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September 2, 2026

VIA ELECTRONIC MAIL AND VIA UPS PRIORITY OVERNIGHT, SIGNATURE REQUIRED

ADDRESSEES

The Honorable Gavin Newsom
Governor
Office of the Governor, State of California
1021 O Street
Sacramento, CA 95814
governor@governor.ca.gov

The Honorable Rob Bonta
Attorney General
Office of the Attorney General, State of California]
1300 I Street,
Sacramento, CA 95814
piu@doj.ca.gov

The Honorable Shirley N. Weber, Ph.D.
Secretary of State
Office of the Secretary of State, State of California
1500 11th Street,
Sacramento, CA 95814
Secretary.weber@sos.ca.gov

Re: Notice of Evidence Preservation Obligations — National Voter Registration Act (52 U.S.C. § 20501 *et seq.*), Help America Vote Act (52 U.S.C. § 20901 *et seq.*), and the Voting Rights Act of 1965 (52 U.S.C. § 10101 *et seq.*); Response to Notice of Violations Dated August 31, 2026

Dear Governor Newsom, Attorney General Bonta, and Secretary of State Weber:

This firm represents Unite4Freedom (“Unite4Freedom”) in connection with the Notice of Violations regarding compliance with the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20501 *et seq.*, that was previously transmitted to the State of California on or about August 31, 2026 (the “Notice of Violations”). This letter is directed to the State of California; the Office of the Governor of the State of California; the Office of the Attorney General of the State of California; the Office of the Secretary of State of the State of California; and the , each in their official capacity, together with each of their respective agents, employees, contractors, vendors, and custodians of records (collectively, “Defendants”). This letter is a formal demand that Defendants immediately take all steps necessary to identify, preserve, and protect from destruction, alteration, or loss any and all records, documents, communications, and data — in whatever form or medium such materials are created, received, or maintained — that relate in any way to

the subject matter of the Notice of Violations and to Defendants' compliance with the NVRA, the Help America Vote Act of 2002 ("HAVA"), 52 U.S.C. § 20901 *et seq.*, and the Voting Rights Act of 1965 ("VRA"), 52 U.S.C. § 10101 *et seq.* (collectively, the "Preserved Records").

I. STATEMENT OF INTENT TO SUE

This letter further serves as formal notice, pursuant to Section 11(b) of the NVRA, 52 U.S.C. § 20510(b)(1), that Unite4Freedom intends to commence a civil action against Defendants in an appropriate United States district court if the violations identified in the Notice of Violations dated August 31, 2026 are not fully remedied within the applicable statutory cure period. The NVRA authorizes a person aggrieved by a violation to bring such an action if the violation is not corrected within 90 days after a State receives written notice of the violation, or within 20 days after receipt of such notice if the violation occurred within 120 days before the date of an election for Federal office. 52 U.S.C. § 20510(b)(2).

Unite4Freedom intends to exercise this right in full absent a satisfactory resolution of the violations identified in the Notice of Violations, and reserves all rights and remedies available to it under the VRA, the NVRA, HAVA, and applicable state law, including the right to seek declaratory and injunctive relief, attorneys' fees and costs, and any other relief a court deems appropriate. Because litigation against Defendants is therefore reasonably anticipated, Defendants' duty to preserve the Preserved Records described in this letter arises independently under common-law spoliation doctrine, in addition to the statutory preservation and production obligations described in Section II below, and that duty applies with equal force to every Defendant regardless of which Defendant is ultimately named in any complaint.

II. STATUTORY BASIS FOR PRESERVATION

The NVRA itself imposes an affirmative, ongoing record-retention obligation. Section 8(i)(1) of the NVRA requires each State to "maintain for at least 2 years and 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)(1) (emphasis added). This is the completeness standard the Department of Justice applies when assessing a State's compliance, and it governs the scope of the records that must be preserved in response to this letter.

Separately, the Civil Rights Act of 1960, 52 U.S.C. § 20701, requires every election officer to "retain and preserve", for twenty-two (22) months following any general, special, or primary election for federal office, all records and papers that come into that officer's possession relating to any application, registration, or other act requisite to voting, and makes those records subject to inspection, reproduction, and copying upon a written demand by the Attorney General specifying the basis and purpose for the request. 52 U.S.C. §§ 20701, 20703. That demand may be enforced in federal district court. 52 U.S.C. § 20705. The Attorney General likewise has independent enforcement authority under Section 11 of the NVRA. 52 U.S.C. § 20510.

