



2121 Eisenhower Ave., Suite 608
Alexandria, VA 22314

Lee E. Goodman
Phone: (703) 574-1093
RNCNVRA@dhillonlaw.com

August 26, 2026

VIA CERTIFIED MAIL AND EMAIL

The Honorable Dale G. Caldwell
Secretary of State
New Jersey Department of State
P.O. Box 300
Trenton, NJ 08625
feedback@sos.nj.gov

**Re: Notice of Violation of the National Voter Registration Act and
New Jersey's Open Public Records Act**

Dear Secretary Caldwell:

This firm represents the Republican National Committee ("RNC"); the New Jersey Republican State Committee ("NJGOP"); Congressman Tom Kean, a federal candidate for election in New Jersey; and New Jersey State Senator Anthony M. Bucco, a state candidate for election in New Jersey (collectively, the "Requesters").

On July 31, 2026, the Requesters submitted to your office, by certified mail and email, a public records request under Section 8(i) of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507(i), and companion requests to the election officials of Bergen, Essex, Hudson, Middlesex, Somerset, and Union Counties. A copy of this request is enclosed with this letter. Twenty-six days later, your office has yet to acknowledge the request, and it has produced nothing. The county offices have produced a fraction of what was requested and have offered response dates weeks away.

This letter provides written notice under 52 U.S.C. § 20510(b)(1) that the State of New Jersey is in violation of Section 8(i)—through your office's own failure to make the records available—and, because the State may not avoid its NVRA obligations by delegating them, through the failures of the six county offices. This letter also serves as notice that your office has failed to comply with its obligations to produce records under New Jersey's Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 *et seq.*

Because the violation occurred within 120 days of the November 3, 2026, general federal election, the NVRA affords the State of New Jersey 20 days from receipt of this notice to cure this violation.

I. Background

The RNC, NJGOP, Congressman Kean, and Senator Bucco register voters, turn out voters, communicate with voters, and monitor elections across New Jersey, and each of those activities depends on accurate voter rolls and knowing who has been removed from them or placed in inactive status and why. The deadline to register for the November 3 general election is October 13, 2026. Before that date, the Requesters plan to direct their registration drives toward eligible citizens whose registrations were canceled or placed in inactive status since January 2023, many of whom must re-register to vote in November, and to build their turnout programs from the lists whose maintenance the requested records document. New Jersey's failure to provide records in response to the Requesters' July 31 request, therefore, directly impedes the Requesters' ability to engage in that election-oriented activity and similar activity in advance of future New Jersey elections.

The Requesters' July 31 request sought eleven categories of voter list-maintenance records for the period beginning January 1, 2023, and spanning until the time your office responded to the request (the "Relevant Period"): list-maintenance policies, procedures, and training materials (Request No. 1); Statewide Voter Registration System ("SVRS") records of registrants removed under ten enumerated codes (No. 2); confirmation-notice, inactive-status, and inactive-removal records (Nos. 3 through 5); records exchanged with Vital Statistics, the Motor Vehicle Commission ("MVC"), SAVE, ERIC, and county election officials (Nos. 6 through 10); and records of persons removed as non-citizens (No. 11). The request rested on Section 8(i) of the NVRA, and it invoked OPRA, only in the alternative, to the extent your office contends that a record lies outside the scope of the NVRA.

The request asked that you acknowledge receipt of it within five business days—by August 7—and that your office produce responsive records on a rolling basis. OPRA required a response by August 12. *See* N.J.S.A. 47:1A-5(i)(1). Your office let both dates pass in silence, and, to date, has produced no records, made no request for additional time, cited no exemptions, and provided no log.

The county offices have done little more. Bergen County's Superintendent of Elections responded on August 10 with three SVRS reports, an assertion that the office holds no responsive records for three categories, and a refusal of seven categories as "improper under OPRA." Essex County produced two categories of SVRS records and extended its response to September 1 under OPRA. Middlesex County's first substantive communication came on August 21—three weeks after the request was sent—when its Clerk of the Board advised that the request could be "submit[ted]" only after counsel supplied three OPRA certifications, which counsel immediately provided. Hudson County has sent an automated acknowledgment and nothing else. Union County wrote on August 19 to characterize the request as an "August 10, 2026, OPRA request" and to extend its response to September 9.

Somerset County wrote on August 5 to extend its response to September 2 and to reserve a further extension. Each county treated the request as an OPRA request and ignored the NVRA. The Requesters' notices to the six county offices, copies of which are enclosed with this letter, describe these responses in detail and are incorporated by reference.

II. Violation of the NVRA

Section 8(i) of the NVRA provides that “[e]ach State shall maintain for at least 2 years and shall 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). Those records expressly include lists of the persons sent confirmation notices under subsection (d)(2) and whether each has responded. *Id.* § 20507(i)(2). “All records” carries an expansive meaning. *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012). The obligation extends to data in a statewide voter registration system, *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 47–48 (1st Cir. 2024), and it preempts state-law restrictions that obstruct disclosure, *id.* at 54–55.

The obligation belongs to the State. Federal law requires each State, “acting through the chief State election official,” to implement a statewide voter registration list “defined, maintained, and administered at the State level,” 52 U.S.C. § 21083(a)(1)(A), and it makes that official “responsible for coordination of State responsibilities” under the NVRA, *id.* § 20509. A State may not delegate the responsibilities under the NVRA to a local official and thereby avoid responsibility when such a program falls short of meeting the NVRA’s requirements. *See United States v. Missouri*, 535 F.3d 844, 849–50 (8th Cir. 2008).

Your office’s silence is a violation on its own terms. The SVRS is the statewide list that federal law requires New Jersey to maintain and administer at the State level, 52 U.S.C. § 21083(a)(1)(A), and the majority of the request concerns records relating to programs the State conducts through that system. Twenty-six days have passed without production and without any communication from your office. Section 8(i) requires that the records be made available. They have been withheld.

The county failures are also State failures. New Jersey conducts its list-maintenance program through county commissioners of registration and superintendents of elections, who send confirmation notices, process responses, and remove registrants from the SVRS. N.J.S.A. 19:31-15. When those officials refuse categories outright, as Bergen County has; defer production for weeks under OPRA extensions, as Essex, Somerset, and Union Counties have; condition acceptance of a request on state-law certifications, as Middlesex County has; or let a request sit unanswered, as Hudson County has, the State falls out of compliance with the command that “[e]ach State . . . shall make available” all records of its programs. *Missouri* describes the State’s options when local officials fall short: The State may

either (1) improve its methods for securing local compliance or (2) assume direct responsibility for the task. 535 F.3d at 851. Either course is open to your office, which administers the SVRS and can generate the county-level records itself.

Because your office has failed to provide records in response to the July 31 request, the State of New Jersey is presently in violation of Section 8(i) of the NVRA.

III. Violation of OPRA

To the extent your office contends that any record falls outside the NVRA, the request invoked OPRA in the alternative, and OPRA supplies its own deadline. OPRA requires a custodian to grant or deny access “as soon as possible, but not later than seven business days after receiving the request.” N.J.S.A. 47:1A-5(i)(1). A custodian “unable to fulfill a records request due to unforeseen circumstances or circumstances that otherwise reasonably necessitate additional time” is “entitled to a reasonable extension of any response deadline and shall notify the requestor of the time extension within seven business days after receiving the request.” *Id.* A failure to respond within the period “shall be deemed a denial of the request.” *Id.*

The request was transmitted by email and certified mail on Friday, July 31. Even treating it as received on Monday, August 3, the seventh business day following the request was August 12. Your office neither granted nor denied access on that date, and it gave no notice of an extension. The request was, therefore, deemed denied on August 12, at the latest. That denial stands apart from the NVRA violation, and the Requesters are afforded independent remedies for it. *See* N.J.S.A. 47:1A-6 (describing the process for challenging the denial of access to a record under OPRA).

IV. Conclusion

A person aggrieved by a violation of the NVRA may sue if the violation “is not corrected within . . . 20 days after receipt of the notice” when “the violation occurred within 120 days before the date of an election for Federal office.” 52 U.S.C. § 20510(b)(2). The next federal election will be held on November 3, 2026, and the 120-day period before that date began on July 6, 2026. The Requesters’ July 31 request and the State’s failure to make the records available in response to that request fall within that period. Thus, your office has until **September 15, 2026**, to cure the violation described above.

To correct the violation, the State must: (1) begin producing records responsive to the July 31 request immediately and on a rolling basis, and complete that production by **September 15, 2026**; (2) direct the election officials of Bergen, Essex, Hudson, Middlesex, Somerset, and Union Counties to complete production of the records responsive to the Requesters’ July 31 requests to them by the same date, or produce those county-level records from the SVRS directly; (3) for any record or portion withheld, provide a log identifying the record and the specific legal basis for

withholding it; and (4) identify any responsive record deleted during the Relevant Period and produce every responsive record still maintained.

If the violation remains uncorrected at the close of the cure period, the Requesters may file a civil action for declaratory and injunctive relief to enforce their rights under Section 8(i) and, if they do so, will seek attorney's fees, litigation expenses, and costs under 52 U.S.C. § 20510(c). The Requesters reserve all rights under OPRA, including relief from the deemed denial of their request.

Sincerely,

DHILLON LAW GROUP INC.

By: /s/ Lee E. Goodman
Lee E. Goodman

Encl:

1. State Request for Records Under the NVRA and OPRA;
2. Bergen County – Notice of NVRA Violation;
3. Essex County – Notice of NVRA Violation;
4. Middlesex County – Notice of NVRA Violation;
5. Hudson County – Notice of NVRA Violation;
6. Union County – Notice of NVRA Violation;
7. Somerset County – Notice of NVRA Violation.



