (B) registrants who provided a driver’s license or Social Security number which matched the PennDOT or SSA database, or (C) overseas citizen and military voters, among others.⁴¹

The Pennsylvania Election Code contains strict requirements that go beyond HAVA’s requirements for first-time voters who register by mail. In-person voters must provide photo or non-photo identification not only at their first time voting in a federal election but also the first time voting in a new election district (i.e., a new local voting precinct—essentially, every time the person moves and re-registers at a new residence).

Pennsylvania further mandates that absentee and mail-in voters provide proof of identification for every election; otherwise their ballots will not be counted.⁴² Proof of identification can be

25 P.S. § 3050(a), (a.1) (pre-2012 version).

³⁹ 52 U.S.C. § 21083(b)(2).

⁴⁰ 52 U.S.C. § 21083(b)(1).

⁴¹ 52 U.S.C. § 21083(b)(3).

⁴² 25 P.S. §§ 3146.2(e.2), 3146.2b(d), 3146.5(b)(1), 3146.8(h)(2), 3150.12b(c), 3150.15 (requiring proof of identification for absentee and mail-in voters).

provided through, *inter alia*, a match of a voter's SSN4 or DLN.⁴³ Absentee or mail-in voters who fail to provide matching numbers must provide other proof of identification to their county board of elections within six days following an election or their ballot will not count for that election.⁴⁴

* * *

We hope the information provided here is helpful. The Department and Pennsylvania's 67 counties engage in great efforts to ensure that Pennsylvania's voter rolls are accurate and that all requirements of Pennsylvania and federal law are faithfully followed. Please let us know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Schmidt", with a stylized flourish at the end.

Al Schmidt
Secretary of the Commonwealth

Enclosures

⁴³ 25 P.S. § 2602(z.5)(3), *cf.* 52 U.S.C. § 21083(b)(3)(B).

⁴⁴ 25 P.S. § 3146.8(h).

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EXHIBIT 3



Civil Rights Division

*Voting Section
950 Pennsylvania Ave, NW – 4CON
Washington, DC 20530*

August 4, 2025

Via Mail and Email

The Honorable Al Schmidt
Secretary of the Commonwealth
401 North Street, Rm 302
Harrisburg, PA 17120
Email: al.schmidt@pa.gov | ra-voterreg@pa.gov

Dear Secretary Schmidt:

We write to you as the chief election official for the Commonwealth of Pennsylvania to request information regarding the Commonwealth's procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501 et seq.

Please provide a list of the election officials who are responsible for implementing Pennsylvania's general program of voter registration list maintenance from November 2022 through receipt of this letter, including those responsible officials not employed by your office (such as local election officials) who are also involved in that effort. Please also provide a description of the steps that you have taken to ensure that the Commonwealth's list maintenance program has been properly carried out in full compliance with the NVRA. Please include both the actions taken by Commonwealth officials as well as county officials.

The NVRA requires each state and the District of Columbia to make available for inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). Section 11 of the NVRA authorizes the Attorney General to bring NVRA enforcement actions.

Pursuant to Section 20507(i) of the NVRA, the Attorney General requests that you produce for inspection the following records:

1. The current electronic copy of the Commonwealth of Pennsylvania's computerized statewide voter registration list ("statewide voter registration list") as required by Section 303(a) of the Help America Vote Act. Please include all fields contained within the list. Please produce each list in a .xls, .csv, or delimited-text file format. Please specify what delimiter is used, if applicable, or provide a file layout.

Additionally, please provide the following information in electronic form. The time period for these requests is close of registration for the November 2022 general election through the close

of registration for the November 2024 general election, the same time period as the most recent report from the Election Assistance Commission's Election Administration and Voting Survey ("EAVS"). If you are unable to provide the data, please explain why the data is not available.

