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September 2, 2025

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*Via U.S. Mail and email to [maureen.riordan2@usdoj.gov](mailto:maureen.riordan2@usdoj.gov)*

Re: Letter dated August 14, 2025

Ms. Dhillon, Mr. Gates, Ms. Riordan:

Thank you for your emails dated August 21 and 22, 2025, and for granting an extension to respond to your August 14, 2025 letter. On August 11, 2025, we transmitted an electronic copy of Illinois' voter registration list (VRL) pursuant to Section 8(i) of the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(i), excluding social security and driver's license numbers.<sup>1</sup> We understand that the Department of Justice's (Department) August 14, 2025 letter seeks an electronic copy of Illinois' unredacted voter list, including sensitive personal information of Illinois residents, such as social security numbers and driver's license numbers, pursuant to Section 8(i) of the NVRA, as well as Sections 301 and 303 of the Civil Rights Act of 1960 (CRA), 52 U.S.C. §§ 20701, 20703, and Section 401 of the Help America Vote Act (HAVA), 52 U.S.C. § 21111. This request implicates state and federal law

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<sup>1</sup> Pursuant to state and federal law, the VRL wholly excludes information of registered voters who are victims of domestic violence, human trafficking, and other similarly protected groups, as well as telephone numbers and addresses for judges who have requested redaction of personal information. See Ex. D to August 11, 2025 Letter.

as well as Illinoisans' interests in exercising their right to vote without risking the privacy of their personal information.

As a state agency, the Illinois State Board of Elections (SBE) has a duty to abide by all state and federal laws governing the protection of sensitive personal information. Accordingly, SBE is prohibited from disclosing its voters' social security numbers unless "(i) required to do so under State or federal law"; "(ii) the need and purpose for the social security number is documented before collection of the social security number; *and* (iii) the social security number collected is relevant to the documented need and purpose." 5 ILCS 179/10(b)(1) (emphasis added). Separately, Illinois law also mandates that SBE notify voters if their social security number or driver's license number is subject to "unauthorized acquisition . . . that compromises the security, confidentiality, or integrity" of this information. 815 ILCS 530/5. Finally, Illinois law strictly controls access to Illinois' VRL: SBE may disclose a version of the VRL with limited redactions only to government entities for government purposes and to a state or local political committee (which we have done here). 10 ILCS 5/1A-25(b). The only version of the VRL that may be disclosed to the public must further redact personal information such as telephone numbers, street numbers of home addresses, and identifiable portions of email addresses. *Id.* 1A-25(c). This information can only be used "for the purposes defined within" the NVRA. *Id.* (citing 52 U.S.C. § 20507(i)).

SBE is also, of course, bound to follow federal law, including applicable provisions cited in your August 14, 2025 letter. However, we are unaware of any authority suggesting that these federal provisions conflict with Illinois law in a manner that would compel disclosures that are otherwise impermissible under state law.

*First*, the NVRA permits redaction of sensitive personal information such as social security numbers, dates of birth, and driver's license numbers from VRLs. *See Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024) ("[N]othing in the text of the NVRA prohibits the appropriate redaction of uniquely or highly sensitive personal information in the Voter File.") (collecting cases); *PILF v. Matthews*, 589 F. Supp. 3d 932, 942 (C.D. Ill. 2022) ("Other courts have also held that in complying with the Public Disclosure Provision, States may limit the revelation of highly sensitive information.") (citing *Project Vote v. Long*, 682 F.3d 331, 339 (4th Cir. 2012)); *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1344 (N.D. Ga. 2016) ("Section 8(i) requires the disclosure of individual voter registration records, but it does not require the disclosure of sensitive information that implicates special privacy concerns."); *True the Vote v. Hosemann*, 43 F. Supp. 3d 693, 739 (S.D. Miss. 2014) ("There is no indication in the NVRA's legislative history that Congress intended to open up for inspection information within those records that is otherwise protected as personal information under other Federal or State laws."). Significantly, in *PILF v. Matthews*, the District Court for the Central District of Illinois ordered SBE, under the NVRA, to "implement policies and procedures which make available to the public the statewide voter registration list, allowing for redaction of" social security numbers, birthdates, "and other highly sensitive personal information." *Matthews*, 589 F. Supp. 3d at 944. To support its request for the unredacted VRL, the Department's letter relies on 52 U.S.C. § 20510(a), but that provision does not contain document production requirements. If the Department is aware of authority requiring pre-litigation production of records pursuant to this provision, we would appreciate the opportunity to review.