2121 Eisenhower Ave., Suite 608
Alexandria, VA 22314

Lee E. Goodman
Phone: 415-433-1700
RNCNVRA@dhillonlaw.com

July 31, 2026

VIA CERTIFIED MAIL AND EMAIL

The Honorable Dale G. Caldwell
Secretary of State
New Jersey Department of State
P.O. Box 300
Trenton, NJ 08625
feedback@sos.nj.gov

**Re: Public Records Request Under the National Voter Registration Act and
Open Public Records Act**

Dear Chief Election Officer:

This firm represents the Republican National Committee ("RNC"), the New Jersey Republican State Committee ("NJGOP"), Congressman Tom Kean, a federal candidate for election in New Jersey, and New Jersey State Senator Anthony M. Bucco, a state candidate for election in New Jersey (collectively, the "Requesters"). As you know, the RNC is committed to a fair electoral process that ensures both access to the ballot and election integrity, and NJGOP, Congressman Kean, and Senator Bucco share that commitment. Public confidence and accuracy in the administration of our elections are critical to our democracy.

The starting block for voter participation and election integrity is voter registration. The RNC; state and local Republican parties, including NJGOP; and candidates, including Congressman Kean and Senator Bucco, assist thousands of citizens each year in registering to vote and devote substantial resources to get-out-the-vote efforts in reliance upon public voter registration lists. The Requesters also monitor elections to ensure the effective exercise of the franchise, accurate election results, and public confidence in election outcomes. All of these efforts rely upon accurate voter rolls. Accordingly, the Requesters support state and federal laws and practices to keep voter registration rolls up to date.

Because the Requesters' voter registration drives, get-out-the-vote drives, voter communications, and election integrity efforts depend upon the processes implemented by New Jersey to ensure its voter rolls are accurate, the Requesters are conducting a review of New Jersey's programs and practices for maintaining accurate voter rolls. As part of that review, the Requesters seek the records identified below concerning New Jersey's programs and practices to maintain accurate voter rolls pursuant to Section 8 of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507.

The NVRA contains a public records provision. It requires that “[e]ach state shall maintain for at least 2 years and shall 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.” *Id.* § 20507(i)(1). Those records expressly “include lists of the names and addresses of all persons to whom notices described in [52 U.S.C. § 20507(d)(2)] are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the record is made.” *Id.* § 20507(i)(2). The scope of records required to be maintained by each state is sweeping and includes records of all voter list registration and maintenance activities. See *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012) (the use of the word “all” in “all records” “suggests an expansive meaning because ‘all’ is a term of great breadth” (quoting *Nat’l Coal. for Students with Disabilities Educ. & Legal Def. Fund v. Allen*, 152 F.3d 283, 290 (4th Cir. 1998))). These documents must be made available by each state’s chief election official upon request. *Cf. United States v. Missouri*, 535 F.3d 844, 950 (8th Cir. 2008) (a state “may not delegate” its responsibilities under the NVRA “to a local official and thereby avoid responsibility”).

The New Jersey Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 *et seq.*, also requires your office to provide the records requested below. This request should be considered a request under OPRA to the extent you assert any record is not covered by the NVRA.

Accordingly, the Requesters respectfully request the following public records¹ for the Relevant Period²:

1. Each policy, procedure, manual, standard operating procedure, directive, guidance document, or training material in effect at any time during the Relevant Period that sets forth, documents, or describes the programs and activities conducted in New Jersey for the purpose of ensuring the accuracy and currency of official lists of eligible voters, including any such record describing:
 - (a) how registrants who have died are identified and removed from the rolls;
 - (b) how registrants who have changed residence are identified and removed from the

¹ For purposes of this request, a “record” is defined as any document or information, in electronic form or paper copy form, and includes policies, procedures, manuals, memoranda, audits, guidance, lists, spreadsheets, data, and communications (including emails, text messages, and letters). “Record” also includes documents, information, and data found within your statewide voter registration system, the database through which your state carries out its voter list registration and maintenance activities. See *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 47 (1st Cir. 2024).

² For purposes of this request, the “Relevant Period” means the period beginning January 1, 2023, and continuing through the date of your office’s response to this request. The NVRA requires New Jersey to maintain all records for “at least 2 years.” In this era of electronic records, and with other records requests pending, we trust the state and its localities have not deleted records within this timeframe. However, if your office has deleted relevant records within this timeframe, please tell us and provide all responsive records still maintained.

rolls;

- (c) how and when address confirmation notices are sent and processed;
- (d) how registrants are designated as inactive;
- (e) how registrants reactivate from inactive status;
- (f) the process for removing voters on the inactive list from the registration list;
- (g) how duplicate registration records are identified, merged, or canceled;
- (h) how your office verifies the U.S. citizenship of registrants; and
- (i) the meaning and application of each removal code or cancellation reason used in New Jersey's Statewide Voter Registration System ("SVRS"), including each code identified in Request No. 2.

2. Records from the SVRS sufficient to show each individual whose voter registration was removed or canceled during the Relevant Period under any of the following removal codes or designations, or any substantially similar code or designation, however denominated in the SVRS:

- (a) "Administrative Action";
- (b) "Deceased";
- (c) "Duplicate";
- (d) "Inactive Confirmation through Two Federal";
- (e) "Moved Out of State";
- (f) "Moved Out of County";
- (g) "User Corrected";
- (h) "User Determined";
- (i) "Voter Records Merged"; and
- (j) "Voter Requested"

For each such individual, the responsive records should reflect the individual's full name, residence address, date (or year) of birth, and voter identification number assigned by the SVRS, together with the date of the removal or cancellation and the removal code or designation under which the removal or cancellation was recorded.

3. Each record that lists or identifies persons sent an address confirmation notice, including any notice described in 52 U.S.C. § 20507(d)(2), during the Relevant Period, together with, for each such person: (a) the date the confirmation notice was sent, and (b) whether the person has responded to the notice as of the date of your response to this request.
4. Each record that lists or identifies voters placed in inactive status during the Relevant Period, including the date on which each such voter was placed in inactive status.
5. Each record that lists or identifies voters on the inactive voter list who were removed from the SVRS during the Relevant Period.

6. Each record and communication exchanged during the Relevant Period between your office (including the Division of Elections) and the New Jersey Department of Health's Office of Vital Statistics and Registry—or any other office, bureau, or agency responsible for maintaining records of deaths—that identifies deceased individuals for voter list-maintenance purposes, including data files, death lists or indices, match or comparison results, and correspondence transmitting or discussing that information.
7. Each record and communication exchanged during the Relevant Period between your office (including the Division of Elections) and the New Jersey Motor Vehicle Commission—or any other agency performing the functions of a department of motor vehicles—that identifies voters who have moved for voter list-maintenance purposes, including data files, lists, match or comparison results, and correspondence transmitting or discussing that information.
8. Each record and communication created as a result of or generated from your office's (including the Division of Elections) use of the Systematic Alien Verification for Entitlements (SAVE) database during the Relevant Period.
9. Each record and communication exchanged between your office (including the Division of Elections) and the Electronic Registration Information Center (ERIC) during the Relevant Period.
10. Each record and communication exchanged during the Relevant Period between your office (including the Division of Elections) and any county board of elections, superintendent of elections, county commissioner of registration, or municipal clerk that:
 - (a) concerns any program or activity implemented for the purpose of ensuring the accuracy and currency of New Jersey's official lists of eligible voters, including directives, instructions, guidance, or schedules for conducting voter list-maintenance activity;
 - (b) concerns a failure to comply with New Jersey's voter list-maintenance obligations under New Jersey or federal law; or
 - (c) identifies individual voters removed, or to be removed, from the official lists of eligible voters as a result of any such program or activity.
11. Each record that lists or identifies each person removed from the SVRS because the individual was not a U.S. citizen during the Relevant Period.

When providing records, data, or lists identifying voters in response to any request above, we request all information identifying each voter contained within your records, including but not limited to each voter's name, residence address, date (or year) of birth,

July 31, 2026

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and the voter identification number assigned by the SVRS. You may redact any full or partial Social Security number appearing in a responsive record, and the Requesters will accept records produced with those redactions.

The NVRA's public records disclosure provision preempts any state-law exemption that would otherwise prevent the disclosure or inspection of the requested records. *See Bellows*, 92 F.4th at 54–55 (Maine's privacy-based restrictions on its voter file preempted as obstacles to the NVRA's disclosure mandate). If you intend to withhold any record, or any portion of any record, please provide a log identifying the records withheld and a detailed explanation of the basis asserted for each withholding. Likewise, provide a log if you maintain that any record or category of records is not covered by the NVRA. For any such record or category, make the record(s) available under OPRA and provide a log of any OPRA exemptions you assert for that record(s).

If there are any fees for searching, copying, compiling, or transmitting these records, please inform me if the cost will exceed **\$500** prior to incurring the expense. However, you should not charge any fees because the disclosure of the requested information furthers a significant public interest in the transparency of election administration and will contribute to the public's understanding of, and confidence in, New Jersey's efforts to ensure free and fair elections. This request does not seek any record to the extent it relates to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered, and this information is not being sought for commercial purposes.

The Requesters ask that responsive records be produced in electronic format and on a rolling basis as they are gathered, rather than held until all responsive records have been collected. For data maintained in the SVRS, production in a machine-readable format (such as .csv or Microsoft Excel) is preferred.