1. In the EAVS data for Question A3d, Pennsylvania identified 378,187 voters (4.49 percent) with duplicate registrations, nearly three times below the nationwide average of 12.7 percent. Moreover, we understand the Public Interest Legal Foundation recently identified an additional 19,489 registrants holding matched voter registration files in second states as of Summer 2025, 3,170 instances of same-address duplications, 70 intra-county duplicates, and 321 placeholder/fictitious dates of birth. Please explain why duplicate registrations are such a low percentage of the total registration applications received.
2. Similarly, in the EAVS data for Question A12h, 47 of 66 counties in Pennsylvania recorded either 0 or 1 transactions to remove duplicate registrants. Please confirm how frequently county personnel perform manual duplicate queries and how frequently SURE performs automated searches.
3. In the EAVS data for Question A3g, Pennsylvania listed 40,209 transactions as "other," without further explanation. Please explain those registrations listed as "other."
4. In the EAVS data for Question A4h, Pennsylvania listed 1 transaction arising from an Armed Forces Recruitment Office, which is significantly below similarly sized states. Please explain why such few transactions can be sourced to Armed Forces Recruitment Offices and what actions Pennsylvania is taking to ensure Offices fulfill their voter registration responsibility.
5. In the EAVS data for Question A11, concerning the reason for sending confirmation notices, the largest category by far is A11n, "Other." Please explain the nature of these confirmation notices and why they do not fit in available categories.
6. In the EAVS data, Pennsylvania has failed to respond to Question A13a regarding merged voter records. Please provide the requested data or an explanation for why that information is not available.

Please provide a description of the steps that Pennsylvania has taken, and when those steps were taken, to identify registered voters who are ineligible to vote as well as the procedures that Pennsylvania used to remove those ineligible voters from the registration list for categories two and three below. For all categories below, please identify the number of registered voters identified as ineligible to vote for the time period of the close of registration for the November 2022 general election through present:

1. Non-citizen
2. Adjudicated incompetent
3. Felony conviction

For each of those voters identified in categories 1-3 above, provide their registration information on the statewide voter registration list, including their vote history.

Please provide this information within 14 days of the date of this letter. The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing (JEFS).

Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov. We look forward to your assistance in advance.

Sincerely,



Michael E. Gates
Deputy Assistant Attorney General
Civil Rights Division

Maureen Riordan
Acting Chief, Voting Section
Civil Rights Division

cc: Jessica Mathis, Director
Bureau of Election Services and Notaries
401 North Street, Room 210
Harrisburg, PA 17120
jesmathis@pa.gov

EXHIBIT 4



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

Via Mail and Email

The Honorable Al Schmidt
Secretary of the Commonwealth
401 North Street, Rm 302
Harrisburg, PA 17120
al.schmidt@pa.gov; ra-voterreg@pa.gov

Re: **Complete Pennsylvania's Voter Registration List with All Fields**

Secretary Schmidt:

We understand that the time the Justice Department has provided your state to respond to the request for a statewide voter registration list ("VRL") and other information has not reached its deadline.

Given responses from other states thus far, we want to clarify that the Justice Department's request to provide an electronic copy of the statewide VRL should contain *all fields*, which means, your state's VRL must include the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number as required under the Help America Vote Act ("HAVA")¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested Pennsylvania's VRL to assess your state's compliance with the statewide VRL maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

The Help America Vote Act ("HAVA"), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State's VRL via Section 401, which makes the Attorney

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are clearly preempted by federal law.

General solely responsible for actions to enforce HAVA's computerized statewide voter registration list requirements. *See* 52 U.S.C. § 21111; *see also* *Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 ("CRA"), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, "Any record or paper required by section 20701 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..." 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Pennsylvania's complete and current VRL. The purpose of the request is to ascertain Pennsylvania's compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Pennsylvania must ensure that it contains *all fields*, which includes either the registrant's full name, date of birth, residential address, his or her state driver's license number, or the last four digits of the registrant's social security number as required under the Help America Vote Act ("HAVA")² to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

HAVA specifies that the "last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974" (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver's License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the

² In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are clearly preempted by federal law.

disclosure is for use by a government agency in carrying out the government agency's function to accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic Voter Registration List³ to the Justice Department by the date set for your delivery by our original letter, or by August 21, 2025, whichever is later.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,

A handwritten signature in blue ink, appearing to read "Harmeet K. Dhillon".

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Jessica Mathis
Director, Bureau of Election Services and Notaries
401 North Street, Room 210
Harrisburg, PA 17120
jesmathis@pa.gov

³ Containing *all fields*, which includes either the registrant's full name, date of birth, residential address, his or her state driver's license number or the last four digits of the registrant's social security number as required by HAVA.

