

JUN 11 2025

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA, ex rel.
JOHN WILLIAM LICCIONE,**
Plaintiff/Relator,

v.

Case No.: 1:25-cv-01028

VR SYSTEMS, INC., et al.,
Defendants.

**MOTION TO PRESERVE ACCESS TO COUNSEL, COMPEL DOJ
STATUS DISCLOSURE, AND FOR JUDICIAL AND EQUITABLE RELIEF**

Relator JOHN WILLIAM LICCIONE, pro se, respectfully moves this Honorable Court to toll the current Jun 16, 2025 deadline to retain counsel; and, to compel the United States Department of Justice (DOJ) to formally disclose the procedural status of its review of this sealed qui tam action under 31 U.S.C. § 3730(b)(2), including confirmation of receipt, identification of assigned personnel, and any declination or investigatory decision made to date. Relator states in support as follows:

I. INTRODUCTION

1. This motion arises at the intersection of constitutional breakdown and statutory silence: a whistleblower relator seeks to expose systemic election fraud related to HAVA funds but cannot secure counsel due to the Department of

Justice's refusal to acknowledge or engage with his sealed qui tam complaint under the False Claims Act. This silence has left the Relator procedurally and constitutionally stranded.

2. That silence has created a near-total barrier to legal representation. Multiple reputable law firms, including ones with extensive FCA experience, have declined representation. One explicitly cited the DOJ's refusal to communicate with them. Their reluctance also stems from a now well-documented climate of political retaliation, in which the Trump DOJ has publicly targeted major firms like Paul, Weiss and Covington & Burling simply for representing parties perceived to be politically disfavored. Under such conditions, no law firm is willing to risk retaliation by taking on a whistleblower action that challenges Republican leadership alleged to have engaged in HAVA election fraud in a swing state wielding 30 electoral college votes.

3. At the same time, DOJ has filed a similar enforcement action in North Carolina invoking, just like Relator has, the Trump-signed Executive Order 14248, but instead targeting a Democratic governor and election officials for similar voter identification number irregularities under HAVA Section 303. That case also involves VR Systems, the same election systems vendor implicated in Relator's complaint. The contrast is glaring: The DOJ is aggressively pursuing election integrity claims when it suits a partisan objective, even issuing a press release

about it and grandstanding, but remaining silent when a case threatens to expose misconduct in a state that delivered an electoral victory to Donald Trump and Congresswoman Anna Paulina Luna.

4. Through this motion, Relator respectfully seeks the Court’s intervention to preserve access to justice. Specifically, the motion requests that the Court (a) compel DOJ to confirm receipt and disclose its position on the complaint; (b) toll the currently imposed June 16, 2025 Relator deadline to obtain counsel; (c) take judicial notice of the North Carolina DOJ lawsuit as directly relevant; and (d) consider alternative equitable relief, including granting temporary pro se status, or the appointment of counsel pursuant to 28 U.S.C. § 1915(e)(1).

5. Absent judicial action, this case risks dismissal not for lack of merit, but due to the breakdown of basic procedural safeguards. DOJ's refusal to act—or even communicate—has obstructed the statutory process designed to protect whistleblowers and investigate fraud on the United States. The Court's intervention is not only appropriate but essential to prevent political considerations from silencing a meritorious claim under federal law.

II. JUDICIAL NOTICE OF PARALLEL DOJ HAVA-RELATED ENFORCEMENT ACTION IN NORTH CAROLINA

6. Pursuant to Federal Rule of Evidence 201(b), Relator respectfully requests that this Court take judicial notice of the civil enforcement action filed by the

United States Department of Justice on May 27, 2025, in *United States v. North Carolina State Board of Elections*, No. 5:25-cv-00283 (E.D.N.C.), a true and correct copy of which is attached as **Exhibit A** - along with its accompanying DOJ Press Release Number. 25-557.¹

7. The NC lawsuit alleges systemic violations of Section 303 of the Help America Vote Act (HAVA) involving voter records that lack statutorily required identifying information, including the last four digits of voters' Social Security Numbers or driver's license numbers. These allegations are materially *very* similar to those raised in the instant matter by Relator. Further, the lead defendant in this case, VR Systems, is the same election systems vendor used by North Carolina. The similarities are striking.

8. Because the DOJ complaint is:

- Filed by a federal agency;
- A matter of public record in a federal court;
- And not subject to reasonable dispute;

judicial notice is appropriate under FRE 201(b)(2).

9. The filing is relevant both to the plausibility of Relator's allegations and to the DOJ's inconsistent prosecutorial posture based on political considerations. The

¹ *Justice Department Files Help America Vote Act Lawsuit Against North Carolina for Inaccurate Voter List*, Department of Justice Press Release Number 25-557, May 27, 2025, <https://www.justice.gov/opa/pr/justice-department-files-help-america-vote-act-lawsuit-against-north-carolina-inaccurate>

Court need not accept the facts asserted in the DOJ's complaint as true, but the Court can and should take judicial notice of the existence, timing, and substance of that filing and its DOJ press release for the limited purpose of assessing the plausibility, political context, and procedural parallels relevant to this motion.

III. FACTUAL BACKGROUND

10. On April 9, 2025, this Court issued an Order to Show Cause requiring Relator to retain counsel by May 9, 2025, or face dismissal. On motion, a 38-day extension was granted, setting a new deadline of June 16, 2025.

11. Relator had served the FCA complaint and disclosure statement with the DOJ on April 21 and again on April 25, 2025, which were confirmed as delivered by USPS tracking and by a receptionist, in person, at the DC US Attorney's office. To date, DOJ has issued no acknowledgement, and no personnel have responded to inquiries from either Relator or his prospective counsel. They won't even return Relator's phone calls nor those of his prospective counsel.

12. To date, Relator has contacted 25 specialized law firms with FCA experience, and all have either declined or failed to respond at all.

