

government to compile the largest ever national database of voters.²

4. Among other purposes, DOJ plans to compare the collected voter data to a database maintained by the U.S. Department of Homeland Security (“DHS”) to supposedly identify noncitizens who are registered to vote.³

5. DOJ further intends to transfer the collected data to DHS for use in criminal and immigration-related investigations.⁴

6. Experts have raised legal and practical concerns about this mass collection and sharing of sensitive voter data, including potential Privacy Act violations and the lack of adequate security measures for the sensitive data collected.⁵

7. On December 2, 2025, American Oversight submitted FOIA requests to DOJ and DHS’s immigration enforcement component, ICE, seeking records that could shed light on the agencies’ collection, use, and transfer of voters’ sensitive data, including privacy implications and the involvement of state officials.

8. In light of the need to inform the public concerning this important matter, American Oversight brings this lawsuit to challenge the government’s failure to respond to American Oversight’s FOIA requests.

² See Devlin Barrett & Nick Corasaniti, *Trump Administration Quietly Seeks to Build National Voter Roll*, N.Y. Times, Sep. 9, 2025, <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>.

³ See *id.*

⁴ See Sarah N. Lynch, *US Justice Dept Considers Handing Over Voter Roll Data for Criminal Probes, Documents Show*, Reuters (Sep. 9, 2025, 10:06 AM), <https://www.reuters.com/legal/government/us-justice-dept-considers-handing-over-voter-roll-data-criminal-probes-documents-2025-09-09/>.

⁵ See Barrett & Corasaniti, *supra* n.2; Lisa J. Danetz, *The Justice Department’s Security Measures for Collecting Voter Rolls Are Inadequate*, Brennan Center for Justice, Feb. 25, 2026, <https://www.brennancenter.org/our-work/analysis-opinion/justice-departments-security-measures-collecting-voter-rolls-are>.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1331, 2201, and 2202.

10. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e)(1).

11. Defendants have failed to comply with the applicable time-limit provisions of FOIA.

12. American Oversight is deemed to have exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action enjoining Defendants from continuing to withhold department or agency records and ordering the production of department or agency records improperly withheld.

PARTIES

13. Plaintiff American Oversight is a nonpartisan, non-profit section 501(c)(3) organization primarily engaged in disseminating information to the public. American Oversight is committed to promoting transparency in government, educating the public about government activities, and ensuring the accountability of government officials. Through research and FOIA requests, American Oversight uses the information gathered, and its analysis of it, to educate the public about the activities and operations of the federal government through reports, published analyses, press releases, and other media. The organization is incorporated under the laws of the District of Columbia.

14. Defendant U.S. Department of Justice is a department of the executive branch of the U.S. government headquartered in Washington, D.C., and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1).

15. DOJ has possession, custody, and control of records that American Oversight seeks.

16. Defendant U.S. Immigration and Customs Enforcement is a component of the U.S. Department of Homeland Security, headquartered in Washington, D.C., and an agency of the federal government within the meaning of 5 U.S.C. § 552(f)(1).

17. ICE has possession, custody, and control of records that American Oversight seeks.

STATEMENT OF FACTS

18. On December 2, 2025, American Oversight submitted one FOIA request to ICE and three FOIA requests to DOJ (collectively, “American Oversight’s FOIA requests”).

ICE Data-Sharing Request

19. On December 2, 2025, American Oversight submitted a FOIA request to ICE (“ICE Data-Sharing Request”), bearing American Oversight tracking number DHS-ICE-25-2848, seeking the following records:

1. All records reflecting formal and informal policies, procedures, and/or practices prepared by, received by, or otherwise in the possession of U.S. Immigration and Customs Enforcement (ICE) regarding accessing or using voter data from the DOJ, including, but not limited, to, the circumstances in which voter data can or should be used for criminal or immigration-related investigations.
2. Records reflecting all training materials prepared by or issued to ICE officials regarding accessing voter data from the DOJ.

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

For parts 1-2 of this request, please provide all responsive records created, issued, or in effect from January 20, 2025, through the date the search is conducted.

3. Records reflecting the number of times ICE officials have accessed voter data from DOJ.

For part 3 of this request, please provide all responsive records from January 20, 2025, through the date the search is conducted.

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

20. A true and correct copy of the ICE Data-Sharing Request is attached as Exhibit A, and American Oversight incorporates Exhibit A by reference as though stated fully herein.

21. On December 12, 2025, ICE emailed American Oversight acknowledging receipt of the ICE Data-Sharing Request, assigning it agency tracking number 2026-ICFO-06994, and claiming a 10-day extension to respond.