EXHIBIT 5



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

August 18, 2025

Via Electronic Mail

Michael E. Gates
Deputy Assistant Attorney General
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW – 4CON
Washington, DC 20530
Voting.section@usdoj.gov

Dear Mr. Gates:

I write in response to your letter dated August 4, 2025, requesting information regarding the Commonwealth's procedures for complying with list maintenance provisions of the National Voter Registration Act ("NVRA").¹ My office is committed to ensuring that our voting lists are properly maintained according to state and federal law, and our efforts to do so are detailed in my July 23, 2025, response to the letter from the Department of Justice letter dated June 23, 2025 ("July Response"), which contained a comprehensive review of Pennsylvania's list maintenance procedures and links to the Department's Annual Report on the Administration of Voter Registration ("Annual Report"). A copy of the July Response is enclosed for your reference as you review our discussion of data provided in the Election Administration and Voting Survey (EAVS). While it is our local county election officials who are responsible for maintaining their voter lists, the Pennsylvania Department of State ("Department") works diligently with all 67 county election offices to help them ensure that all electoral processes are fully compliant with federal and Pennsylvania laws.²

Your letter requests a list of election officials responsible for implementing Pennsylvania's program for voter registration list maintenance from November 2022 to the present, including local elections officials. Pennsylvania voter registration law vests the Commonwealth's 67 county voter registration commissions with principal responsibility for implementing voter

¹ 52 U.S.C. §§ 20501–20511.

² In light of the subsequent letter dated August 14, 2025, from Assistant Attorney General Harmeet Dhillon, we will respond separately to your request for specific information about Pennsylvania's registered voters.

registration list maintenance.³ The county election offices are staffed by individuals hired by county leadership, not the Department of State. The roles and functions of each office staff member are dictated by county leadership, which may vary in accordance with municipal law. Accordingly, we are not in a position to provide you with the names of each individual who performed each specific function.

You have also requested the steps taken to ensure that the Commonwealth's list maintenance program has been properly carried out in full compliance with the NVRA. Know that the Department and its 67 counties engage in all reasonable efforts to fulfill our list maintenance responsibilities. Please refer to the July Response and Annual Report for information on those steps, and their effectiveness.

Specific responses to your questions relating to the Election Administration and Voting Survey 2024 Comprehensive Report (EAVS Report) are as follows:

- 1. In the EAVS data for Question A3d, Pennsylvania identified 378,187 voters (4.49 percent) with duplicate registrations, nearly three times below the nationwide average of 12.7 percent. Moreover, we understand the Public Interest Legal Foundation recently identified an additional 19,489 registrants holding matched voter registration files in second states as of Summer 2025, 3,170 instances of same-address duplications, 70 intra-county duplicates, and 321 placeholder/fictitious dates of birth. Please explain why duplicate registrations are such a low percentage of the total registration applications received.**

Question 1 includes figures that are contradicted by the EAVS Report, and your framing misrepresents the data reported in EAVS Survey question A3d. The EAVS Report shows that the 378,187 duplicate registration applications reported represent **9.4%** of the total number of registration applications reported, not **4.49%**, as your letter states.⁴ Moreover, the EAVS Report itself qualifies the national average figure, noting that “[t]he percentage calculations at the national level (U.S. Total) only used data from those states that provided data for the numerator and denominator of the calculation,” meaning that states with less reported data were consequentially not included in the calculation.⁵ Further, many of the states reporting data suggested that their numbers may be incomplete or underinclusive.⁶ That 12.7% “nationwide average” number is presumably derived from adding all duplicates and dividing by all transactions.⁷ Given that this does not weight states differently based on their population, it may not serve as a reliable interstate comparison. Indeed, comparing the number of duplicate

³ 25 Pa.C.S. § 1203. Of course, the NVRA specifically contemplates that local governments may have a role in the electoral process. 52 U.S.C. §§ 20501; 20507(j).

⁴ See EAVS Report, pg. 176, accessible at https://www.eac.gov/sites/default/files/2025-06/2024_EAVS_Report_508c.pdf.

⁵ *Id.* at 177 (Table 3 General Notes).

⁶ See, e.g., *id.*, at 177 n.2 (at least one Arizona county did not track duplicate applications caught and rejected).

⁷ *Id.* at 177 (Table 3 General Notes) (noting the nationwide total is “casewise”).

registrations nationwide to the total of all applications nationwide, the nationwide average of duplicates is closer to 6%.