13. One firm, Cohen Milstein Sellers & Toll, reviewed the materials and found them meritorious but declined representation after DOJ failed to return multiple calls over several weeks. Senior partner Gary Azorsky described this silence as "*unprecedented*" in his 24 years of FCA practice.

14. Most recently, Relator received a rejection from Whistleblower Partners LLP, a leading national FCA litigation firm.

IV. DOJ SELECTIVE ENFORCEMENT & INFERRED POLITICAL SUPPRESSION

15. On May 27, 2025, DOJ filed its first election-related HAVA enforcement action since President Trump signed Executive Order 14248 - *Preserving and Protecting the Integrity of American Elections*, signed on March 25, 2025. The case—*United States v. North Carolina State Board of Elections*, 5:25-cv-00283 (E.D.N.C.), alleges that North Carolina issued and counted vote-by-mail ballots without having collected legally required voter ID (SSN4 or driver's license numbers) in violation of Section 303 of HAVA and other election laws.

16. The instant case, filed on April 7, 2025 by relator some 50 days prior to the DOJ filing its NC case, appears to be the first post-Executive Order 14248 HAVA election fraud lawsuit filed anywhere in the USA which invoked EO 14248. In the instant case, it was filed against VR Systems as lead defendant, Florida Governor Ron DeSantis' chosen election systems contractor, and others such as Governor DeSantis himself. While VR Systems is also the elections contractor used by North Carolina—one wouldn't know it by reading the NC complaint. VR Systems is not mentioned anywhere in that lawsuit. VR Systems provides voter registration,

electronic pollbook, and vote-by-mail request systems to both North Carolina and Florida as well as other states and the District of Columbia.

17. Relator's sealed qui tam complaint, filed 50 days *before* the NC complaint was filed, alleges over 23 million false voter registration and ballot request records in Pinellas County Florida alone, arising from what he has termed the "No-No Ballot Bug" in VR Systems' software. The bug is alleged to have reversed ID verification fields, flipping "Y's"s to "N's" and to have corrupted ballot order transaction timestamps.

18. The DOJ's failure to name VR Systems in its North Carolina complaint, despite its key role, strongly implies intentional suppression of accountability. Given the nexus in time, facts, and election vendor identity, it is reasonably inferred that DOJ has already reviewed Relator's earlier-filed case and is politically suppressing it at the direction of President Trump, Attorney General Pam Bondi, or their subordinates, due to the Florida state defendants named—especially Republican Governor Ron DeSantis.

19. Comparison of the two cases underscores the inconsistency:

Common Elements	Relator’s FCA Complaint (FL)	DOJ v. NC Board of Elections
Vendor Involved	VR Systems	VR Systems (unnamed)
Type of Fraud	VBM requests with no ID Numbers. (SSN4/DL) – HAVA fraud	Voter registrations with no SSN4/DL Numbers (HAVA)
Election Cycle	2024/25 federal elections	2024 general elections
HAVA Implications	False accuracy certifications	Same

20. The only major differences? North Carolina’s governor is a Democrat, while Florida’s governor is a Republican. Florida has 30 electoral college votes, while North Carolina has 16. This highlights a pattern of selective enforcement based on political protectionism rather than statutory and legal merit.

21. Relator reasonably believes that a decision has already been made within the Trump Department of Justice to “catch and kill” this qui tam action. The first directive, it appears from the outside looking in, was to impose a blanket policy of non-responsiveness—refusing to return any of Relator’s calls or those of his prospective counsel. Rather than fulfill its statutory obligation to evaluate and engage with this case, the DOJ has instead elected to target Democratic officials in North Carolina for similar alleged HAVA-related election irregularities. Absent a court order compelling the DOJ to comply with its investigative duties under the False Claims Act and provide a status update, its current posture of strategic silence and deliberate inaction will persist—amounting to obstruction of justice.

V. THE RETALIATORY CLIMATE TARGETING LAW FIRMS

22. The at-scale weaponization of the DOJ under President Trump has created a hostile legal climate. Law firms rightfully now fear DOJ retaliation for taking on cases adverse to Trump-aligned state actors or vendors unless DOJ explicitly supports the case. For example:

- a. Paul, Weiss LLP has been pressured by DOJ intermediaries to withdraw from voter rights litigation and drop clients involved in election integrity disputes²
- b. Covington & Burling LLP has been subjected to DOJ subpoena threats over its representation of Jack Smith and others challenging Trump-aligned federal policy.³

23. These threats have created a chilling effect, causing reputable firms to require DOJ approval or intervention before taking on a case that may anger the President. This is especially true with election related fraud implicating Republican officials and their aligned elections systems contractors.

24. The DOJ's silence here, their refusal to even answer the phone or return multiple phone calls from Relator and his prospective counsel, is constructively

² *Top Paul Weiss Lawyers leave firm after Trump Deal: Report*, The Hill, May 23, 2025, <https://thehill.com/regulation/court-battles/5317092-top-paul-weiss-lawyers-leave-firm-after-trump-deal-report/>

³ *Trump Targets Covington Law Firm Over Its Work With Jack Smith*, Bloomberg Law, February 25, 2025, <https://news.bloomberglaw.com/business-and-practice/trump-targets-covington-security-contracts-over-work-with-smith>

denying Relator access to counsel, and, therefore, his constitutional *right* to counsel, his right to petition the government for redress under the 1st Amendment, and his right to due process.