22. As of the time of this filing, ICE has not communicated further with American Oversight about the ICE Data-Sharing Request.

23. As of the time of this filing, ICE has not issued a final determination in response to the ICE Data-Sharing Request.

24. As of the time of this filing, ICE has not produced any records responsive to the ICE Data-Sharing Request.

DOJ Communications Request – Civil Rights Division

25. On December 2, 2025, American Oversight submitted a FOIA request to the Civil Rights Division of DOJ (“DOJ Communications Request”), bearing American Oversight tracking number DOJ-CRT-25-2846, seeking the following records:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed below, and/or anyone communicating on their behalf, such as an assistant, secretary, or chief of staff, and containing both a key term from Column A and a key term from Column B below.

Department of Justice Civil Rights Division Officials:

- i. Harmeet Dhillon, Assistant Attorney General
- ii. Andrew “Mac” Warner, Principal Deputy Assistant Attorney General
- iii. Jesus Osete, Deputy Assistant Attorney General
- iv. Michael Gates, Former Deputy Assistant Attorney General
- v. Gregory Brown, Deputy Assistant Attorney General
- vi. Rachael Hagler, Chief, Voting Section
- vii. Rebecca Wertz, Principal Deputy Chief, Voting Section
- viii. Matthew Zandi, Chief of Staff and Senior Counsel
- ix. Jessica Ginsburg, Counsel to the Assistant Attorney General

Key Terms:

Column A	Column B
a. ICE	a. vot*
b. “Immigration and Customs Enforcement”	b. election
c. ERO	c. elections
d. “Enforcement and Removal”	
e. HSI	
f. “Homeland Security Investigations”	
g. deport*	
h. detain*	

26. A true and correct copy of the DOJ Communications Request is attached as Exhibit B, and American Oversight incorporates Exhibit B by reference as though stated fully herein.

27. On March 6, 2026, DOJ acknowledged receipt of the DOJ Communications Request, assigned it tracking number FOI/PA No. 26-00111-F, and claimed an extension to the deadline to respond.

28. As of the time of this filing, DOJ has not communicated further with American Oversight about the DOJ Communications Request.

29. As of the time of this filing, DOJ has not issued a final determination in response to the DOJ Communications Request.

30. As of the time of this filing, DOJ has not produced any records responsive to the

DOJ Communications Request.

DOJ Civil Rights Division Voter Data Policies Request

31. On December 2, 2025, American Oversight submitted a FOIA request to the Civil Rights Division of DOJ (“Civil Rights Division Policies Request”), bearing American Oversight tracking number DOJ-CRT-25-2844, seeking the following records:

1. All records governing the collection, maintenance, storage, and/or retention of voter data from state or local election offices (such as secretaries of state or boards of election), including assessments (such as privacy impact assessments), directives, instructions, directions, memoranda, policies, procedures, informal email guidance, and/or any other formal or informal written guidance.
2. All formal or informal final risk assessments, reports, or analyses (including memoranda and other written products) prepared by or otherwise provided to the DOJ Civil Rights Division regarding the collection of voter data from state or local election offices (such as secretaries of state or boards of election).
3. All records reflecting formal and informal policies, procedures, and/or practices prepared by, received by, or otherwise in the possession of the DOJ Civil Rights Division regarding other any other federal agency (such as U.S. Immigration and Customs Enforcement (ICE)) accessing or using voter data from the DOJ, including, but not limited, to, the circumstances in which voter data can or should be used for criminal or immigration-related investigations.

For all parts of this request, please provide all responsive records created, issued, or in effect from January 20, 2025, through the date the search is conducted.

32. A true and correct copy of the Civil Rights Division Policies Request is attached as Exhibit C, and American Oversight incorporates Exhibit C by reference as though stated fully herein.

33. On March 6, 2026, DOJ acknowledged receipt of the Civil Rights Division Policies Request, assigned it tracking number FOI/PA No. 26-00110-F, and claimed an extension to the

deadline to respond.

34. As of the time of this filing, DOJ has not communicated further with American Oversight about the Civil Rights Division Policies Request.

35. As of the time of this filing, DOJ has not issued a final determination in response to the Civil Rights Division Policies Request.

36. As of the time of this filing, DOJ has not produced any records responsive to the Civil Rights Division Policies Request.