Critically, however, the data reported in Table 3 does not represent “voters....with duplicate registrations,” as it is phrased in your letter. Rather, Question A3d asks for “Registration transactions submitted by persons already registered to vote at the same address, under the same name and personal information (e.g., date of birth, social security number, driver’s license), and with the same political party (where applicable).”⁸ It is a measure of applications submitted, not a measure of duplicate voters on the rolls. All states have an incentive to prevent duplicate applications from being submitted in the first place, as they unnecessarily pose additional burdens for elections staff to process (and then properly deny them). Indeed, Pennsylvania agrees with the observation of our colleagues from Oklahoma that “[t]he introduction of online voter registration has greatly reduced the occurrence of duplicate, rejected, and invalid voter registrations.”⁹ Permitting voters to check their registration status *before* they submit their application cuts down on duplicate submissions.

To understand the work that Pennsylvania does to remove duplicate voters who may be on our rolls, as opposed to those who apply and are denied as duplicate, please refer to the Department’s Annual Report.¹⁰

2. Similarly, in the EAVS data for Question A12h, 47 of 66 counties in Pennsylvania recorded either 0 or 1 transactions to remove duplicate registrants. Please confirm how frequently county personnel perform manual duplicate queries and how frequently SURE performs automated searches.

Again, the removal of potential duplicate registrations (addressed in A12h) is different from the denial of duplicate applications (addressed in A3d). In addition, Pennsylvania has 67 counties, not 66.

The Department’s response to A12h is consistent with our efforts to prevent duplicate registrations by having counties appropriately screen registration applications, as opposed to removing duplicate registrations during list maintenance activities. Moreover, since 2020, the Department has participated in the Electronic Registration Information Center’s (ERIC) duplicate program, which allows for a systemic duplicate review. The Department’s efforts to remove duplicate registrations in collaboration with ERIC—including efforts made prior to the reporting period at issue in the 2024 EAVS Report—mean that there will be fewer duplicate

⁸ EAVS Survey at 7, accessible at https://www.eac.gov/sites/default/files/2024-04/2024_EAVS_FINAL_508c.pdf.

⁹ EAVS Report, fn. 4, *supra*, at 178 n.11.

¹⁰ You also reference potential duplicates identified by a nongovernmental entity. The Department will be reaching out to review the data purportedly identified by that entity. Critically, the lack of personally identifiable information (PII) in the dataset used by this entity, and the fact that the referenced letter does not specify whether these records are active or inactive, make it difficult to evaluate their claims at this time. The Department is confident that any duplicate registrations will be identified through regular list maintenance processes.

removals in this and subsequent EAVS reports. Indeed, as we noted in our Annual Report, “[t]he number of potential duplicate voter registrations has decreased by more than 80% since Pennsylvania started using this ERIC data in 2020, demonstrating the effectiveness of this program over time.”¹¹

Finally, as noted previously, the county voter registration commissions have significant autonomy and are not subject to the direct control of the Department.

3. In the EAVS data for Question A3g, Pennsylvania listed 40,209 transactions as “other,” without further explanation. Please explain those registrations listed as “other.”

This question misrepresents DOS’ response to A3g. To the contrary, the EAVS Dataset available on the Election Assistance Commission’s website¹² shows that the Department noted that the 40,209 transactions enumerated in A3g represented pending applications. This was one of the “most cited” descriptions for the “Other” category.¹³

4. In the EAVS data for Question A4h, Pennsylvania listed 1 transaction arising from an Armed Forces Recruitment Office, which is significantly below similarly sized states. Please explain why such few transactions can be sourced to Armed Forces Recruitment Offices and what actions Pennsylvania is taking to ensure Offices fulfill their voter registration responsibility.

Many states reported 0 or no applications received via recruitment offices presumably because Department of Defense Instruction 1000.04 directs recruitment centers to report voting assistance metrics to the Federal Voter Assistance Program (FVAP) and not individual states.¹⁴ And while recruitment centers are NVRA agencies, the Department is nevertheless without authority to require reporting of metrics by recruitment centers.

5. In the EAVS data for Question A11, concerning the reason for sending confirmation notices, the largest category by far is A11n, “Other.” Please explain the nature of these confirmation notices and why they do not fit in available categories.