Please acknowledge receipt of this request within five (5) business days and provide an estimated schedule for production. Per NVRA requirements, my firm's address is 2121 Eisenhower Avenue, Suite 608, Alexandria, VA 22314, and I can be reached at **RNCNVRA@dhillonlaw.com** or **415-433-1700**.

Sincerely,

DHILLON LAW GROUP INC.

By: /s/ Lee E. Goodman

Lee E. Goodman



2121 Eisenhower Ave., Suite 608
Alexandria, VA 22314

Lee E. Goodman
Phone: (703) 574-1093
RNCNVRA@dhillonlaw.com

August 26, 2026

VIA CERTIFIED MAIL AND EMAIL

Debra M. Francica
Superintendent of Elections
County of Bergen
One Bergen County Plaza, Room 380
Hackensack, NJ 07601
soe@bergencountynj.gov

**Re: Notice of Violation of the National Voter Registration Act and
New Jersey's Open Public Records Act**

Dear Superintendent Francica:

This firm represents the Republican National Committee ("RNC"); the New Jersey Republican State Committee ("NJGOP"); Congressman Tom Kean, a federal candidate for election in New Jersey; and New Jersey State Senator Anthony M. Bucco, a state candidate for election in New Jersey (collectively, the "Requesters").

On July 31, 2026, the Requesters submitted to your office, by certified mail and email, a public records request under Section 8(i) of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507(i). A copy of this request is enclosed with this letter. Your office responded on August 10 with three reports from the Statewide Voter Registration System ("SVRS"), an assertion that it holds "[n]o responsive records" for three categories, and a refusal of seven categories as "improper under OPRA." It addressed the NVRA nowhere, and twenty-six days after the request, ten of the thirteen categories remain unproduced.

This letter provides written notice under 52 U.S.C. § 20510(b)(1) that your office, and through it the State of New Jersey, is in violation of Section 8(i) of the NVRA. This letter also serves as notice that your office has failed to comply with its obligations to produce records under New Jersey's Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 *et seq.* A copy of this notice is being sent to New Jersey's chief election official.

Because the violation occurred within 120 days of the November 3, 2026, general federal election, the NVRA affords your office 20 days from receipt of this notice to cure this violation.

I. Background

The RNC, NJGOP, Congressman Kean, and Senator Bucco register voters, turn out voters, communicate with voters, and monitor elections across New Jersey, and each of those activities depends on accurate voter rolls and knowing who has been removed from them or placed in inactive status and why. The deadline to register for the November 3 general election is October 13, 2026. Before that date, the Requesters plan to direct their registration drives toward eligible citizens whose registrations were canceled or placed in inactive status since January 2023, many of whom must re-register to vote in November, and to build their turnout programs from the lists whose maintenance the requested records document. Your office's refusal to provide records in response to the Requesters' July 31 request, therefore, directly impedes the Requesters' ability to engage in that election-oriented activity and similar activity in advance of future New Jersey elections.

The Requesters' July 31 request sought thirteen categories of voter list-maintenance records for the period beginning January 1, 2023, and spanning until the time your office responded to the request (the "Relevant Period"): list-maintenance policies, procedures, and training materials (Request No. 1); SVRS records of registrants removed under ten enumerated codes (No. 2); confirmation-notice, inactive-status, and inactive-removal records (Nos. 3 through 5); records exchanged with Vital Statistics, the Motor Vehicle Commission ("MVC"), SAVE, ERIC, the jury system, other county election officials, and USCIS (Nos. 6 through 11 and 13); and records of persons removed as non-citizens (No. 12). The request rested on Section 8(i) of the NVRA, and it invoked OPRA, only in the alternative, to the extent your office contends that a record lies outside the scope of the NVRA.

On August 10, your office responded to the request by attaching three files: (1) a deletion report, in response to Request No. 2; (2) a report of removals under the "Inactive Confirmation Through Two Federal" code, in response to Request No. 5; and (3) a spreadsheet titled "Non-Citizens Deleted from NJ Voter Rolls," in response to Request No. 12. The deletion report lists roughly 74,900 cancellations recorded between January 3, 2023, and August 9, 2026, under every code named in Request No. 2 except "Voter Records Merged." The inactive-removal report lists 36,402 cancellations between August 4, 2023, and March 9, 2026. The non-citizen report lists 134 individuals removed between January 2023 and August 2026, attributes 91 of those registrations to the MVC, and notes several removals made by or in coordination with other counties. Each report omits the date or year of birth the request asked for. As to Request Nos. 1, 3, and 4, the response states "No responsive records." As to Request Nos. 6 through 11 and 13, it states that the requests "are improper under OPRA as they do not meet the requirements needed to conduct a search for communications under the law."

II. Violation of the NVRA

Section 8(i) of the NVRA provides that “[e]ach State shall maintain for at least 2 years and shall 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). Those records expressly include lists of the persons sent confirmation notices under subsection (d)(2) and whether each has responded. *Id.* § 20507(i)(2). “All records” carries an expansive meaning. *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012). The obligation extends to data in a statewide voter registration system, *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 47–48 (1st Cir. 2024), and it preempts state-law restrictions that obstruct disclosure, *id.* at 54–55.

New Jersey conducts its list-maintenance program through county commissioners of registration and superintendents of elections, who send confirmation notices, process responses, and remove registrants from the SVRS. N.J.S.A. 19:31-15. A county office that withholds records of that activity acts in violation of Section 8(i).

Your office treated the request as an OPRA request and nothing more. The request rested on the NVRA, and OPRA’s specificity rule for communications requests has no counterpart in Section 8(i). Section 8(i) reaches “all records concerning the implementation of programs and activities” for maintaining accurate rolls, and the communications and data exchanges in Request Nos. 6 through 11 and 13 are the implementation of those programs: the death records your office receives from Vital Statistics, the address data it receives from the MVC, the SAVE and USCIS records it uses to verify citizenship, its ERIC exchanges, its jury-record comparisons, and the directives and removal lists it exchanges with other local election officials. Federal law requires their disclosure, and a state-law limitation that blocks it is preempted. *Bellows*, 92 F.4th at 54–55. Your office’s non-citizen report confirms that these records exist, as it traces 91 of 134 removals to MVC registrations and records removals made with other counties. The records behind those entries are precisely what Request Nos. 8, 11, and 13 seek.

The “no responsive records” answers are equally difficult to credit. An office that canceled roughly 74,900 registrations under nine distinct codes during the Relevant Period operates under written procedures—whether its own or those of the Division of Elections—and Request No. 1 asked for each of them. As to Request Nos. 3 and 4, Section 8(i)(2) names confirmation-notice lists and response status as records the State must keep, and New Jersey assigns the sending of those notices, and the removals that follow two federal elections without a response, to the county commissioner of registration. N.J.S.A. 19:31-15. Your office produced 36,402 removals under the “Inactive Confirmation Through Two Federal” code. Each of them presupposes a confirmation notice sent and a registrant placed in inactive status. The records of those notices and designations therefore exist, in the SVRS if nowhere else,

and the SVRS can be queried to retrieve them, as the three reports your office generated demonstrate. The answer “no responsive records” is either inaccurate or an admission that records the NVRA requires the State to maintain were never kept. Either reading describes a violation.

Because your office has failed to provide records in response to Request Nos. 1, 3, 4, 6–11, and 13 of the July 31 request, and has produced incomplete records in response to Request Nos. 2, 5, and 12—each of which omits the date or year of birth the request specified—your office is presently in violation of Section 8(i) of the NVRA.

III. Violation of OPRA

To the extent your office contends that any record falls outside the NVRA, the request invoked OPRA in the alternative, and OPRA does not support the August 10 denial. Under OPRA, a custodian “shall not be required to complete a request” for communications “if the request does not identify a specific job title or accounts to be searched, a specific subject matter, and is not confined to a reasonable time period,” and “[i]t shall be sufficient for a requestor to identify specific individuals by the individual’s job title and position.” N.J.S.A. 47:1A-5(g). A custodian who believes a request “would substantially disrupt agency operations” may deny it only “after informing the requestor of the potential disruption to agency operations and attempting to reach a reasonable solution with the requestor.” *Id.* The custodian bears the burden of proving a denial lawful. N.J.S.A. 47:1A-6.

Request Nos. 6 through 9 and 13 each identified the accounts to be searched (your office’s) and the specific counterpart agency, a specific subject matter, and the Relevant Period. Request No. 11 identified its correspondents by job title, exactly as the statute permits. Request No. 10 identified a specific subject, comparisons of voter records to jury records, and a defined period. Your office claimed no disruption and attempted no resolution. It simply declined the requests. The denial fails under OPRA’s own terms, and OPRA’s limits yield to the NVRA in any event.

Nor may your office defer to the State. OPRA’s provision concerning records “created, maintained, or received by another public agency” and made available “by remote access to a computer network,” N.J.S.A. 47:1A-5(i)(1), has no application to records of your office’s own activity and no counterpart in the NVRA. Federal law requires that registration information obtained by a local election official be entered into the statewide list, 52 U.S.C. § 21083(a)(1)(A)(vi), and assigns list maintenance on that list to “[t]he appropriate State or local election official,” *id.* § 21083(a)(2)(A). Records of the registrants your office removed, the notices it sent, and the data it exchanged are records of your office’s activity, whatever system stores them. Indeed, your office confirmed as much by generating three SVRS reports within seven business days of the request.

Because your office has failed to provide records in response to the request as required by OPRA, your office is presently in violation of OPRA as well.