DOJ Criminal Division Voter Data Policies Request

37. On December 2, 2025, American Oversight submitted a FOIA request to the Criminal Division of DOJ (“Criminal Division Policies Request”), bearing American Oversight tracking number DOJ-CRM-25-2845, seeking the following records:

1. All records governing the collection, maintenance, storage, and/or retention of voter data from state or local election offices (such as secretaries of state or boards of election), including assessments (such as privacy impact assessments), directives, instructions, directions, memoranda, policies, procedures, informal email guidance, and/or any other formal or informal written guidance.
2. All formal or informal final risk assessments, reports, or analyses (including memoranda and other written products) prepared by or otherwise provided to the DOJ Criminal Division regarding the collection of voter data from state or local election offices (such as secretaries of state or boards of election).
3. All records reflecting formal and informal policies, procedures, and/or practices prepared by, received by, or otherwise in the possession of the DOJ Criminal Division regarding other any other federal agency (such as U.S. Immigration and Customs Enforcement (ICE)) accessing or using voter data from the DOJ, including, but not limited, to, the circumstances in which voter data can or should be used for criminal or immigration-related investigations.

For all parts of this request, please provide all responsive records created, issued, or in effect from January 20, 2025, through the date the search is conducted.

38. A true and correct copy of the Criminal Division Policies Request is attached as Exhibit D, and American Oversight incorporates Exhibit D by reference as though stated fully herein.

39. On February 11, 2026, DOJ emailed a letter to American Oversight acknowledging receipt of the Criminal Division Policies Request and assigning it agency tracking number CRM-302389837.

40. As of the time of this filing, DOJ has not communicated further with American Oversight about the Criminal Division Policies Request.

41. As of the time of this filing, DOJ has not issued a final determination in response to the Criminal Division Policies Request.

42. As of the time of this filing, DOJ has not produced any records responsive to the Criminal Division Policies Request.

Exhaustion of Administrative Remedies

43. As of the date of this Complaint, Defendants have failed to (a) notify American Oversight of a final determination regarding American Oversight's FOIA requests, including the scope of responsive records Defendants intend to produce or withhold and the reasons for any withholdings; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production.

44. Through Defendants' failure to respond to American Oversight's FOIA requests within the time period required by law, American Oversight has constructively exhausted its administrative remedies and seeks immediate judicial review.

COUNT I
Violation of FOIA, 5 U.S.C. § 552
Failure to Conduct Adequate Searches for Responsive Records

45. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

46. American Oversight properly requested records within Defendants' possession, custody, and control.

47. Defendants are agencies subject to FOIA, and they must therefore make reasonable efforts to search for requested records.

48. Defendants have failed to promptly review agency records for the purpose of locating those records that are responsive to American Oversight's FOIA requests.

49. Defendants' failures to conduct adequate searches for responsive records violates FOIA and applicable regulations.

50. Plaintiff American Oversight is therefore entitled to injunctive and declaratory relief requiring Defendants to promptly make reasonable efforts to search for records responsive to American Oversight's FOIA requests.

COUNT II
Violation of FOIA, 5 U.S.C. § 552
Wrongful Withholding of Non-Exempt Responsive Records

51. American Oversight repeats the allegations in the foregoing paragraphs and incorporates them as though fully set forth herein.

52. American Oversight properly requested records within Defendants' possession, custody, and control.

53. Defendants are agencies subject to FOIA and must therefore release in response to FOIA requests any non-exempt records and provide lawful reasons for withholding any materials.

54. Defendants are wrongfully withholding non-exempt agency records requested by American Oversight by failing to produce non-exempt records responsive to American Oversight's

FOIA requests.

55. Defendants' failures to provide all non-exempt responsive records violates FOIA and applicable regulations.

56. Plaintiff American Oversight is therefore entitled to declaratory and injunctive relief requiring Defendants to promptly produce all non-exempt records responsive to American Oversight's FOIA requests and provide indexes justifying withholdings of any responsive records withheld under claims of exemption.

REQUESTED RELIEF

WHEREFORE, American Oversight respectfully requests the Court to:

- (1) Order Defendants to conduct a search or searches reasonably calculated to uncover all records responsive to the FOIA requests identified in this pleading;
- (2) Order Defendants to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to the FOIA requests identified in this pleading and indexes justifying the withholding of any responsive records withheld under claim of exemption;
- (3) Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to the FOIA requests identified in this pleading;
- (4) Award American Oversight the costs of this proceeding, including reasonable attorneys' fees and other litigation costs reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- (5) Grant American Oversight such other relief as the Court deems just and proper.

Dated: March 10, 2026

Respectfully submitted,

/s/ Benjamin A. Sparks
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