As elaborated in the EAVS Dataset, the figure reported in A11n corresponds to “the number of confirmation notices sent due to correspondence sent by an election office being returned as undeliverable or due to failure of the voter to respond to an initial confirmation notice sent for the reason identified in a11l (initial NCOA notice).” This number may be larger than any other

¹¹ Annual Report at 18, *accessible at* https://www.pa.gov/content/dam/copapwp-pagov/en/dos/resources/voting-and-elections/reports/voter-registration/dos_voter_registration_report_2024_final.pdf.

¹² https://www.eac.gov/sites/default/files/2025-06/2024_EAVS_for_Public_Release_V1_xlsx.xlsx

¹³ EAVS Report, fn. 4, *supra* at 132.

¹⁴ [DoDI 1000.04, Federal Voting Assistance Program \(FVAP\), November 12, 2019](#)

individual mailing because it is sent following nonresponse to a variety of prior list maintenance correspondence types.

6. In the EAVS data, Pennsylvania has failed to respond to Question A13a regarding merged voter records. Please provide the requested data or an explanation for why that information is not available.

The Department did, in fact, respond to Question A13a. Specifically, the Department noted that the data was not available and further explained in the comments to A13a that “the Pennsylvania Department of State is unable to provide a figure for A13a due to an inability to accurately differentiate between merged records and transferred records.”

You also posed questions regarding removal procedures for certain categories of voters. Nothing in the NVRA provides a process by which those who are deemed non-eligible on the basis of being a non-citizen are to be removed from the voter rolls. As set forth in the July Response, false statements misrepresenting an applicant’s citizenship on a voter registration form are crimes punishable under both state¹⁵ and federal laws.¹⁶ To the extent any county registration commission or the Department becomes aware that an individual who is not a U.S. citizen has registered or attempted to vote, where appropriate, the county may cancel such registration and refer the matter to law enforcement for handling.

Finally, with respect to removal of voters by reason of criminal conviction or mental capacity, the NVRA does not govern; rather, it defers to state law.¹⁷ Under Pennsylvania law, there is no basis or procedure to challenge, revoke or cancel a person’s voter registration on the basis of an adjudication of mental incompetency. As for those voters with felony convictions, there is no removal process contemplated by Pennsylvania law, as explained in the July Response.

* * *

As Pennsylvania’s chief election official, I take seriously my legal obligation to ensure that all eligible voters have access to the ballot here in the Commonwealth and the responsibilities that both federal and state law impose on the Department and on our county election officials to faithfully maintain our voter rolls. Likewise, I applaud efforts at transparency in our voting processes, such as the EAVS Survey data reporting. Pennsylvania goes further than is required, detailing our voter registration and list maintenance processes in our Annual Report. The Department and Pennsylvania’s 67 counties engage in reasonable efforts to ensure that our voter

¹⁵ 25 Pa.C.S. §§ 1703 (providing for a fine up to \$10,000 and five years in prison for improper registration), 1714 (incorporating criminal penalty provisions of the Crimes Code at 18 Pa.C.S. §§ 4902, 4903, and 4904) relating to perjury, false swearing, and unsworn falsification to authorities).

¹⁶ 18 U.S.C. §§ 1015(f) (imposing fines and up to five years in prison for misrepresenting one’s citizenship on a voter registration application), 3559 and 3571 (setting fines at \$250,000 for class D felonies).

¹⁷ 52 U.S.C. § 20507(a)(3)(B).

rolls are accurate and that all requirements of Pennsylvania and federal law are faithfully followed. Please let us know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Schmidt", with a long horizontal flourish extending to the right.

Al Schmidt
Secretary of the Commonwealth

Enclosure (without appendices)

EXHIBIT 6



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

August 21, 2025

Via Electronic Mail

Harmeet K. Dhillon
Assistant Attorney General
Michael E. Gates
Deputy Assistant Attorney General
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, NW – 4CON
Washington, DC 20530
voting.section@usdoj.gov

Dear AAG Dhillon and DAAG Gates:

I write in response to your letters dated August 4, 2025, and August 14, 2025, requesting an electronic copy of the Commonwealth of Pennsylvania's statewide voter registration list. Your letter dated August 14 specifically asked for detailed personal and confidential information, including driver's license numbers and social security numbers, for all Pennsylvania voters. This request, and reported efforts to collect broad data on millions of Americans, represent a concerning attempt to expand the federal government's role in our country's electoral process. Please know that the Department of State takes seriously its obligation to safeguard the integrity and accuracy of Pennsylvania's voter rolls, as well as the security of Pennsylvanians' personal information. Because your letters do not provide any legal justification for the Department to disregard this sacred obligation, we are unable to share such confidential information with you. We can, however, provide Pennsylvania's Full Voter Export, subject to the conditions below.