VI. FCA CASE LAW PRESUMES A FUNCTIONING RULE-OF-LAW DOJ— NOT THE CURRENT HYPER-POLITICIZED ENVIRONMENT

25. Federal courts, including this Circuit, have consistently held that pro se relators may not prosecute qui tam actions because those suits are brought in part on behalf of the United States government, which must be adequately represented by qualified counsel. The D.C. Circuit most recently affirmed this rule in *United States ex rel. Feliciano v. Ardoin*, No. 24-7134 (D.C. Cir. 2025), stating:

“The False Claims Act contains no exception to that background rule. On the contrary, the ‘relator in a [False Claims Act] action needs qualified legal counsel to ensure that the real party at interest, the United States, is adequately represented.’ U.S. ex rel. Rockefeller v. Westinghouse Elec. Co., 274 F. Supp. 2d 10, 16 (D.D.C. 2003). Indeed, permitting a relator to proceed pro se would risk binding the government to an adverse judgment that might be avoided with the aid of competent counsel. See Wojcicki v. SCANA/SCE&G, 947 F.3d 240, 244 (4th Cir. 2020). And because only one person may bring a qui tam action under the False Claims Act based on a particular set of underlying facts, see 31 U.S.C. § 3730(b)(5), allowing a relator to proceed pro se could prevent another ‘better-equipped’ party from pursuing the claim.”

26. However, these precedents rest on institutional assumptions that no longer apply. When DOJ uses its silence not as neutrality but as a political defense strategy, courts must question whether barring pro se litigation still serves the government's interest—or only its leadership's personal and political interests. The case law rationale, while doctrinally sound under normal conditions, rests entirely on the presumption that the executive branch is functioning in accordance with constitutional norms—that the DOJ is neutrally enforcing the law, *and that relators have access to DOJ's FCA review process in good faith*. That presumption, however, no longer holds in the current climate.

27. The DOJ has refused to acknowledge this Relator's sealed complaint, nor has it responded to law firms attempting to evaluate the case to make an informed decision on representing Relator.

28. In contrast, the DOJ is aggressively pursuing *and is publicly promoting* its pursuit of its HAVA-related election lawsuit in North Carolina under the authority of Executive Order 14248, while remaining completely silent about similar HAVA-related election misconduct in Florida that implicates Republican Governor Ron DeSantis and potentially the legitimacy of the 2024 elections.

29. Political pressure campaigns are being waged against firms like Paul, Weiss and Covington & Burling that reflect a DOJ increasingly shaped by political retaliation, extortion, and punishment, not neutral enforcement.

30. In this context, enforcement of election integrity and HAVA violations have become a function of executive favor, not legal merit. The DOJ has, in effect, abandoned its FCA gatekeeping function at the whim of the President, leaving relators like Plaintiff, a recent Democratic candidate for Congress in Florida, in legal limbo—unable to move forward without intervention, and unable to retain counsel because of DOJ’s silence and the prevailing climate of fear.

31. Thus, while *Feliciano* and related precedents hold that representation is necessary to protect the government’s interests, those very interests are now being politically hijacked by the Trump administration. The Court should not mechanically apply this case law when the government's inaction frustrates the statute's core purpose: to expose and prosecute fraud against the United States.

32. Accordingly, this Court may—and should—invoke its equitable authority to toll the June 16, 2025 deadline to securing counsel, and to compel the DOJ to disclose its position and status of review, so that Relator is not indefinitely trapped in procedural paralysis caused by political interference.

**VII. EQUITABLE EXCEPTION IS WARRANTED UNDER
UNPRECEDENTED POLITICAL CONDITIONS AND DOJ SILENCE**

33. This moment presents a unique opportunity for this Court to plow new legal ground. The requirement that qui tam relators be represented by counsel—though now treated as axiomatic—is actually not found anywhere in the text of the False

Claims Act itself. It was judicially constructed under the assumption of an impartial, functioning Department of Justice committed to faithfully executing the law regardless of political affiliation.

34. But that assumption is now false. We are in unprecedented times—a period marked by:

- The top-down politicization of all DOJ enforcement decisions;
- Retaliatory suppression of cases that threaten powerful Trump-aligned political interests;
- Intimidation of and retaliation against civil rights law firms;
- And the DOJ's refusal to even respond to a recent Democratic congressional candidate whistleblower's election HAVA fraud complaint delivered under seal and mandated by statute.

35. In addition, Relator is economically disadvantaged. He subsists primarily on Social Security disability and cannot afford to hire legal counsel except on a contingency basis in such a complicated case. Yet multiple law firms have declined contingency-based representation—not because the case lacks merit, but because DOJ's silence and its concurrent retaliation against law firms have created an atmosphere of fear, uncertainty, and doubt. This makes contingency representation not only commercially infeasible for a law firm, but a potential existential threat to its very existence.

36. Thus, Relator is trapped between a statute that provides him standing, a judiciary that may very well deny him voice (unless DOJ says otherwise) - and the thundering silence of a DOJ that won't return his and his prospective lawyers' phone calls.

37. To apply rigidly a non-contextual prohibition on pro se representation under these conditions is to reward political interference, undermine the rule of law, and pervert the very purpose of the False Claims Act—which was enacted to empower private individuals, even those economically disadvantaged like Relator, to expose fraud against the United States when the government fails to act.

38. Accordingly, this Court should fashion a narrow, equitable exception to the attorney-representation rule. Such an exception could be carved out as follows:

- Only when DOJ has failed to respond to a properly submitted and sealed complaint and disclosure within 30 days of receipt, or otherwise acts in manner indicative of obstruction, suppression, or unlawful cover-up;
- During the § 3730(b)(2) investigation period;
- Where the Relator provides compelling evidence that access to counsel has been obstructed by DOJ's silence and external political coercion.

39. In doing so, this Court would not be overruling precedent, but interpreting it within the constitutional moment we now inhabit. It would give effect to the core

legislative intent of the FCA: to incentivize and protect whistleblowers—not to make them casualties of shifting partisan winds.

40. Finally, can the government be “bound” by an action if it refuses to even acknowledge its existence during the 60 deal seal period? A court should not be complicit in using judicial procedure to help the executive bury inconvenient truths about election fraud, misuse of HAVA funds, and cover-up.

VIII. CONCLUSION

41. In the face of the DOJ’s inaction and silence, this Court may invoke a range of equitable and procedural safeguards to preserve Relator’s access to justice.