IV. Conclusion

A person aggrieved by a violation of the NVRA may sue if the violation “is not corrected within . . . 20 days after receipt of the notice” when “the violation occurred within 120 days before the date of an election for Federal office.” 52 U.S.C. § 20510(b)(2). The next federal election will be held on November 3, 2026, and the 120-day period before that date began on July 6, 2026. The Requesters’ July 31 request and your office’s failure to make the records available in response to that request fall within that period. Thus, your office has until **September 15, 2026**, to cure the violation described above.

To correct the violation, your office must: (1) begin producing records responsive to Request Nos. 1, 3, 4, 6–11, and 13 of the July 31 request immediately and on a rolling basis, and complete that production by **September 15, 2026**; (2) supplement the productions for Request Nos. 2, 5, and 12 with the date or year of birth of each listed individual, and confirm whether any cancellation was recorded under “Voter Records Merged” or a similar code during the Relevant Period; (3) for any record or portion withheld, provide a log identifying the record and the specific legal basis for withholding it; and (4) if your office contends that another office maintains any responsive record, identify that office and the records at issue, and produce every responsive record your office holds or can generate.

If the violation remains uncorrected at the close of the cure period, the Requesters may file a civil action for declaratory and injunctive relief to enforce their rights under Section 8(i) and, if they do so, will seek attorney’s fees, litigation expenses, and costs under 52 U.S.C. § 20510(c). The Requesters reserve all rights under OPRA, including relief from the denial of their request.

Sincerely,

DHILLON LAW GROUP INC.

By: /s/ Lee E. Goodman
Lee E. Goodman

Encl:

1. Bergen County – Request for Records Under the NVRA and OPRA.

Cc:

The Honorable Dale G. Caldwell, Secretary of State, New Jersey Department of State, P.O. Box 300, Trenton, NJ 08625, feedback@sos.nj.gov (via certified mail and email)



2121 Eisenhower Ave., Suite 608
Alexandria, VA 22314

Lee E. Goodman
Phone: (703) 574-1093
RNCNVRA@dhillonlaw.com

August 26, 2026

VIA CERTIFIED MAIL AND EMAIL

Patricia Spango
Superintendent of Elections
County of Essex
495 Dr. Martin Luther King, Jr. Boulevard, Suite 103
Newark, NJ 07102
info@elections.essexcountynj.org

**Re: Notice of Violation of the National Voter Registration Act and
New Jersey's Open Public Records Act**

Dear Superintendent Spango:

This firm represents the Republican National Committee ("RNC"); the New Jersey Republican State Committee ("NJGOP"); Congressman Tom Kean, a federal candidate for election in New Jersey; and New Jersey State Senator Anthony M. Bucco, a state candidate for election in New Jersey (collectively, the "Requesters").

On July 31, 2026, the Requesters submitted to your office, by certified mail and email, a public records request under Section 8(i) of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507(i). A copy of this request is enclosed with this letter. The County has produced records responsive to two of the thirteen categories requested and has deferred the remaining eleven to September 1, 2026, under an OPRA extension. Twenty-six days after the request, those eleven categories remain unproduced.

This letter provides written notice under 52 U.S.C. § 20510(b)(1) that your office, and through it the State of New Jersey, is in violation of Section 8(i) of the NVRA. This letter also serves as notice that your office has failed to comply with its obligations to produce records under New Jersey's Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 *et seq.* A copy of this notice is being sent to New Jersey's chief election official.

Because the violation occurred within 120 days of the November 3, 2026, general federal election, the NVRA affords your office 20 days from receipt of this notice to cure this violation.

I. Background

The RNC, NJGOP, Congressman Kean, and Senator Bucco register voters, turn out voters, communicate with voters, and monitor elections across New Jersey, and each of those activities depends on accurate voter rolls and knowing who has been removed from them or placed in inactive status and why. The deadline to register for the November 3 general election is October 13, 2026. Before that date, the Requesters plan to direct their registration drives toward eligible citizens whose registrations were canceled or placed in inactive status since January 2023, many of whom must re-register to vote in November, and to build their turnout programs from the lists whose maintenance the requested records document. Your office's failure to provide records in response to the Requesters' July 31 request, therefore, directly impedes the Requesters' ability to engage in that election-oriented activity and similar activity in advance of future New Jersey elections.

The Requesters' July 31 request sought thirteen categories of voter list-maintenance records for the period beginning January 1, 2023, and spanning until the time your office responded to the request (the "Relevant Period"): list-maintenance policies, procedures, and training materials (Request No. 1); Statewide Voter Registration System ("SVRS") records of registrants removed under ten enumerated codes (No. 2); confirmation-notice, inactive-status, and inactive-removal records (Nos. 3 through 5); records exchanged with Vital Statistics, the Motor Vehicle Commission ("MVC"), SAVE, ERIC, the jury system, other county election officials, and USCIS (Nos. 6 through 11 and 13); and records of persons removed as non-citizens (No. 12). The request rested on Section 8(i) of the NVRA, and it invoked OPRA, only in the alternative, to the extent your office contends that a record lies outside the scope of the NVRA.

On August 12, your office responded to the request through the County's records portal. The response produced records identifying registrants removed under the codes listed in Request No. 2, with the reasons for each removal, and registrants removed from the inactive list, in response to Request No. 5. As to the remaining categories, the response stated that "the County has provided a partial production and will continue to provide the remaining responsive records on a rolling basis as they become available," and that the request "requires additional time beyond the seven (7) business days to complete due to the size and scope of the request and the time required for review and processing, as permitted pursuant to N.J.S.A. 47:1A-5(i)." The portal recorded a "Due date Update from 08/12/2026 . . . to 09/01/2026." The response treated the request as an OPRA request, mentioned the NVRA nowhere, and identified no circumstance beyond the request's "size and scope" that requires three additional weeks.

II. Violation of the NVRA

Section 8(i) of the NVRA provides that “[e]ach State shall maintain for at least 2 years and shall 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). Those records expressly include lists of the persons sent confirmation notices under subsection (d)(2) and whether each has responded. *Id.* § 20507(i)(2). “All records” carries an expansive meaning. *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012). The obligation extends to data in a statewide voter registration system, *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 47–48 (1st Cir. 2024), and it preempts state-law restrictions that obstruct disclosure, *id.* at 54–55.

New Jersey conducts its list-maintenance program through county commissioners of registration and superintendents of elections, who send confirmation notices, process responses, and remove registrants from the SVRS. N.J.S.A. 19:31-15. A county office that withholds records of that activity acts in violation of Section 8(i).

The County’s partial production demonstrates that the remaining categories are readily producible. Within the statutory period, your office queried the SVRS and produced removals under the enumerated codes and removals from the inactive list. The confirmation-notice lists that Section 8(i)(2) names (Request No. 3) and the inactive designations (No. 4) are generated the same way, from the same system, by the same office. N.J.S.A. 19:31-15. The policies and procedures in Request No. 1 require no compilation at all. The communications and data exchanges in Request Nos. 6 through 11 and 13, and the non-citizen removal records in Request No. 12, reflect how the County’s program actually operates. Section 8(i) requires the State to make all of those records available. The NVRA contains no extension mechanism, and an OPRA extension cannot alter a federal obligation that preempts state-law restrictions on disclosure. *Bellows*, 92 F.4th at 54–55.

The County’s September 1 date falls within the cure period described below, and the Requesters will hold the County to it. Section 8(i) is satisfied by production and nothing less. Your office is in violation of Section 8(i) as to Request Nos. 1, 3, 4, and 6 through 13, and the violation will continue until production of every category is complete.

III. Violation of OPRA

To the extent your office contends that any record falls outside the NVRA, the request invoked OPRA in the alternative, and OPRA does not support the three-week extension your office has claimed. OPRA requires a custodian to grant or deny access “as soon as possible, but not later than seven business days after receiving the request.” N.J.S.A. 47:1A-5(i)(1). A custodian “unable to fulfill a records request due to unforeseen circumstances or circumstances that otherwise reasonably necessitate

additional time” is “entitled to a reasonable extension of any response deadline and shall notify the requestor of the time extension within seven business days after receiving the request.” *Id.*

An extension, however, is available only where circumstances “reasonably necessitate additional time,” and only a “reasonable” extension is permitted. *Id.* “Size and scope” is a label that describes every request of any substance, and gathering and reviewing records is among your office’s routine ministerial duties rather than circumstances that warrant additional time. The September 1 date is 14 business days beyond the August 12 notice—a schedule approaching the 21-business-day limit the Legislature reserved for records sitting in storage or archives, a category to which the County has never claimed these records belong. *Id.* Records maintained in a live database and generated by query do not warrant that kind of time.

Nor may your office defer to the State. OPRA’s provision concerning records “created, maintained, or received by another public agency” and made available “by remote access to a computer network,” *id.*, has no application to records of your office’s own activity and no counterpart in the NVRA. Federal law requires that registration information obtained by a local election official be entered into the statewide list, 52 U.S.C. § 21083(a)(1)(A)(vi), and assigns list maintenance on that list to “[t]he appropriate State or local election official,” *id.* § 21083(a)(2)(A). Records of the registrants your office removed, the notices it sent, and the data it exchanged are records of your office’s activity, whatever system stores them. Indeed, your office confirmed as much by producing two categories of SVRS records within the statutory period.

Because your office has failed to provide records in response to the request as required under OPRA, your office is presently in violation of OPRA as well.

