



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

The Honorable Adrian Fontes
Arizona Secretary of State
1700 W. Washington Street, Seventh Floor
Phoenix, AZ 85007-2808
[REDACTED]@azsos.gov

Re: Arizona’s Voter Registration List Needs All Fields and Response to July 28 Letter

Secretary Fontes:

This letter responds to your letter of August 8, 2025, in response to the Justice Department’s July 28, 2025 letter, in which we made a request to the Secretary of State of Arizona for information regarding the state’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.*

Your August 8, 2025, letter states that it will not be possible to provide the requested records by August 11, 2025, and does not specify a time frame by which the Secretary of State will provide the records.

Please provide responses to our questions regarding Arizona’s answers to the most recent Election Administration and Voting Survey (“EAVS”) by no later than Thursday, August 21. These questions (1 and 2) should be readily answerable based on the state’s procedures for sending confirmation notices and processes for identifying and removing duplicate registrations. For example, Question 1 asks Arizona to explain how Arizona determines who receives a confirmation notice and how Arizona tracks the results of the notices sent. Question 1 also notes counties that reported no response or zero in specific A10 categories (result of confirmation notice) and particular numbers in Arizona’s responses to Questions A10a through A10f and asks Arizona to explain the county- and state-level results and provide missing data. If the Secretary of State does not have access to this information, please explain why and describe how the Secretary of State plans to obtain the information.

We also requested the electronic copy of the statewide voter registration list that the state maintains under Section 303(a) of the Help America Vote Act. 52 U.S.C. § 21083(a). Please produce the list by Thursday, August 21, 2025, as well. Section 8(i) of the NVRA requires states to “make available for public 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).

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 Arizona’s complete and current VRL. The purpose of the request is to ascertain Arizona’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Arizona must ensure that it contains *all fields*, which includes 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 HAVA¹ 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.

Moreover, 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 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.

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 Justice Department be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

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 VRL with all fields to the Justice Department no later than August 21, 2025. We recognize, however, that other responses to our July 28th letter may take more time. As such, we are prepared to give the Secretary of the Commonwealth until Monday, September 15, to respond to the other requests.

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,



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cc: Lisa Marra
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