These include, but are not limited to:

- a. **Ordering DOJ to Comply with Its Investigative Duties:** Under 31 U.S.C. § 3730(b)(2), the DOJ is obligated to evaluate the complaint and make a decision whether to intervene within 60 days. If DOJ remains silent or refuses to confirm even basic procedural facts—such as whether the complaint was logged or assigned—a motion to compel such a disclosure is proper and necessary to prevent abuse of the seal period.
- b. **Allowing Temporary Pro Se Continuance:** While the general rule bars pro se relators, that rule assumes a functioning DOJ. Where DOJ silence and law firm retaliation obstructs access to legal representation, courts can and

should allow temporary pro se status during the pendency of government review, or until counsel can be retained without undue interference.

c. **Equitable Tolling of Deadlines:** The Court has discretion to toll or stay the current deadline pending DOJ compliance or response. To dismiss the case for lack of representation under these conditions would unfairly punish the Relator for circumstances beyond his control.

d. **Appointment of Counsel:** Under 28 U.S.C. § 1915(e)(1), courts may appoint pro bono counsel for indigent parties. While rarely invoked in qui tam contexts, the combination of political suppression, indigency, and national election-related fraud allegations may warrant such relief.

42. These remedies, whether invoked singly or in combination, offer this Court flexible authority to shield both the integrity of the judicial process and the foundational aims of the False Claims Act itself.

IX. PRAYER FOR RELIEF

WHEREFORE, Relator respectfully requests that this Court:

A. TAKE JUDICIAL NOTICE of *United States v. NC Board of Elections*;

B. TOLL the currently imposed deadline of June 16, 2025 for Relator to obtain counsel.

C. ORDER the DOJ to file a procedural status update under seal or in camera within seven (7) days which:

- 1) Confirms receipt of the complaint and disclosure statement;
- 2) Identifies the assigned personnel or division reviewing the case and provides their contact information;
- 3) Reports whether it intends to intervene, decline, or is still reviewing;
- 4) States whether any internal or external directives exist to delay, obstruct, ignore, or suppress the case or to decline to prosecute.

D. That the Court exercise its discretionary authority under 28 U.S.C. § 1915(e)(1) to request an attorney to represent Relator. While the statute does not guarantee free legal counsel, it authorizes the Court to request pro bono representation for indigent civil litigants. Given Relator’s good-faith efforts to retain counsel, his financial circumstances, and the substantial public interest in the subject matter of the case—including federal election integrity and False Claims Act enforcement—such a request is warranted. The Court may refer this case to its pro bono panel or transmit a formal request through the D.C. Bar or other local resources.

E. ACCEPT the attached Exhibit into the record; and

F. GRANT such further relief as this Court deems just and proper.

EXHIBIT ATTACHED

- **Exhibit A** – DOJ Press Release and Complaint in *United States v. North Carolina* (May 27, 2025)

Dated: June 4, 2025

Respectfully submitted,

A handwritten signature in black ink that reads "John W. Liccione". The signature is written in a cursive, flowing style.

John W. Liccione
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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of June, 2025, I caused a true and correct copy of the foregoing Motion to Preserve Access to Counsel, Compel DOJ Status Disclosure, and for Judicial and Equitable Relief to be served via United States Postal Service, certified mail with return receipt requested, upon:

(1) Attorney General Pamela Bondi

c/o U.S. Department of Justice
Civil Division – Commercial Litigation Branch
Fraud Section
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

(2) Acting U.S. Attorney Janine Pirro

U.S. Attorney's Office for the District of Columbia
Civil Division
601 D Street NW
Washington, DC 20530

/s/ John W. Liccione

A handwritten signature in cursive script that reads "John W. Liccione". The signature is written in black ink and is positioned below the typed name.

RECEIVED

JUN 11 2025

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

EXHIBIT A

DOJ Press Release Number 25-557 Announcing

*United States of America-v- North Carolina State Board
of Elections, et al HAVA Enforcemnt Lawsuit*

Case No. 5:25-cv-00283-FL
and the Complaint Itself



Office of Public Affairs
U.S. Department of Justice

PRESS RELEASE

Justice Department Files Help America Vote Act Lawsuit Against North Carolina for Inaccurate Voter List

Tuesday, May 27, 2025

For Immediate Release

Office of Public Affairs

The Justice Department announced today that it has filed a lawsuit against the State of North Carolina and the North Carolina State Board of Elections for failure to maintain an accurate voter list in violation of the Help America Vote Act (HAVA).

The [lawsuit](#) alleges that the State of North Carolina, in violation of HAVA's mandate and clear Congressional intent, used a State voter registration form that did not require a voter to provide identifying information such as a driver's license or last four digits of a social security number. Voters were then added to the State's voter registration roll without the required information, and many of these voters remain on the registration rolls without it.

On March 25, President Donald J. Trump signed Executive Order 14248 entitled "Preserving and Protecting the Integrity of American Elections" to ensure that elections are being held in compliance with federal laws that guard against illegal voting, unlawful discrimination, and other forms of fraud, error, or suspicion. The election integrity issues raised in this action are a core component of the Federal election laws that Congress has statutorily charged the Attorney General of the United States, through the Civil Rights Division, to enforce.

"Accurate voter registration rolls are critical to ensure that elections in North Carolina are conducted fairly, accurately, and without fraud," said Assistant Attorney General Harmeet K.

Dhillon of the Justice Department's Civil Rights Division. "The Department of Justice will not hesitate to file suit against jurisdictions that maintain inaccurate voter registration rolls in violation of federal voting laws."

The Civil Rights Division's Voting Section enforces the civil provisions of federal statutes that protect the integrity of the vote, including the Voting Rights Act, National Voter Registration Act, Help America Vote Act, and the Uniformed and Overseas Citizens Absentee Voting Act.