IV. Conclusion

A person aggrieved by a violation of the NVRA may sue if the violation “is not corrected within . . . 20 days after receipt of the notice” when “the violation occurred within 120 days before the date of an election for Federal office.” 52 U.S.C. § 20510(b)(2). The next federal election will be held on November 3, 2026, and the 120-day period before that date began on July 6, 2026. The Requesters’ July 31 request and your office’s failure to make the records available in response to that request fall within that period. Thus, your office has until **September 15, 2026**, to cure the violation described above.

To correct the violation, your office must: (1) continue producing records responsive to Request Nos. 1, 3, 4, and 6–13 of the July 31 request immediately and on a rolling basis, and complete that production by **September 15, 2026**; (2) supplement the productions for Request Nos. 2 and 5 with the date or year of birth of each listed individual, and each individual’s SVRS voter identification number; (3)

Superintendent Patricia Spango

August 26, 2026

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for any record or portion withheld, provide a log identifying the record and the specific legal basis for withholding it; and (4) if your office contends that another office maintains any responsive record, identify that office and the records at issue, and produce every responsive record your office holds or can generate.

If the violation remains uncorrected at the close of the cure period, the Requesters may file a civil action for declaratory and injunctive relief to enforce their rights under Section 8(i) and, if they do so, will seek attorney's fees, litigation expenses, and costs under 52 U.S.C. § 20510(c). The Requesters reserve all rights under OPRA, including relief from the denial of their request.

Sincerely,

DHILLON LAW GROUP INC.

By: /s/ Lee E. Goodman
Lee E. Goodman

Encl:

1. Essex County – Request for Records Under the NVRA and OPRA.

Cc:

The Honorable Dale G. Caldwell, Secretary of State, New Jersey Department of State, P.O. Box 300, Trenton, NJ 08625, feedback@sos.nj.gov (via certified mail and email)



2121 Eisenhower Ave., Suite 608
Alexandria, VA 22314

Lee E. Goodman
Phone: (703) 574-1093
RNCNVRA@dhillonlaw.com

August 26, 2026

VIA CERTIFIED MAIL AND EMAIL

Scott Snyder
Commissioner of Registration
County of Middlesex
26 Kennedy Boulevard, Suite B
East Brunswick, NJ 08816
elections@co.middlesex.nj.us

**Re: Notice of Violation of the National Voter Registration Act and
New Jersey's Open Public Records Act**

Dear Commissioner Snyder:

This firm represents the Republican National Committee ("RNC"); the New Jersey Republican State Committee ("NJGOP"); Congressman Tom Kean, a federal candidate for election in New Jersey; and New Jersey State Senator Anthony M. Bucco, a state candidate for election in New Jersey (collectively, the "Requesters").

On July 31, 2026, the Requesters submitted to your office, by certified mail and email, a public records request under Section 8(i) of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507(i). A copy of this request is enclosed with this letter. Twenty-one days passed before anyone at the County responded. When a response came, on August 21, it came from the Clerk of the Board, who advised that the County Board of Elections had forwarded the request to her and that she could "submit the OPRA request" only after counsel supplied three certifications. Counsel supplied them. Twenty-six days after the request, your office has yet to produce a single record.

This letter provides written notice under 52 U.S.C. § 20510(b)(1) that your office, and through it the State of New Jersey, is in violation of Section 8(i) of the NVRA. This letter also serves as notice that your office has failed to comply with its obligations to produce records under New Jersey's Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 *et seq.* A copy of this notice is being sent to New Jersey's chief election official.

Because the violation occurred within 120 days of the November 3, 2026, general federal election, the NVRA affords your office 20 days from receipt of this notice to cure this violation.

I. Background

The RNC, NJGOP, Congressman Kean, and Senator Bucco register voters, turn out voters, communicate with voters, and monitor elections across New Jersey, and each of those activities depends on accurate voter rolls and knowing who has been removed from them or placed in inactive status and why. The deadline to register for the November 3 general election is October 13, 2026. Before that date, the Requesters plan to direct their registration drives toward eligible citizens whose registrations were canceled or placed in inactive status since January 2023, many of whom must re-register to vote in November, and to build their turnout programs from the lists whose maintenance the requested records document. Your office's failure to provide records in response to the Requesters' July 31 request, therefore, directly impedes the Requesters' ability to engage in that election-oriented activity and similar activity in advance of future New Jersey elections.

The Requesters' July 31 request sought thirteen categories of voter list-maintenance records for the period beginning January 1, 2023, and spanning until the time your office responded to the request (the "Relevant Period"): list-maintenance policies, procedures, and training materials (Request No. 1); Statewide Voter Registration System ("SVRS") records of registrants removed under ten enumerated codes (No. 2); confirmation-notice, inactive-status, and inactive-removal records (Nos. 3 through 5); records exchanged with Vital Statistics, the Motor Vehicle Commission ("MVC"), SAVE, ERIC, the jury system, other county election officials, and USCIS (Nos. 6 through 11 and 13); and records of persons removed as non-citizens (No. 12). The request rested on Section 8(i) of the NVRA, and it invoked OPRA, only in the alternative, to the extent your office contends that a record lies outside the scope of the NVRA.

The request was transmitted on July 31 by email to elections@co.middlesex.nj.us, the address of the office that maintains Middlesex County's registration records, and by certified mail to you. The acknowledgment the request asked for never came. On August 21, the Clerk of the Board wrote that she "was forwarded your OPRA request from our County Board of Elections," and that "[i]n order to submit this request" counsel would need to certify, under penalty of N.J.S.A. 2C:28-3, whether counsel had been convicted of an indictable offense, whether the records would be used for a commercial purpose, and whether they were sought in connection with a legal proceeding. "Once these 3 questions are answered," the email continued, "I can submit the OPRA request accordingly." Counsel provided each certification in reply on August 21. The County's communication treated the request as an OPRA request. It mentioned the NVRA nowhere, produced nothing, and identified no date by which it would produce the records.

II. Violation of the NVRA

Section 8(i) of the NVRA provides that “[e]ach State shall maintain for at least 2 years and shall 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). Those records expressly include lists of the persons sent confirmation notices under subsection (d)(2) and whether each has responded. *Id.* § 20507(i)(2). “All records” carries an expansive meaning. *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012). The obligation extends to data in a statewide voter registration system, *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 47–48 (1st Cir. 2024), and it preempts state-law restrictions that obstruct disclosure, *id.* at 54–55.

New Jersey conducts its list-maintenance program through county commissioners of registration and superintendents of elections, who send confirmation notices, process responses, and remove registrants from the SVRS. N.J.S.A. 19:31-15. A county office that withholds records of that activity acts in violation of Section 8(i).

The NVRA contains no form requirement, no certification requirement, and no concept of a records custodian distinct from the election official who holds the records. The request reached your office, the office that sends Middlesex County’s confirmation notices and removes Middlesex County registrants from the SVRS, on July 31. From that day, your office was obligated to make the records available. The certifications the County requested on August 21 concern OPRA alone. The Requesters supplied them to remove any pretext for further delay, without conceding that the request was incomplete when received and without agreeing that any statutory period began anew. Three weeks of silence, a request for formalities, and no production or date for production constitute a failure to make records available in violation of Section 8(i), and the violation is continuing.

III. Violation of OPRA

To the extent your office contends that any record falls outside the NVRA, the request invoked OPRA in the alternative, and OPRA supplies its own deadline. OPRA requires a custodian to grant or deny access “as soon as possible, but not later than seven business days after receiving the request.” N.J.S.A. 47:1A-5(i)(1). A custodian “unable to fulfill a records request due to unforeseen circumstances or circumstances that otherwise reasonably necessitate additional time” is “entitled to a reasonable extension of any response deadline and shall notify the requestor of the time extension within seven business days after receiving the request.” *Id.* A failure to respond within the period “shall be deemed a denial of the request.” *Id.*

OPRA permits a request to be “transmitted electronically” to “the appropriate custodian,” N.J.S.A. 47:1A-5(g), and provides that “a letter, or an email from a requestor including all of the information required on the adopted form shall suffice

in place of a completed form as a valid government record request,” N.J.S.A. 47:1A-5(f). The July 31 email went to the office that maintains the records and stated the Requesters’ identity, contact information, the records sought, and the non-commercial purpose of the request. Any officer or employee who receives a request “shall forward the request to the custodian of the record or direct the requestor to the custodian of the record.” N.J.S.A. 47:1A-5(h). Three weeks passed before the Board of Elections did either. But even treating the request as received on August 21, the seventh business day following that date is September 1, well within the NVRA cure period described below.

Nor may your office defer to the State. OPRA’s provision concerning records “created, maintained, or received by another public agency” and made available “by remote access to a computer network,” N.J.S.A. 47:1A-5(i)(1), has no application to records of your office’s own activity and no counterpart in the NVRA. Federal law requires that registration information obtained by a local election official be entered into the statewide list, 52 U.S.C. § 21083(a)(1)(A)(vi), and assigns list maintenance on that list to “[t]he appropriate State or local election official,” *id.* § 21083(a)(2)(A). Records of the registrants your office removed, the notices it sent, and the data it exchanged are records of your office’s activity, whatever system stores them.

Because your office has failed to provide the requested records as required under OPRA, your office is presently in violation of OPRA as well.

IV. Conclusion

A person aggrieved by a violation of the NVRA may sue if the violation “is not corrected within . . . 20 days after receipt of the notice” when “the violation occurred within 120 days before the date of an election for Federal office.” 52 U.S.C. § 20510(b)(2). The next federal election will be held on November 3, 2026, and the 120-day period before that date began on July 6, 2026. The Requesters’ July 31 request and your office’s failure to make the records available in response to that request fall within that period. Thus, your office has until **September 15, 2026**, to cure the violation described above.

