UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LEAGUE OF WOMEN VOTERS, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY, et al.,

Defendants.

Civil Action No. 1:26-cv-3602

PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER, STAY UNDER 5 U.S.C. § 705, AND/OR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(b) and Local Civil Rule 65.1(a), Plaintiff-Movants League of United Latin American Citizens ("LULAC") and Electronic Privacy Information Center ("EPIC")[1] hereby move for a temporary restraining order, a stay under section 705 of the Administrative Procedure Act, and/or a preliminary injunction, and state as follows:

1. In their First Amended Complaint, Plaintiff-Movants challenge Defendants' Voter Data Policy, and several component agency actions or policies, under which Defendants collect, maintain, augment, and use available statewide voter registration lists ("SVRLs") to support the agencies' alleged election administration efforts. In this motion, Plaintiff-Movants challenge only one of those component agency actions, the "Voter Data Transmission Policy." Under the Voter Data Transmission Policy, Defendants transmit data about registered voters who Defendants claims are likely to be noncitizens to states and localities, for the purpose of states and localities taking special action with respect to those voters, including election administrators investigating

[1] Plaintiff League of Women Voters is not moving for preliminary relief at this time.

identified voters, segregating identified voters' ballots, and/or refusing to tabulate the identified voters' ballots until their citizenship status can be determined.

2. Plaintiff-Movants are suffering irreparable injury as a result of Defendants' unlawful Voter Data Transmission Policy and, accordingly, seek an order: (1) enjoining Defendants and other persons who are in active concert or participation with Defendants from further disclosing or transmitting voter data to states, localities, or others for election administrators to investigate identified voters, segregate ballots, refuse to tabulate votes, or otherwise treat the identified voters differently for purposes of administering the 2026 election; (2) enjoining Defendants and other persons who are in active concert or participation with Defendants from directing, demanding, or requesting states or localities to use the already disclosed and transmitted voter data to investigate identified voters, segregate identified voters' ballots, refuse to tabulate identified voters' votes, or otherwise treat the identified voters differently for purposes of administering the 2026 election; and (3) requiring all Defendants to file a status report within 24 hours of the issuance of this order confirming compliance with this order and identifying all voter data previously disclosed and transmitted under the Voter Data Transmission Policy and to whom the disclosures were given.

3. Plaintiff-Movants likewise seek a stay of the Voter Data Transmission Policy under 5 U.S.C. § 705.

4. As set forth in Plaintiff-Movants' accompanying brief, Defendants' conduct violates the Administrative Procedure Act and the Privacy Act.

5. In support of their motion, Plaintiff-Movants attach the following Declarations:

a. **Exhibit A**, Declaration of Juan Proaño, Chief Executive Officer of League of United Latin American Citizens ("LULAC");

b. **Exhibit B**, Declaration of Alan Butler, President and Executive Director of the Electronic Privacy Information Center ("EPIC").

6. Pursuant to Local Civil Rule 65.1(a), on October 29, 2026, at 10:31 am, counsel for Plaintiffs' counsel emailed counsel for Defendants, William Friedman, Elizabeth Shapiro, Alex Haas, Diane Kelleher, and Peter Pfaffenroth, a copy of the First Amended Complaint (ECF No. 13) and to provide actual notice that they would file a motion for preliminary relief later today. At 10:15, counsel for Plaintiffs contacted counsel for Defendants via email and provided them with electronic copies of this motion for a temporary restraining order, stay under 5 U.S.C. § 705, and/or preliminary injunction, and the accompanying brief, declarations, and proposed order.

7. Plaintiffs had previously indicated their intention to move for preliminary relief or expedited summary judgment via email to Defendants' counsel on October 22, 2026.

8. Plaintiff-Movants respectfully request that the Court grant the requested relief on or before November 2, 2026.

9. On October 29, 2026, at 3:18 pm, Plaintiffs' counsel informed the clerk's office by phone that Plaintiffs intend to file the motion and accompanying documents after business hours. The clerk's office confirmed that it would inform Judge Chutkan's chambers of Plaintiffs' intent to file after hours.

10. At 6:17 Plaintiffs' counsel spoke with counsel for Defendants and communicated Plaintiffs' proposed schedule for further proceedings via phone and subsequently confirmed via email. Plaintiffs' counsel is awaiting Defendants' response to the proposal. Plaintiffs proposed the following schedules, depending on whether Defendants commit in the status report that, until the court adjudicates the motion, they will not send lists of voters to states and localities or letters demanding that the recipients take certain actions with respect to the identified voters:

a. If Defendants are willing to make that commitment:

   i. Defendants' opposition brief due Saturday, October 31 at 11:59 pm.

   ii. Hearing on Plaintiffs' Motion held on Monday, November 2 at 9:00 am.

b. If Defendants are unwilling to make that commitment:

   i. Defendants' opposition brief due by Friday, October 30 at 3:00 pm.

   ii. Hearing held at the Court's earliest convenience afterwards.

Dated October 29, 2026

Respectfully submitted,

/s/ Louis R. Katz

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* Admitted *pro hac vice*
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