More information about voting and elections is available on the Justice Department's website at www.justice.gov/voting. Complaints about possible violations of federal voting rights laws can be submitted through the Civil Rights Division's website at civilrights.justice.gov or by telephone at 1-800-253-3931.

Updated May 27, 2025

Topic

CIVIL RIGHTS

Components

[Civil Rights Division](#) | [Civil Rights - Voting Section](#)

Press Release Number: 25-557

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; SAM HAYES, in his official
capacity as Executive Director of the North
Carolina State Board of Elections; FRANCIS
X. DE LUCA, JEFF CARMON, STACY
EGGERS IV, SIOBHAN O'DUFFY MILLEN,
and ROBERT RUCHO, in their official
capacities as Members of the North Carolina
State Board of Elections; and STATE OF
NORTH CAROLINA,

Defendants.

Civil No.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, the United States of America, brings this action against the North Carolina State Board of Elections (the "NCSBE"); Sam Hayes, in his official capacity as Executive Director of the NCSBE; Francis X. De Luca, Jeff Carmon, Stacy Eggers IV, Siobhan O'Duffy Millen, and Robert Rucho, in their official capacities as Members of the NCSBE; and the State of North Carolina and alleges:

INTRODUCTION

1. The Attorney General of the United States hereby files this action on behalf of the United States of America to enforce the requirements of Section 303(a) of the Help America

Vote Act of 2002 (“HAVA”), with respect to the conduct of elections for Federal office in the State of North Carolina. 52 U.S.C. § 21083(a).

2. On March 25, 2025, President Donald J. Trump signed Executive Order 14248 entitled “Preserving and Protecting the Integrity of American Elections” to ensure that elections are being held in compliance with federal laws that guard against illegal voting, unlawful discrimination, and other forms of fraud, error, or suspicion. The election integrity issues raised in this action are a core component of the Federal election laws that Congress has statutorily charged the Attorney General of the United States, through the Civil Rights Division, to enforce. *See* 52 U.S.C. § 21111.

3. “Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised.” *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006).

4. The cornerstone of public trust in government lies in free and fair elections. The core of the compact between a state and its citizens rests in ensuring that only eligible citizens can vote in elections.

5. Defendants have failed to maintain accurate lists in North Carolina’s computerized statewide voter registration in violation of Section 303(a)(5) of HAVA and the sacred trust that the people of the State of North Carolina have put in them to ensure the fairness and integrity of elections for Federal office in the state, necessitating this litigation.

BACKGROUND

6. The purpose of HAVA “can be stated very simply—it is to improve our country’s election system.... Historically, elections in this country have been administered at the state and local level....” But Congress found that “[w]hile local control must be preserved, it is time to recognize that the federal government can play a valuable [role] by assisting state and local government in modernizing their election systems.” H.R. Rep. 107-329, pt. 1, at 31-32 (2001).

7. HAVA imposes “minimum requirements” for the conduct of Federal elections, that “allow the states to develop their own laws and procedures to fulfill the requirements” to the extent that they are consistent with HAVA’s standards. *Id.* at 35.

8. In enacting HAVA, Members of Congress found that “One of the most exciting and promising reforms... is statewide registration. In its June 2001 report to Congress, the bipartisan Federal Election Commission, after consulting with state and local election officials, recommended that states ‘1) develop and implement a statewide computerized voter registration database; 2) insure that all local registration offices are computerized; and 3) link their statewide computerized system, where feasible, with the computerized systems of the collateral public agencies relevant to the NVRA (motor-vehicle offices, public assistance offices, etc.).’ The bipartisan National Commission on Federal Election Reform (‘Ford/Carter Commission’) also recommended states adopt such a system, as did the nation’s election administrators in their non-partisan National Task Force on Election Reform.” *Id.* at 35-36.

9. The benefits of uniform Federal standards for voter registration are clear. “Creation of such a system will make the registration lists more accurate, and easier to update. It should reduce the incidence of voters appearing at a polling place only to discover that no record of their registration can be found. When voters move from one jurisdiction to another within that state, the statewide system will be able to track that movement. If for some reason a voter remained registered at their old address, the election officials will be able to see that and take corrective action. Requiring states to develop statewide databases will modernize and improve registration nationwide.” *Id.* at 36.

10. Additionally, “The minimum standard requires states to create a single database that is official, centralized and administered at the state level.... The intent of the minimum standard is to establish one database that is identical and is the same program throughout the state and local jurisdictions so that all training can be uniform, all records requirements are identical, and that the state has full authority for maintenance and quality matters related to the database. The intent is also to assure that there are not jurisdictional nor vendor issues in terms of operability, problem resolution, or other types of reasons for one part of the system not matching the other.” *Id.*

11. The minimum standards for a centralized state voter registration database with accurate records are part of a comprehensive system to ensure the integrity of elections for Federal office. “States are... obligated to maintain accurate lists and thereby minimize the opportunities for and the incidence of fraud.” *Id.* “One of the most damaging effects of inaccurate rolls is that they lead to the public perception that the process can be easily manipulated.” *Id.* at 37.

12. Under Section 303(a) of HAVA, a voter registration application for an election for federal office may not be accepted or processed by the State unless it includes a driver's license number from the applicant, or if the applicant does not have a driver's license, the last four digits of the applicant's social security number. If an applicant has not been issued a current and valid driver's license or social security number, the State must assign a special identifying number for voter registration. *See* 52 U.S.C. § 21083(a).

13. Section 303(a)'s requirement that States utilize a unique identifying number to voters who indicate they have neither a driver's license nor a social security number is an integral part of the minimum Federal standards. As the House Report explained, "It is likely that states will find it necessary to create a unique identifier to distinguish registered voters who happen to have the same name and/or birth date. The unique identifier so created will be used to assure that list maintenance functions are attributable to the correct voter; so as to avoid removing registrants who happen to have the same name and birth date as a felon, for example." H.R. Rep. 107-329, pt. 1, at 36.