To correct the violation, your office must: (1) begin producing records responsive to the July 31 request immediately and on a rolling basis, and complete that production by **September 15, 2026**; (2) for any record or portion withheld, provide a log identifying the record and the specific legal basis for withholding it; and (3) if your office contends that another office maintains any responsive record, identify that office and the records at issue, and produce every responsive record your office holds or can generate.

If the violation remains uncorrected at the close of the cure period, the Requesters may file a civil action for declaratory and injunctive relief to enforce their rights under Section 8(i) and, if they do so, will seek attorney’s fees, litigation

Commissioner Scott Snyder

August 26, 2026

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expenses, and costs under 52 U.S.C. § 20510(c). The Requesters reserve all rights under OPRA, including relief from the denial of their request.

Sincerely,

DHILLON LAW GROUP INC.

By: /s/ Lee E. Goodman
Lee E. Goodman

Encl:

1. Middlesex County – Request for Records Under the NVRA and OPRA.

Cc:

The Honorable Dale G. Caldwell, Secretary of State, New Jersey Department of State, P.O. Box 300, Trenton, NJ 08625, feedback@sos.nj.gov (via certified mail and email)



2121 Eisenhower Ave., Suite 608
Alexandria, VA 22314

Lee E. Goodman
Phone: (703) 574-1093
RNCNVRA@dhillonlaw.com

August 26, 2026

VIA CERTIFIED MAIL AND EMAIL

Maryanne Kelleher
Superintendent of Elections
County of Hudson
Hudson County Plaza
257 Cornelison Avenue, 4th Floor
Jersey City, NJ 07302
SuperintendentOfElections@hcnj.us

**Re: Notice of Violation of the National Voter Registration Act and
New Jersey's Open Public Records Act**

Dear Superintendent Kelleher:

This firm represents the Republican National Committee ("RNC"); the New Jersey Republican State Committee ("NJGOP"); Congressman Tom Kean, a federal candidate for election in New Jersey; and New Jersey State Senator Anthony M. Bucco, a state candidate for election in New Jersey (collectively, the "Requesters").

On July 31, 2026, the Requesters submitted to your office, by certified mail and email, a public records request under Section 8(i) of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507(i). A copy of this request is enclosed with this letter. The only communication the Requesters have received from the County is an automated acknowledgment, generated on August 10, stating that the request would be "forwarded to the relevant department(s)." Twenty-six days after the request, your office has produced nothing and has identified no date by which it will.

This letter provides written notice under 52 U.S.C. § 20510(b)(1) that your office, and through it the State of New Jersey, is in violation of Section 8(i) of the NVRA. This letter also serves as notice that your office has failed to comply with its obligations to produce records under New Jersey's Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 *et seq.* A copy of this notice is being sent to New Jersey's chief election official.

Because the violation occurred within 120 days of the November 3, 2026, general federal election, the NVRA affords your office 20 days from receipt of this notice to cure this violation.

I. Background

The RNC, NJGOP, Congressman Kean, and Senator Bucco register voters, turn out voters, communicate with voters, and monitor elections across New Jersey, and each of those activities depends on accurate voter rolls and knowing who has been removed from them or placed in inactive status and why. The deadline to register for the November 3 general election is October 13, 2026. Before that date, the Requesters plan to direct their registration drives toward eligible citizens whose registrations were canceled or placed in inactive status since January 2023, many of whom must re-register to vote in November, and to build their turnout programs from the lists whose maintenance the requested records document. Your office's failure to provide records in response to the Requesters' July 31 request, therefore, directly impedes the Requesters' ability to engage in that election-oriented activity and similar activity in advance of future New Jersey elections.

The Requesters' July 31 request sought thirteen categories of voter list-maintenance records for the period beginning January 1, 2023, and spanning until the time your office responded to the request (the "Relevant Period"): list-maintenance policies, procedures, and training materials (Request No. 1); Statewide Voter Registration System ("SVRS") records of registrants removed under ten enumerated codes (No. 2); confirmation-notice, inactive-status, and inactive-removal records (Nos. 3 through 5); records exchanged with Vital Statistics, the Motor Vehicle Commission ("MVC"), SAVE, ERIC, the jury system, other county election officials, and USCIS (Nos. 6 through 11 and 13); and records of persons removed as non-citizens (No. 12). The request rested on Section 8(i) of the NVRA, and it invoked OPRA, only in the alternative, to the extent your office contends that a record lies outside the scope of the NVRA.

The request was transmitted on July 31 by email to SuperintendentOfElections@hcnj.us and by certified mail to you. The acknowledgment the request asked for never came. Counsel also entered the request into the County's Public Records Center portal on August 10, which generated an automated acknowledgment assigning reference number R007386-081026 and stating that the request "was received in this office on 8/10/2026." The acknowledgment promised that the Requesters "will be contacted about the availability and/or provided with copies of the records in question." That contact has yet to occur. No custodian has granted or denied access, asserted an exemption, requested additional time, or identified a date for production.

II. Violation of the NVRA

Section 8(i) of the NVRA provides that "[e]ach State shall maintain for at least 2 years and shall 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). Those records expressly include lists of the persons sent confirmation notices under subsection (d)(2) and whether each has responded. *Id.* § 20507(i)(2). “All records” carries an expansive meaning. *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012). The obligation extends to data in a statewide voter registration system, *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 47–48 (1st Cir. 2024), and it preempts state-law restrictions that obstruct disclosure, *id.* at 54–55.

New Jersey conducts its list-maintenance program through county commissioners of registration and superintendents of elections, who send confirmation notices, process responses, and remove registrants from the SVRS. N.J.S.A. 19:31-15. A county office that withholds records of that activity acts in violation of Section 8(i).

The request reached your office on July 31. Your office sends Hudson County’s confirmation notices, designates registrants inactive, and removes Hudson County registrants from the SVRS, and it holds or can generate every category of record the request describes. The portal entry on August 10 was a courtesy re-transmission of the same request, and it neither changed the date of the request nor started any period running anew under federal law. In the twenty-six days since July 31, the County has produced nothing, asserted nothing, and scheduled nothing. An acknowledgment that the request will be “forwarded” indicates, at most, that a process has begun. Section 8(i) requires that the records be made available now, and your office’s failure to do so constitutes an ongoing violation of that section.

III. Violation of OPRA

To the extent your office contends that any record falls outside the NVRA, the request invoked OPRA in the alternative, and OPRA supplies its own deadline. OPRA requires a custodian to grant or deny access “as soon as possible, but not later than seven business days after receiving the request.” N.J.S.A. 47:1A-5(i)(1). A custodian “unable to fulfill a records request due to unforeseen circumstances or circumstances that otherwise reasonably necessitate additional time” is “entitled to a reasonable extension of any response deadline and shall notify the requestor of the time extension within seven business days after receiving the request.” *Id.* A failure to respond within the period “shall be deemed a denial of the request.” *Id.*

OPRA permits a request to be “transmitted electronically” to “the appropriate custodian,” N.J.S.A. 47:1A-5(g), and provides that “a letter, or an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request,” N.J.S.A. 47:1A-5(f). The July 31 email went to the office that maintains the records and stated the Requesters’ identity, contact information, the records sought, and the non-commercial purpose of the request. Even treating the request as received on August

10, the seventh business day following that date was August 19, and one week after that date, the County has still not produced anything.

Nor may your office defer to the State. OPRA's provision concerning records "created, maintained, or received by another public agency" and made available "by remote access to a computer network," N.J.S.A. 47:1A-5(i)(1), has no application to records of your office's own activity and no counterpart in the NVRA. Federal law requires that registration information obtained by a local election official be entered into the statewide list, 52 U.S.C. § 21083(a)(1)(A)(vi), and assigns list maintenance on that list to "[t]he appropriate State or local election official," *id.* § 21083(a)(2)(A). Records of the registrants your office removed, the notices it sent, and the data it exchanged are records of your office's activity, whatever system stores them.

Because your office has failed to produce the requested records as required under OPRA, your office is presently in violation of OPRA as well.

IV. Conclusion

A person aggrieved by a violation of the NVRA may sue if the violation "is not corrected within . . . 20 days after receipt of the notice" when "the violation occurred within 120 days before the date of an election for Federal office." 52 U.S.C. § 20510(b)(2). The next federal election will be held on November 3, 2026, and the 120-day period before that date began on July 6, 2026. The Requesters' July 31 request and your office's failure to make the records available in response to that request fall within that period. Thus, your office has until **September 15, 2026**, to cure the violation described above.

To correct the violation, your office must: (1) begin producing records responsive to the July 31 request immediately and on a rolling basis, and complete that production by **September 15, 2026**; (2) for any record or portion withheld, provide a log identifying the record and the specific legal basis for withholding it; and (3) if your office contends that another office maintains any responsive record, identify that office and the records at issue, and produce every responsive record your office holds or can generate.

If the violation remains uncorrected at the close of the cure period, the Requesters may file a civil action for declaratory and injunctive relief to enforce their rights under Section 8(i) and, if they do so, will seek attorney's fees, litigation expenses, and costs under 52 U.S.C. § 20510(c). The Requesters reserve all rights under OPRA, including relief from the denial of their request.

Superintendent Maryanne Kelleher
August 26, 2026
Page 5 of 5

Sincerely,

DHILLON LAW GROUP INC.