Pursuant to Pennsylvania law, our Full Voter Export is available through the Pennsylvania Department of State's website. This list includes all voters in the Commonwealth (with certain limited exceptions for crime victims and other confidential voters) and contains the following fields: voter ID number, name, sex, date of birth, date registered, status (i.e., active or inactive), date status last changed, party, residential address, mailing address, polling place, date last voted, all districts in which the voter votes, voter history, and date the voter's record was last changed.

In accordance with the Pennsylvania voter registration law¹ and the Statewide Uniform Registry of Electors (SURE) Regulations,² all requesters must agree to the terms and conditions for use of public information lists. Further information may be found on our [website](#). Please let us know if you would like to receive this data subject to these terms and conditions.

¹ 25 Pa.C.S. Part IV.

² 4 Pa. Code ch. 183.

Your August 14 letter specifically asked for *all* fields in the Commonwealth's computerized statewide voter registration list, including each voter's Pennsylvania driver's license number or last four digits of their social security number. We are aware of no precedent for such a broad request for such sensitive information. While we are happy to provide the Full Voter Export, consistent with the process outlined above, we cannot provide these fields, which contain sensitive, personally identifiable information for Pennsylvania's 8.8 million voters.

As Pennsylvania's chief election official, I take seriously my obligation to ensure that our county election officials faithfully maintain our voter rolls. The Department works with Pennsylvania's 67 counties in making every reasonable effort to ensure that all electoral processes are fully compliant with federal and Pennsylvania laws, including the National Voter Registration Act and the Help America Vote Act. Likewise, I take seriously my responsibility to safeguard the private information that Pennsylvanians entrust to the care of our county election officials. Our laws do not permit the Department to release driver's license or social security numbers. These protections are consistent with other federal and state statutes that protect social security and driver's license numbers. The Department's statutory obligations are reinforced by the Pennsylvania Constitution, which requires the Department to maintain the privacy of our 8.8 million registered voters.

None of the legal bases provided in your letter justify or authorize providing these fields and disregarding the strong protections on voter privacy enshrined in our Commonwealth's laws.

First, the NVRA does not require the disclosure of voters' sensitive personal information. Your letter provides no explanation as to why the social security and driver's license numbers of every registered voter in Pennsylvania are necessary to ascertain Pennsylvania's compliance with the list maintenance requirements of the NVRA. As explained in the Department's letters dated July 23, 2025, and August 18, 2025, and as detailed in our publicly available Annual Report on the Administration of Voter Registration in Pennsylvania, the Department does a robust job of ensuring that all of Pennsylvania's 67 counties comply with their list maintenance responsibilities pursuant to the NVRA. You have provided no basis for concluding otherwise.

Second, no provision of HAVA provides authority for such a request. Although the Attorney General has authority under HAVA to bring certain enforcement actions, you have identified no basis for why the social security and driver's license numbers of all Pennsylvania's registered voters is necessary to ascertain Pennsylvania's compliance with the list maintenance requirements of HAVA.

Finally, the Civil Rights Act of 1960 does not provide legal authority for such a broad request. You have identified no basis or purpose for why the social security and driver's license numbers of all Pennsylvania's registered voters is necessary to enforce any relevant legal requirements, nor have you shown how such a request would satisfy the requirements of the Civil Rights Act.

* * *

Consistent with Pennsylvania and federal law, the Department and Pennsylvania's 67 counties go far beyond the reasonable efforts required by the NVRA to ensure that Pennsylvania's voter rolls are accurate. The Department is also entrusted to protect and safeguard the personal information of our 8.8 million voters, and I take that obligation extremely seriously. Please let us know if you have any further questions, or would like to proceed with obtaining the Full Voter Export, as permitted under Pennsylvania law.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Schmidt". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Al Schmidt
Secretary of the Commonwealth