14. Additionally, compliance with the computerized statewide voter registration list requirements in Section 303(a) of HAVA is a necessary mechanism to facilitate voter list maintenance procedures to ensure the accuracy of voter records used for Federal elections. In particular, "States are encouraged to use the unique identifier to share information with other governmental offices for purposes such as death certificates, court and tax records, etc., to assure proper maintenance of voter records, file integrity, and protection of voter rights." *Id.*

15. In violation of HAVA's mandate and clear Congressional intent, the State of North Carolina used a state voter registration form that did not explicitly require a voter to provide a driver's license or the last four digits of a social security number.

16. Upon information and belief, a significant number of North Carolina voters who did not provide a driver's license number or the last four digits of a social security number using that voter registration form were nonetheless registered by their election officials, in violation of HAVA.

17. After an administrative complaint identified North Carolina's violations of Section 303(a) of HAVA, Defendants admitted the violations.

18. Nevertheless, Defendants only took limited actions to prevent future violations from reoccurring by adopting a new voter registration form that required applicants to provide their driver's license or last four digits of their social security number, if they had one of those forms of identification.

19. Upon information and belief there currently are a significant number of voters that do not have a driver's license number, last four digits of a social security number, or any other identifying number, as required by Section 303 of HAVA, listed in North Carolina's state voter registration file. Those violations will continue absent relief from this Court.

JURISDICTION AND VENUE

20. This Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1345, and 52 U.S.C. § 21111.

21. Venue for this action is proper in the United States District Court for the Eastern District of North Carolina, pursuant to 28 U.S.C. §§ 113, 1391(b).

PARTIES

22. Plaintiff United States of America seeks declaratory and injunctive relief pursuant to Section 401 of HAVA, 52 U.S.C. § 21111, which authorizes the Attorney General to bring this suit to enforce HAVA.

23. Defendant State of North Carolina is a State of the United States of America and is subject to the requirements of HAVA, including specifically those requirements with respect to a computerized statewide voter registration list in elections for Federal office. 52 U.S.C. §§ 21083(a), 21141.

24. Defendant North Carolina State Board of Elections NCSBE is an agency of the State of North Carolina responsible for “general supervision over the primaries and elections in the State...” N.C. Gen. Stat. § 163-22(a). Defendant NCSBE is responsible for “furnish[ing] to the county boards of elections the registration application forms,” including the forms used for the State’s computerized statewide voter registration list under HAVA. N.C. Gen. Stat. § 163-22(e). Defendant NCSBE has been designated by North Carolina law to “have the authority to adopt rules and guidelines to implement the minimum requirements of the Help America Vote Act of 2002.” N.C. Gen. Stat. § 163-82.27. Defendant NCSBE is responsible along with county election boards for maintaining “[t]he State voter registration system,” which “is the official voter registration list for the conduct of all elections in the State” of North Carolina including the computerized statewide voter registration list used for elections for Federal office pursuant to HAVA, N.C. Gen. Stat. § 163-82.10, with assignment of a unique registration identifier, *id.* at § 163-82.10A.

25. Defendant Sam Hayes is the Executive Director of NCSBE and is the ““Chief State Election Official”” of North Carolina. N.C. Gen. Stat. §§ 163-27(d), 163-82.2. In this capacity, Defendant Hayes is “responsible for staffing, administration, and execution of the [NCSBE’s] decisions and orders” and “such other responsibilities as may be assigned by” the NCSBE. N.C. Gen. Stat. § 163-27(c). Defendant Hayes is sued in his official capacity.

26. Defendant Francis X. De Luca is Chair of the NCSBE. Upon information and belief, Defendant De Luca resides in Wilmington, North Carolina. Defendant De Luca is sued in his official capacity.

27. Defendant Stacy Eggers IV is Secretary of the NCSBE. Upon information and belief, Defendant Eggers resides in Boone, North Carolina. Defendant Eggers is sued in his official capacity.

28. Defendant Jeff Carmon is a Member of the NCSBE. Upon information and belief, Defendant Carmon resides in Snow Hill, North Carolina. Defendant Carmon is sued in his official capacity.

29. Defendant Siobhan O’Duffy Millen is a Member of the NCSBE. Upon information and belief, Defendant Millen resides in Raleigh, North Carolina. Defendant Millen is sued in her official capacity.

30. Defendant Robert Rucho is a Member of the NCSBE. Upon information and belief, Defendant Rucho resides in Catawba County, North Carolina. Defendant Rucho is sued in his official capacity.

HAVA’S VOTER REGISTRATION LIST MANDATES

31. On October 29, 2002, HAVA was signed into law by the President. 52 U.S.C. §§ 20901-21145. Title III of HAVA requires certain “uniform and nondiscriminatory election technology and administration requirements” which apply in elections for Federal office, including those specified in Section 303. 52 U.S.C. §§ 21081-21083.

32. Section 303(a) of HAVA, entitled “Computerized statewide voter registration list requirements,” requires that “each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized,

interactive computerized statewide voter registration list defined, maintained, and administered at the State level.” Section 303(a) applies to all States that require voter registration for elections for Federal office. 52 U.S.C. § 21083(a).