By: /s/ Lee E. Goodman
Lee E. Goodman

Encl:

1. Hudson County – Request for Records Under the NVRA and OPRA.

Cc:

The Honorable Dale G. Caldwell, Secretary of State, New Jersey Department of State, P.O. Box 300, Trenton, NJ 08625, feedback@sos.nj.gov (via certified mail and email)



2121 Eisenhower Ave., Suite 608
Alexandria, VA 22314

Lee E. Goodman
Phone: (703) 574-1093
RNCNVRA@dhillonlaw.com

August 26, 2026

VIA CERTIFIED MAIL AND EMAIL

James Foerst, Esq.
Commissioner of Registration
County of Union
271 North Broad Street
Elizabeth, NJ 07208
ucboe@ucnj.org

**Re: Notice of Violation of the National Voter Registration Act and
New Jersey's Open Public Records Act**

Dear Commissioner Foerst:

This firm represents the Republican National Committee ("RNC"); the New Jersey Republican State Committee ("NJGOP"); Congressman Tom Kean, a federal candidate for election in New Jersey; and New Jersey State Senator Anthony M. Bucco, a state candidate for election in New Jersey (collectively, the "Requesters").

On July 31, 2026, the Requesters submitted to your office, by certified mail and email, a public records request under Section 8(i) of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507(i). A copy of this request is enclosed with this letter. On August 19, the County's OPRA Compliance Manager wrote that "additional time is needed" to respond to what she described as the Requesters' "August 10, 2026, OPRA request," and stated that the County "expect[s] to respond by September 9, 2026." The request was submitted on July 31. It was submitted under the NVRA, and twenty-six days later, your office has produced nothing.

This letter provides written notice under 52 U.S.C. § 20510(b)(1) that your office, and through it the State of New Jersey, is in violation of Section 8(i) of the NVRA. This letter also serves as notice that your office has failed to comply with its obligations to produce records under New Jersey's Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 *et seq.* A copy of this notice is being sent to New Jersey's chief election official.

Because the violation occurred within 120 days of the November 3, 2026, general federal election, the NVRA affords your office 20 days from receipt of this notice to cure this violation.

I. Background

The RNC, NJGOP, Congressman Kean, and Senator Bucco register voters, turn out voters, communicate with voters, and monitor elections across New Jersey, and each of those activities depends on accurate voter rolls and knowing who has been removed from them or placed in inactive status and why. The deadline to register for the November 3 general election is October 13, 2026. Before that date, the Requesters plan to direct their registration drives toward eligible citizens whose registrations were canceled or placed in inactive status since January 2023, many of whom must re-register to vote in November, and to build their turnout programs from the lists whose maintenance the requested records document. Your office's failure to provide records in response to the Requesters' July 31 request, therefore, directly impedes the Requesters' ability to engage in that election-oriented activity and similar activity in advance of future New Jersey elections.

The Requesters' July 31 request sought thirteen categories of voter list-maintenance records for the period beginning January 1, 2023, and spanning until the time your office responded to the request (the "Relevant Period"): list-maintenance policies, procedures, and training materials (Request No. 1); Statewide Voter Registration System ("SVRS") records of registrants removed under ten enumerated codes (No. 2); confirmation-notice, inactive-status, and inactive-removal records (Nos. 3 through 5); records exchanged with Vital Statistics, the Motor Vehicle Commission ("MVC"), SAVE, ERIC, the jury system, other county election officials, and USCIS (Nos. 6 through 11 and 13); and records of persons removed as non-citizens (No. 12). The request rested on Section 8(i) of the NVRA, and it invoked OPRA, only in the alternative, to the extent your office contends that a record lies outside the scope of the NVRA.

The request was transmitted on July 31 by email to ucboe@ucnj.org, the Board of Elections' address, and by certified mail to you. The acknowledgment the request asked for never came. Counsel also entered the request into the County's OPRA portal on August 10, where it was assigned number 967-2026. On August 19, the OPRA Compliance Manager in the Office of the Clerk of the Board wrote that "some additional time is needed to review and respond to your August 10, 2026, OPRA request for Various voter registration records from January 1, 2023 - present," and that the County "expect[s] to respond by September 9, 2026." The email identified no circumstance requiring the additional time, and it mentioned the NVRA nowhere.

II. Violation of the NVRA

Section 8(i) of the NVRA provides that "[e]ach State shall maintain for at least 2 years and shall 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). Those

records expressly include lists of the persons sent confirmation notices under subsection (d)(2) and whether each has responded. *Id.* § 20507(i)(2). “All records” carries an expansive meaning. *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012). The obligation extends to data in a statewide voter registration system, *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 47–48 (1st Cir. 2024), and it preempts state-law restrictions that obstruct disclosure, *id.* at 54–55.

New Jersey conducts its list-maintenance program through county commissioners of registration and superintendents of elections, who send confirmation notices, process responses, and remove registrants from the SVRS. N.J.S.A. 19:31-15. A county office that withholds records of that activity acts in violation of Section 8(i).

The request reached your office on July 31. Your office sends Union County’s confirmation notices, designates registrants inactive, and removes Union County registrants from the SVRS, and it holds or can generate every category of record the request describes. The portal entry on August 10 was a courtesy re-transmission of the same request. It changed neither the date of the request nor the date on which your obligation to respond attached. The County’s email re-dates the request to August 10 and then proposes to respond 40 days after the request was actually made. The NVRA contains no extension mechanism, and an OPRA extension cannot alter a federal obligation that preempts state-law restrictions on disclosure. *Bellows*, 92 F.4th at 54–55.

The County’s September 9 date falls within the cure period described below, and the Requesters will hold the County to it. Any further extension would place the County outside the cure period. Your office is currently in violation of Section 8(i) as to every category of the July 31 request, and the violation will continue until production is complete.

III. Violation of OPRA

To the extent your office contends that any record falls outside the NVRA, the request invoked OPRA in the alternative, and OPRA supplies its own deadline. OPRA requires a custodian to grant or deny access “as soon as possible, but not later than seven business days after receiving the request.” N.J.S.A. 47:1A-5(i)(1). A custodian “unable to fulfill a records request due to unforeseen circumstances or circumstances that otherwise reasonably necessitate additional time” is “entitled to a reasonable extension of any response deadline and shall notify the requestor of the time extension within seven business days after receiving the request.” *Id.* A failure to respond within the period “shall be deemed a denial of the request.” *Id.*

OPRA permits a request to be “transmitted electronically” to “the appropriate custodian,” N.J.S.A. 47:1A-5(g), and provides that “a letter, or an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request,” N.J.S.A. 47:1A-

5(f). The July 31 email went to the county election office to which the request was addressed and stated the Requesters' identity, contact information, the records sought, and the non-commercial purpose of the request. It was, therefore, a valid request when made, and a response was due no later than August 12. The County's first substantive communication arrived on August 19—outside the seven-business-day window for a response, including notice of any extension—and the request was accordingly deemed denied. N.J.S.A. 47:1A-5(i)(1).

Even accepting the County's re-dating of the request to August 10, the extension fails on the statute's own terms. The August 19 email states only that "some additional time is needed to review and respond." It identifies no unforeseen circumstance, and a bare assertion that time is needed does not meet the statute's requirements. Compiling, reviewing, and producing records in response to a request is a routine ministerial duty of a records custodian, not a circumstance warranting additional time. Much of what the request seeks resides in a live database and can be generated by query. The remainder—policies and correspondence—requires only collection and review. And the September 9 date is 14 business days after the County's own August 19 notice, a schedule approaching the 21-business-day outer limit the Legislature reserved for records sitting in storage or archives, a category the County has never invoked. Unexplained, that length is unreasonable.

Nor may your office defer to the State. OPRA's provision concerning records "created, maintained, or received by another public agency" and made available "by remote access to a computer network," N.J.S.A. 47:1A-5(i)(1), has no application to records of your office's own activity and no counterpart in the NVRA. Federal law requires that registration information obtained by a local election official be entered into the statewide list, 52 U.S.C. § 21083(a)(1)(A)(vi), and assigns list maintenance on that list to "[t]he appropriate State or local election official," *id.* § 21083(a)(2)(A). Records of the registrants your office removed, the notices it sent, and the data it exchanged are records of your office's activity, whatever system stores them.

Because your office has failed to provide the requested records as required under OPRA and has not provided a statutorily sufficient explanation for its delay, your office is in violation of OPRA as well.

IV. Conclusion

A person aggrieved by a violation of the NVRA may sue if the violation "is not corrected within . . . 20 days after receipt of the notice" when "the violation occurred within 120 days before the date of an election for Federal office." 52 U.S.C. § 20510(b)(2). The next federal election will be held on November 3, 2026, and the 120-day period before that date began on July 6, 2026. The Requesters' July 31 request and your office's failure to make the records available in response to that request fall within that period. Thus, your office has until **September 15, 2026**, to cure the violation described above.

Commissioner James Foerst, Esq.
August 26, 2026
Page 5 of 5

To correct the violation, your office must: (1) begin producing records responsive to the July 31 request immediately and on a rolling basis, and complete that production by **September 15, 2026**; (2) for any record or portion withheld, provide a log identifying the record and the specific legal basis for withholding it; and (3) if your office contends that another office maintains any responsive record, identify that office and the records at issue, and produce every responsive record your office holds or can generate.

If the violation remains uncorrected at the close of the cure period, the Requesters may file a civil action for declaratory and injunctive relief to enforce their rights under Section 8(i) and, if they do so, will seek attorney's fees, litigation expenses, and costs under 52 U.S.C. § 20510(c). The Requesters reserve all rights under OPRA, including relief from the denial of their request.

Sincerely,

DHILLON LAW GROUP INC.