HAVA imposes complementary obligations, including the requirement that the statewide voter registration database be coordinated on a regular basis with State records on felony status and death, consistent with NVRA list-maintenance requirements. 52 U.S.C. § 21083(a)(2). Records reflecting that coordination, and the procedures and audit trails underlying it, fall squarely within the scope of this preservation demand.

III. SCOPE OF RECORDS TO BE PRESERVED

The preservation obligation described in this letter applies, without limitation, to all records — whether in **paper or electronic form**, and regardless of the software, system, custodian, or location in which such records are created, received, stored, or maintained — that are necessary to validate the State’s compliance with the VRA, the NVRA, and HAVA. This includes, but is not limited to:

- The statewide voter registration list and all historical snapshots, exports, and version histories of that list;
- 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, as described in 52 U.S.C. § 20507(i)(1), including list-maintenance mailings, notices, and responses;
- Records of registrations, cancellations, transfers, rejections, and purges, including the basis and source data for each such action;
- Records reflecting coordination between the statewide voter registration database and other State agency records, including motor vehicle, public assistance, corrections, vital records (death), and felony-status data, under NVRA § 5 and HAVA § 303(a)(2);
- Policies, procedures, protocols, training materials, and internal guidance concerning voter list maintenance, registration processing, and NVRA/HAVA/VRA compliance;
- Correspondence, memoranda, and communications (including emails, text messages, instant messages, and messages sent via any ephemeral or auto-deleting messaging application) among or between State officials, county or local election officials, vendors, contractors, and any other person concerning the subject matter of the Notice of Violations;
- Contracts, statements of work, and communications with any third-party vendor or contractor that performs list-maintenance, data-matching, or registration-processing services on the State’s behalf, together with that vendor’s or contractor’s own underlying records;
- Audit logs, metadata, database change logs, and system-access records reflecting who made changes to voter records, when, and why;
- Backup tapes, archived files, and legacy-system data that would otherwise be subject to a routine retention or deletion schedule; and
- Any other document or data compilation that would be responsive to, or that was created in response to, the Notice of Violations.

IV. DOJ’S INTERPRETATION OF “AUDITABILITY” AND ITS EXTENSION TO VOTING SYSTEM RECORDS

The Department of Justice has taken the position, including in recent Civil Rights Division demand letters issued to state election officials, that a State’s NVRA and HAVA compliance cannot be assessed from registration records alone, and that the record-preservation and record-production obligations described above extend to the full universe of records that establish the *auditability* of the State’s voting and tabulation process. DOJ has grounded this position in HAVA’s voting-system requirements, which mandate that any voting system used in a federal election “produce a permanent paper record with a manual audit capacity for such system” and that the paper record “shall be available as an official record for any recount conducted with respect to any election in which the system is used.” 52 U.S.C. § 21081(a)(2). DOJ has cited a State’s obligation to demonstrate compliance with this and other HAVA “minimum requirements,” see 52 U.S.C. §§ 21081–21083, as independent grounds for demanding production of the underlying system- and ballot-level records that make that audit capacity meaningful, rather than registration records alone.

DOJ has likewise construed the Civil Rights Act of 1960's reference to records relating to "any application, registration, payment of poll tax, or *other act requisite to voting*", 52 U.S.C. § 20701 (emphasis added), to reach beyond registration paperwork to the records generated when a ballot is cast, scanned, tabulated, and canvassed — on the theory that casting and counting a ballot is itself an "act requisite to voting." Consistent with that reading, DOJ has separately demanded ballots, ballot receipts, and ballot envelopes directly from local election officials under the CRA. In light of this stated position, Unite4Freedom treats the following categories of voting-system and audit-trail records as squarely within the scope of the Preserved Records, in addition to the registration-related records identified in Section III above:

