



PHIL McGRANE
IDAHO SECRETARY OF STATE

February 26, 2025

Mr. Eric Neff
Acting Chief
Civil Rights Division, Voting Section
U.S. Department of Justice
150 M St. NE, Ste. 8-139
Washington, DC 20002

RE: Voter List Request

Dear Mr. Neff,

Thank you for your continued correspondence regarding the Department's request for an unredacted and complete copy of Idaho's statewide voter registration data. We have reviewed and carefully considered your proposal for disclosing data pursuant to the memorandum of understanding and determined that we must respectfully decline the Department's request.

Since our prior communication at the end of December, I have been made aware of significant developments that bear directly on this matter.

First, it concerned me to learn, through a recent Department filing in separate federal litigation, that personally identifiable information from federal systems has been transmitted outside approved channels, resulting in submission of sensitive personal information, including social security numbers, to unauthorized persons. That development reinforces the importance of careful stewardship of sensitive voter information. While I appreciate the Department's representations that Idaho's data will be safeguarded, I cannot take that now-apparent risk in the absence of clear legal duty to do so. Ultimately, my concern is for the privacy rights of Idahoans who have registered to vote, as secured under Idaho law. *See Idaho Code §§ 74-106(4), (25); see also Idaho Code § 34-433(2).*

Second, my considered view is that no clear legal duty exists requiring my office to disclose Idaho's full unredacted voter registration list to the Department of Justice. I am aware of the Department's efforts to compel states to provide unredacted voter lists. However, at this point, three federal district courts have dismissed Department lawsuits seeking to compel production of an unredacted statewide voter registration list, concluding that neither HAVA, the NVRA, nor Title III of the Civil Rights Act of 1960 authorize the Department to require disclosure of a state's full voter registration list on request. This indicates that the Department lacks a legal basis to demand personal information otherwise protected under Idaho law.

As a result, after further consultation with the Idaho Attorney General's Office and additional review of Idaho law, I must inform you that Idaho will not provide additional personally identifiable information from its voter registration system, including dates of birth, Social Security numbers, or driver's license numbers.

Idaho has already provided publicly available voter registration data consistent with state law. That information is sufficient to support any legitimate inquiry regarding general voter list maintenance.

As you are aware, Idaho has taken significant and proactive steps to ensure the accuracy and integrity of its voter rolls. Following Governor Brad Little's Only Citizens Can Vote Act, our office partnered directly with DHS and USCIS to verify the citizenship status of all registered Idaho voters prior to the 2024 General Election. We utilized Idaho driver's license data and the federal SAVE system to conduct comprehensive verification. This process resulted in Idaho State Police referring 11 cases of non-citizens registering to vote to the U.S. Attorney's Office for prosecution last August. None of these referrals concerned voters who voted in the 2024 Primary or General Elections.

Our office worked closely with DHS and USCIS to improve the practical operation of the SAVE system so that citizenship verification can be completed accurately and efficiently for all states. Idaho has verified its voter data through these processes, and there is no legal or practical rationale for duplicative review.

Idaho remains committed to maintaining accurate, lawful, and secure voter rolls. We will continue to work closely with our federal partners at USCIS and with our state partners to verify citizenship and to keep our voter registration system current and up to date. We appreciate the Department's interest in ensuring the accuracy of Idaho's voter rolls and are willing to continue dialogue regarding publicly available information and narrative explanations of Idaho's voter list maintenance procedures.

My responsibility as Idaho's Secretary of State is to administer elections in accordance with state and federal law and to safeguard the sensitive information entrusted to this office by Idaho citizens. Idaho law strictly governs the disclosure of voter information. In the absence of a clear legal requirement that Idaho provide a copy of its complete, unredacted voter list, and in light of my responsibility to protect Idahoans' personal information, my office will not provide the requested data.

Please do not hesitate to reach out to the Office of the Idaho Attorney General if you would like to further discuss this matter.

Sincerely,



Phil McGrane