By: /s/ Lee E. Goodman
Lee E. Goodman

Encl:

1. Union County – Request for Records Under the NVRA and OPRA.

Cc:

The Honorable Dale G. Caldwell, Secretary of State, New Jersey Department of State, P.O. Box 300, Trenton, NJ 08625, feedback@sos.nj.gov (via certified mail and email)



2121 Eisenhower Ave., Suite 608
Alexandria, VA 22314

Lee E. Goodman
Phone: (703) 574-1093
RNCNVRA@dhillonlaw.com

August 26, 2026

VIA CERTIFIED MAIL AND EMAIL

Anthony J. De Cicco
Commissioner of Registration
County of Somerset
20 Grove Street, P.O. Box 3000
Somerville, NJ 08876
ElectionBd@somersetcountynj.gov

**Re: Notice of Violation of the National Voter Registration Act and
New Jersey's Open Public Records Act**

Dear Commissioner De Cicco:

This firm represents the Republican National Committee ("RNC"); the New Jersey Republican State Committee ("NJGOP"); Congressman Tom Kean, a federal candidate for election in New Jersey; and New Jersey State Senator Anthony M. Bucco, a state candidate for election in New Jersey (collectively, the "Requesters").

On July 31, 2026, the Requesters submitted to your office, by certified mail and email, a public records request under Section 8(i) of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20507(i). A copy of this request is enclosed with this letter. On August 5, the County's Records Custodian acknowledged the request, characterized it as an OPRA request, extended the County's response date to September 2, 2026, and reserved "the right to request an additional extension of time, if necessary." Twenty-six days after the request, your office has produced nothing.

This letter provides written notice under 52 U.S.C. § 20510(b)(1) that your office, and through it the State of New Jersey, is in violation of Section 8(i) of the NVRA. This letter also serves as notice that your office has failed to comply with its obligations to produce records under New Jersey's Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 *et seq.* A copy of this notice is being sent to New Jersey's chief election official.

Because the violation occurred within 120 days of the November 3, 2026, general federal election, the NVRA affords your office 20 days from receipt of this notice to cure this violation.

I. Background

The RNC, NJGOP, Congressman Kean, and Senator Bucco register voters, turn out voters, communicate with voters, and monitor elections across New Jersey, and each of those activities depends on accurate voter rolls and knowing who has been removed from them or placed in inactive status and why. The deadline to register for the November 3 general election is October 13, 2026. Before that date, the Requesters plan to direct their registration drives toward eligible citizens whose registrations were canceled or placed in inactive status since January 2023, many of whom must re-register to vote in November, and to build their turnout programs from the lists whose maintenance the requested records document. Your office's failure to provide records in response to the Requesters' July 31 request, therefore, directly impedes the Requesters' ability to engage in that election-oriented activity and similar activity in advance of future New Jersey elections.

The Requesters' July 31 request sought thirteen categories of voter list-maintenance records for the period beginning January 1, 2023, and spanning until the time your office responded to the request (the "Relevant Period"): list-maintenance policies, procedures, and training materials (Request No. 1); Statewide Voter Registration System ("SVRS") records of registrants removed under ten enumerated codes (No. 2); confirmation-notice, inactive-status, and inactive-removal records (Nos. 3 through 5); records exchanged with Vital Statistics, the Motor Vehicle Commission ("MVC"), SAVE, ERIC, the jury system, other county election officials, and USCIS (Nos. 6 through 11 and 13); and records of persons removed as non-citizens (No. 12). The request rested on Section 8(i) of the NVRA, and it invoked OPRA, only in the alternative, to the extent your office contends that a record lies outside the scope of the NVRA.

The request was transmitted on July 31 by email to ElectionBd@somersetcountynj.gov, the Board of Elections' address, and by certified mail to you. The Board forwarded it to the Clerk of the Board on August 3. On August 5, the Clerk of the Board, as Records Custodian, wrote that the County had "received your Open Public Records Act ('OPRA') request on 08/03/2026," that "[t]he seven (7) business day deadline to respond to your request is 08/12/2026," and that the County "anticipates requiring an additional three weeks (until September 2, 2026) to compile, review, and produce the potentially responsive records in accordance with New Jersey law." The email mentioned the NVRA nowhere, and it identified no circumstance, beyond the ordinary work of compiling and reviewing records, that requires three additional weeks.

II. Violation of the NVRA

Section 8(i) of the NVRA provides that "[e]ach State shall maintain for at least 2 years and shall 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). Those records expressly include lists of the persons sent confirmation notices under subsection (d)(2) and whether each has responded. *Id.* § 20507(i)(2). “All records” carries an expansive meaning. *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012). The obligation extends to data in a statewide voter registration system, *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 47–48 (1st Cir. 2024), and it preempts state-law restrictions that obstruct disclosure, *id.* at 54–55.

New Jersey conducts its list-maintenance program through county commissioners of registration and superintendents of elections, who send confirmation notices, process responses, and remove registrants from the SVRS. N.J.S.A. 19:31-15. A county office that withholds records of that activity acts in violation of Section 8(i).

The request reached your office on July 31. Your office sends Somerset County’s confirmation notices, designates registrants inactive, and removes Somerset County registrants from the SVRS, and it holds or can generate every category of record the request describes. The County’s response treats the request as a matter of OPRA procedure, to be addressed at the custodian’s convenience. The NVRA operates differently. It contains no extension mechanism, and an OPRA extension cannot alter a federal obligation that preempts state-law restrictions on disclosure. *Bellows*, 92 F.4th at 54–55.

The County’s September 2 date falls within the cure period described below, and the Requesters will hold the County to it. The reservation of a further extension is incompatible with that timeline, and any further extension would place the County outside the cure period. Your office is currently in violation of Section 8(i) as to every category of the request, and the violation will continue until production is complete.

III. Violation of OPRA

To the extent your office contends that any record falls outside the NVRA, the request invoked OPRA in the alternative, and OPRA supplies its own deadline. OPRA requires a custodian to grant or deny access “as soon as possible, but not later than seven business days after receiving the request.” N.J.S.A. 47:1A-5(i)(1). A custodian “unable to fulfill a records request due to unforeseen circumstances or circumstances that otherwise reasonably necessitate additional time” is “entitled to a reasonable extension of any response deadline and shall notify the requestor of the time extension within seven business days after receiving the request.” *Id.* A failure to respond within the period “shall be deemed a denial of the request.” *Id.*

OPRA permits a request to be “transmitted electronically” to “the appropriate custodian,” N.J.S.A. 47:1A-5(g), and provides that “a letter, or an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request,” N.J.S.A. 47:1A-

5(f). The July 31 email went to the office that maintains the records and stated the Requesters' identity, contact information, the records sought, and the non-commercial purpose of the request. Thus, the July 31 request meets OPRA's essential requirements.

While the County noticed its extension within the statutory period, it has not articulated a reasonable basis for it. The County's email identifies the need "to compile, review, and produce" records, which describes every request ever made under OPRA, and producing records in response to a request is a routine ministerial duty of a records custodian, not a circumstance warranting additional time. Much of what the July 31 request seeks sits in a live database and can be generated by query. The September 2 date is 20 business days after the County's August 5 notice, one business day short of the ceiling the Legislature imposed for records in storage or archives. Unexplained, that length is unreasonable.

Nor may your office defer to the State. OPRA's provision concerning records "created, maintained, or received by another public agency" and made available "by remote access to a computer network," N.J.S.A. 47:1A-5(i)(1), has no application to records of your office's own activity and no counterpart in the NVRA. Federal law requires that registration information obtained by a local election official be entered into the statewide list, 52 U.S.C. § 21083(a)(1)(A)(vi), and assigns list maintenance on that list to "[t]he appropriate State or local election official," *id.* § 21083(a)(2)(A). Records of the registrants your office removed, the notices it sent, and the data it exchanged are records of your office's activity, whatever system stores them.

Because your office has failed to provide records as required under OPRA and has not provided a statutorily sufficient explanation for its delay, your office is in violation of OPRA as well.

IV. Conclusion

A person aggrieved by a violation of the NVRA may sue if the violation "is not corrected within . . . 20 days after receipt of the notice" when "the violation occurred within 120 days before the date of an election for Federal office." 52 U.S.C. § 20510(b)(2). The next federal election will be held on November 3, 2026, and the 120-day period before that date began on July 6, 2026. The Requesters' July 31 request and your office's failure to make the records available in response to that request fall within that period. Thus, your office has until **September 15, 2026**, to cure the violation described above.

To correct the violation, your office must: (1) begin producing records responsive to the July 31 request immediately and on a rolling basis, and complete that production by **September 15, 2026**; (2) for any record or portion withheld, provide a log identifying the record and the specific legal basis for withholding it; and (3) if your office contends that another office maintains any responsive record,

Commissioner Anthony J. De Cicco

August 26, 2026

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identify that office and the records at issue, and produce every responsive record your office holds or can generate.

If the violation remains uncorrected at the close of the cure period, the Requesters may file a civil action for declaratory and injunctive relief to enforce their rights under Section 8(i) and, if they do so, will seek attorney's fees, litigation expenses, and costs under 52 U.S.C. § 20510(c). The Requesters reserve all rights under OPRA, including relief from the denial of their request.

Sincerely,

DHILLON LAW GROUP INC.

By: /s/ Lee E. Goodman
Lee E. Goodman

Encl:

1. Somerset County – Request for Records Under the NVRA and OPRA.

Cc:

The Honorable Dale G. Caldwell, Secretary of State, New Jersey Department of State, P.O. Box 300, Trenton, NJ 08625, feedback@sos.nj.gov (via certified mail and email)