*Second*, the CRA’s document production requirement does not require disclosure of sensitive personal information. Section 101 of the CRA forbids—among other things—denying the right to vote to any person because of an “error or omission on any record or paper relating to any application, registration, or other act requisite to voting” if that error or omission is immaterial in determining a person’s qualification to vote. 52 U.S.C. § 10101(a)(2)(B). Correspondingly, Sections 301 and 303 of the CRA permit the Department to demand to inspect—at SBE’s office in Springfield, Illinois—“records and papers” retained “for a period of twenty-two months from the date of any” federal election “relating to any application, registration, payment of poll tax, or other act requisite to voting in such election,” 52 U.S.C. §§ 20701, 20703, to investigate “question[s] concerning infringement or denial of constitutional voting rights.” *Kennedy v. Lynd*, 306 F.2d 222, 228 (5th Cir. 1962). Specifically, the purpose of the CRA’s document production provision is “to enable the Attorney General to determine whether” a suit to enforce Section 101 is appropriate. *Id.* SBE is unaware of any authority permitting the Department to use the CRA’s document production provision to enforce federal laws *other than* the CRA. We would appreciate the opportunity to review such authority if the Department is able to provide it.

*Third*, Section 401 of HAVA does not appear to provide authority for the Department to demand production of state records. That provision allows the Attorney General to “bring a civil action against any State or jurisdiction in an appropriate United States District Court” to enforce election technology requirements, including the requirement that each state maintain an electronic voter list. 52 U.S.C. § 21111. SBE has already provided an electronic copy of Illinois’ VRL, and the Department has not disputed that Illinois complies with HAVA’s technology requirements. However, again, if the Department is in possession of authority stating that Section 401 gives the Department the power to require disclosure of Illinoisans’ dates of birth and social security and driver’s license numbers, we would be happy to review that authority.

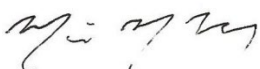
Additionally, we have been unable to discern from the Department’s correspondence adequate assurances that the sensitive personal information in our unredacted VRL will be treated in accordance with the federal Privacy Act of 1974. *See, e.g.*, 5 U.S.C. § 552a(b) (generally prohibiting agencies from disclosing information maintained in a system of records to other agencies); *id.* § 552a(e)(2)-(3) (among other things, directing that personal information be gathered directly from individuals wherever possible, and that the collection method inform each person how the information will be used and the consequences of not providing the information); *id.* § 552a(e)(4) (requiring publication in the Federal Register and notice and comment for the uses and data contained in systems of records that agencies maintain); *id.* § 552a(e)(7) (prohibiting maintenance of records describing how any person exercises First Amendment rights).

We understand that the Department’s August 14, 2025 letter requests Illinois’ VRL for the purpose of assessing Illinois’ compliance with the NVRA’s list maintenance provisions. Our forthcoming letter—which we are diligently working to provide, as promised, by September 10, 2025—will include information demonstrating that Illinois complies with the NVRA’s list maintenance requirements: the State “conduct[s] a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of the death of the registrant or a change in the residence of the registrant.” 52 U.S.C. § 20507(a)(4). We are confident

this forthcoming letter will satisfy the Department that Illinois' list maintenance program meets (and exceeds) NVRA requirements.

While SBE respects and shares the Department's commitment to assessing Illinois' compliance with the NVRA, we remain concerned about the scope of and authority for the Department's request, given that the NVRA permits redaction of sensitive personal information. We take Illinoisans' privacy very seriously; data breaches and hacking are unfortunately common, and the disclosure of sensitive information contrary to state law would expose our residents to undue risk. Nonetheless, and as always, we remain committed to partnership with the federal government wherever possible. If there is any additional information the Department can provide regarding authority for its request, please provide that so we may review. In addition, we continue to work in conjunction with Illinois' election authorities to compile the additional information that the Department's original July 28, 2025 letter sought for the purpose of assessing Illinois' NVRA compliance. Thank you.

Sincerely,



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cc: Bernadette M. Matthews, Executive Director, State Board of Elections