33. Among the requirements of Section 303(a) of HAVA for the statewide voter registration list are the following:

(a) The list shall serve as the single system for storing and managing the official list of registered voters throughout the State, 52 U.S.C. § 21083(a)(1)(A)(i);

(b) The list must contain the name and registration information of, and must assign a unique identifier to, each legally registered voter in the State, 52 U.S.C. §§ 21083(a)(1)(A)(ii)-(iii);

(c) The list must be coordinated with other agency databases within the State, 52 U.S.C. § 21083(a)(1)(A)(iv);

(d) Any election official in the State, including any local election official, must be able to obtain immediate electronic access to the information contained in the list, and all voter registration information obtained by any local election official must be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local election official, 52 U.S.C. §§ 21083(a)(1)(A)(v)-(vi);

(e) The State must provide the necessary support so that local election officials are able to enter voter registration information on an expedited basis, 52 U.S.C. § 21083(a)(1)(A)(vii);

(f) The list must serve as the official voter registration list for the conduct of all elections for Federal office in the State, 52 U.S.C. § 21083(a)(1)(A)(viii); and

(g) The list must provide that no application for voter registration shall be accepted or processed unless it includes a driver's license number, for persons who have a driver's license number, or the last four digits of the social security number, for persons who do not have a driver's license number. For persons who do not have these numbers, the State must assign a unique identifier, 52 U.S.C. § 21083(a)(5)(A).

NORTH CAROLINA'S HAVA LIST MAINTANENCE VIOLATIONS

34. Defendant State of North Carolina is covered by and is required to comply with the requirements of Section 303(a) of HAVA with respect to elections for Federal office on and after January 1, 2006. 52 U.S.C. §§ 21083(d)(1)(B), 21141.

35. Before the 2024 Federal elections, North Carolina used a voter registration application that did not require applicants to provide the information required by Section 303(a). Although the application included fields for the applicant to provide their state driver's license or Department of Motor Vehicles ("DMV") number and the last four digits of their social security number, the fields were optional to complete. The application indicated that "fields in red text are required," but the fields for the information required by Section 303(a) of HAVA were printed in black text.

36. Before the 2024 Federal elections, North Carolina provided a video with instructions on how to register to vote.¹ At 1 minute and 47 seconds (1:47), the instructions in the video state, "Let's look at a voter registration application. The required fields on the application are in red. These are the eligibility requirements: your name, date of birth, residential address, mailing address, and your signature..." The fields required by Section 303(a) of HAVA are not identified in the video as required fields that must be completed.

¹ See <https://www.youtube.com/watch?v=ZvYUqlFgpw0>.

37. On October 6, 2023, before the 2024 Federal elections, Defendant NCSBE received an administrative complaint filed pursuant to Section 402 of HAVA, 52 U.S.C. § 21112 (“Administrative Complaint”). The Administrative Complaint alleged that North Carolina’s failure to require voter registration applicants to provide either their state driver’s license or DMV number, if they had one, or to provide the last four digits of their social security number, if they had one, violated Section 303 of HAVA.²

38. The Administrative Complaint requested that North Carolina revise the state voter registration form and accompanying instructions to be compliant with Section 303. The Administrative Complaint further requested that North Carolina obtain missing information required by Section 303(a), if they possessed it, from all voters who registered to vote on or after January 1, 2004 or whose registration date was unknown and to update the statewide voter registration list as required by Section 303(a)(5) of HAVA.

39. Defendant State of North Carolina has recognized that it has not taken the actions necessary to achieve timely compliance with the requirements of Section 303(a) of HAVA. Specifically, at a NCSBE meeting on November 28, 2023, NCSBE members and their legal counsel made the following admissions in response to the Administrative Complaint:

a. Paul Cox, General Counsel for the NCSBE, stated, “Legal counsel agrees with the complaint that HAVA does require a registrant, a mail in registrant, to either provide their driver’s license number or their last four digits of their social security number. And only if they do not have one of those to check the box saying, ‘I do not have one’ and that will still allow them to register.” NCSBE, State Board Meeting, at 1:15:10 –

² The complaint is available at <https://s3.amazonaws.com/dl.ncsbe.gov/HAVA%20Administrative%20Complaints/2023-10-06%20Snow/Snow%20Amended%20HAVA%20Complaint.pdf>.

1:15:30 (Nov. 28, 2023) (“11/28/2023 NCSBE Meeting”),

[https://s3.amazonaws.com/dl.ncsbe.gov/State Board Meeting Docs/2023-11-28/Part 1 - State Board of Elections Meeting-20231128.mp4](https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2023-11-28/Part_1_State_Board_of_Elections_Meeting-20231128.mp4).

b. Mr. Cox acknowledged that North Carolina’s voter registration form appeared to make the required Section 303 fields optional explaining, “So it happens that we were already in the process of revamping the voter registration form and that voter registration form is going to be released very shortly. We’ve been working on this for quite a while because the voter registration form, we viewed it as somewhat confusing and needing to have an overhaul and needing to be simplified. This is one of the items we were looking at already. [The Administrative Complaint] has pointed out something that we were already looking at which is that there’s an inconsistency with the way that we present the HAVA ID question to voters and the way that the federal statute reads, and so we agree on that. So, we think that our recommendation would be for the board to formally direct staff to make the change to the voter registration form which we have done and prepare to do very shortly to make clear that these items are required.”

11/28/2023 NCSBE Meeting, at 1:15:31 – 1:16:26.

c. Mr. Cox further acknowledged, “... for some of these voters, because of the way that the form was, they just may not have submitted it, they thought it was optional.” *Id.* at 1:20:22 – 1:20:50.

d. Mr. Cox acknowledged that even if a voter was later asked to provide HAVA-compliant identification, county elections would “not necessarily update their voter registration information.” Defendant Millen agreed stating, “...yeah, it doesn’t happen automatically I don’t think.” *Id.* at 1:21:04 – 1:21:49.

e. Mr. Cox declined to verify the accuracy of the allegation in the Administrative Complaint that over 200,000 records were not compliant with Section 303 of HAVA because "... not all county board of election members and their staff enter everything as they should as these applications are submitted. So, I don't know that that number is the accurate end-all be-all number of the people who did not comply with that provision of HAVA. I don't think it is because we know just by doing some spot checking of some of these records that in their application, they actually did include that number, it just wasn't populated into the state-wide computerized database." *Id.* at 1:22:38 – 1:23:32.

f. Mr. Cox advised the NCSBE to decline to implement the remedy recommended in the Administrative Complaint to contact voters who submitted voter registration applications that did not comply with Section 303 of HAVA "to try to get their identifying information." *Id.* at 1:16:27 – 1:17:10.

g. Defendant Millen made a motion for NCSBE to resolve the Administrative Complaint "by determining that a violation of section 303 of HAVA could occur as a result of the voter registration application form failing to require an applicant to provide an identification number or indicate that they do not possess such a number." She further moved that NCSBE limit the remedy for the violations to implement "recommended changes to the voter registration application form and any related materials." *Id.* at 1:26:48 – 1:27:18.