- Cast Vote Records ("CVRs"), including the underlying ballot-level tabulation data for every contest and every voting method (in-person, provisional, absentee/mail, and any other), together with the CVR export files, layout/definition files, and any documentation necessary to interpret them;
- Electronic pollbook logs, including voter check-in and check-out records, activation-code or ballot-issuance logs, provisional-ballot logs, and any synchronization or reconciliation logs between electronic pollbooks and the statewide voter registration database;
- Voting machine and tabulation-system logs, including system event logs, error logs, and chain-of-custody logs for each device used in casting, scanning, or tabulating ballots;
- Database change logs and audit trails for the statewide voter registration system and any tabulation or election-management system, reflecting every addition, modification, or deletion and the identity of the user or process that made it;
- Ballot images captured by optical scanners or other voting equipment, including full-resolution images of both the front and back of each ballot, for every voting method;
- Software and firmware loads, version histories, configuration files, and cryptographic hash values for every voting, tabulation, and election-management system component in use, together with certification records, vendor change logs, and records of any patch, update, or configuration change applied to that software;
- Physical ballots in every category — voted, spoiled, rejected, provisional, and absentee/mail — together with ballot envelopes, ballot receipts, chain-of-custody logs, and any risk-limiting audit or post-election audit records and work papers; and
- Any other record that DOJ has identified, or could reasonably be expected to identify, as necessary to establish the auditability of the State's voting, tabulation, and canvassing processes.

V. PRESERVATION INSTRUCTIONS

To ensure compliance with this demand, each addressee is instructed to take the following steps immediately upon receipt of this letter:

- Suspend any automatic deletion, overwriting, recycling, or destruction protocol — including routine records-retention schedules, email auto-purge settings, and ephemeral-messaging auto-delete functions — that could result in the loss of any Preserved Record;
- Issue a written litigation-hold notice to every employee, official, agent, and contractor who may have custody or control of Preserved Records, and confirm in writing that such notice has been distributed;
- Refrain from deleting, discarding, altering, erasing, overwriting, relocating, or otherwise disposing of any Preserved Record, whether in paper or electronic form, including metadata associated with electronic records;

- Preserve electronic records in their native, original format, including all associated metadata, and refrain from any action that would alter a record's metadata, including "last modified" or "last accessed" dates, except as unavoidably caused by routine, good-faith access;
- Identify and secure any records currently stored on legacy systems, decommissioned hardware, or media scheduled for replacement or disposal, and preserve that hardware or media, or a forensically sound copy of its contents, before any replacement or disposal occurs; and
- Direct any third-party vendor or contractor in possession of Preserved Records to comply with the same preservation obligations described in this letter.

VI. DURATION AND SCOPE OF THIS DEMAND

Several of the categories identified in Section IV, including system event logs, database change logs, and electronic pollbook logs, are, by default, subject to shorter retention or automatic overwrite cycles under vendor default settings or routine IT practice than the 22-month period fixed by 52 U.S.C. § 20701. To the extent any such default cycle would result in loss of these records before the expiration of this hold, each addressee is instructed to override or suspend that cycle immediately, regardless of whether the affected system is operated directly by a Defendant or by a county, vendor, or contractor on a Defendant's behalf.

This preservation demand is effective immediately and shall remain in effect until Unite4Freedom or its counsel provides written notice releasing Defendants from this obligation, or until the underlying matter is finally resolved, whichever occurs later. This letter is not a comprehensive statement of the records that may ultimately be requested in discovery, through a public-records request, or through a demand under 52 U.S.C. § 20703, and it does not waive, limit, or substitute for any other right to obtain records under applicable state or federal law, including state public-records or open-records statutes.

VII. CONSEQUENCES OF NONCOMPLIANCE

Please be advised that the failure to preserve records identified in, or reasonably encompassed by, this letter may result in spoliation of evidence and may expose Defendants to sanctions, adverse-inference instructions, fee-shifting, and other remedies available under applicable law, both in connection with the anticipated civil action described in Section I above and in any other proceeding. Unite4Freedom reserves all rights and remedies, including the right to seek judicial relief to compel preservation or production of records, in the event this demand is not honored in full.

Please direct all questions regarding this letter, and any correspondence confirming compliance with the preservation obligations described above, to the undersigned at the contact information listed above.

Sincerely,



Renee Mazer
PA Bar No. 57669
 Counsel for Unite4Freedom