40. The NCSBE unanimously approved Defendant Millen's motion [11/28/2023 NCSBE Meeting, at 1:26:48 – 1:27:38], memorializing its action in a written order dated December 6, 2023.³

41. Defendants have declined to take sufficient steps to cure their continuing violations of Section 303(a)(5) of HAVA such as by contacting voters who had registered using the State's non-HAVA compliant voter registration application and updating the computerized statewide voter registration list for each incomplete voter record with the voter's driver's license, if they had one, or the last four digits of their social security number, if they have one, and to assign a unique identifying number to any voters who report that they do not have a driver's license number or a social security number.

42. Instead, through their oral motion and accompanying written order, Defendants have stated their intent to ask county election officials to update the statewide voter registration list with the missing information as individual voters appear at the polling place and present their requested identification, which they have conceded will only be done on an ad hoc basis that will not result in the accuracy of all records in the statewide voter registration list.

CAUSE OF ACTION

43. Plaintiff restates and incorporates herein the allegations in Paragraphs 1 through 42 of this Complaint.

44. Pursuant to North Carolina State law, the NCSBE is responsible for the development and implementation of the statewide voter registration list as mandated by Section 303(a) of HAVA, 52 U.S.C. § 21083(a).

³ See https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Other/2023%20HAVA%20Complaint%20-%20Snow.pdf.

45. Defendants have failed to take the actions necessary for the State of North Carolina to meet the requirements of Section 303(a) of HAVA. These failures include, but are not limited to, the following:

a. Defendants used a voter registration form that failed to require applicants to provide a driver's license number, for persons who have a driver's license number, or the last four digits of the social security number, for persons who do not have a driver's license number. 52 U.S.C. § 21083(a)(5)(A).

b. Defendants provided instructions for voter registration that failed to require applicants to provide a driver's license number, for persons who have a driver's license number, or the last four digits of the social security number, for persons who do not have a driver's license number. 52 U.S.C. § 21083(a)(5)(A).

c. Defendants accepted and processed voter registration applications that did not comply with Section 303(a)(5)(A) of HAVA.

d. Defendants did not assign a unique identifier to those persons whose voter registration applications indicated they did not have a driver's license or the last four digits of the social security number, as required by 52 U.S.C. § 21083(a)(5)(A).

e. After Defendants acknowledged their HAVA violations, they did not remedy the violations by contacting voters who registered using a voter registration application that did not comply with Section 303(a)(5)(A) of HAVA and who had not provided a driver's license number, for persons who have a driver's license number, or the last four digits of the social security number, for persons who do not have a driver's license number. 52 U.S.C. § 21083(a)(5)(A).

46. As a result of the failure of the Defendants to take actions as set forth in Paragraph 45 above, upon information and belief the State of North Carolina has a significant number of voter registration records in its statewide voter registration list that do not comply with the requirements of Section 303(a) of HAVA.

47. The failure of the Defendants to take the timely actions required to ensure that all voter registration records in North Carolina's statewide voter registration list have a driver's license number, or the last four digits of the social security number, for persons who do not have a driver's license number, or for persons who do not have these numbers, a unique identifier, as set forth above, constitutes a violation of Section 303(a)(5)(A) of HAVA, 52 U.S.C. § 21083(a)(5)(A).

48. Unless and until ordered to do so by this Court, the Defendants will not take timely actions necessary to ensure that all voter registration records in North Carolina's statewide voter registration list meet the requirements of Section 303(a) of HAVA, 52 U.S.C. § 21083(a).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff United States of America prays that this Court:

A. Declare that the Defendants are not in compliance with Section 303(a) of HAVA, 52 U.S.C. § 21083(a), with respect to implementation of HAVA's computerized statewide voter registration requirements in elections for Federal office;

B. Enjoin the Defendants, their agents and successors in office, and all persons acting in concert with any of them from failing or refusing promptly to comply with the requirements of Section 303(a) of HAVA;

C. Enjoin the Defendants, their agents and successors in office, and all persons acting in concert with any of them from failing or refusing to use a voter registration form that complies with the requirements of Section 303(a) of HAVA;

D. Order the Defendants, their agents and successors in office and all persons acting in concert with any of them promptly to develop a plan, within 30 days of this Court's order, to remedy the demonstrated violations of Section 303(a) of HAVA, fully and completely, to include:

(1) contacting all registered voters in North Carolina's statewide voter registration list that do not meet the requirements of Section 303(a) of HAVA, to obtain a driver's license number, for persons who have a driver's license number, or the last four digits of the social security number, for persons who do not have a driver's license number, and timely adding that information to the statewide voter registration list;

(2) for registered voters who are contacted who do not report having a driver's license number or the last four digits of a social security number, assigning a unique identifier and timely adding that information the statewide voter registration list as required by 52 U.S.C. § 21083(a)(5)(A);

(3) within 30 days of the completion of (1) and (2) filing with the Court a sworn certification that all records in the statewide voter registration list are in full compliance with Section 303(a) of HAVA and that an electronic copy of all corrected records has been provided to the United States; and

(4) updating all voter registration materials and training materials for election officials to reflect the requirements of Section 303(a) of HAVA; and

E. Order such other relief as the interests of justice may require.

Date: May 27, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ James Thomas Tucker
James Thomas Tucker