A Voting List Fight Tests Speed, Accuracy, and Trust

The Justice Department says its California voter list is reliable; critics say errors could threaten eligible voters.



Anonymous hands compare election paperwork beside a sealed ballot envelope in a courtroom setting.

The Justice Department asked a federal judge on Sunday to consider punishing an immigrant rights group and its lawyers after they filed an analysis challenging a government list of suspected **noncitizen** voters in California. According to Associated Press reporting published by PBS NewsHour, the department also defended the list, which it says includes more than 20,000 people who may be noncitizens registered to vote. Noncitizens are people who are not U.S. citizens, and they are not **eligible** to vote in federal elections.

The dispute matters because it sits at the center of two values that are both important in a **democracy**. One is election **integrity**: the government's responsibility to make sure only eligible people vote. The other is voter protection: the responsibility to avoid wrongly removing or discouraging eligible voters, especially close to an election. The hard question is not whether elections should be lawful. The hard question is what level of certainty the government should have before taking action that could affect someone's ballot.

The latest fight began after U.S. District Court Chief Judge James Boasberg allowed the Coalition for Humane Immigrant Rights, known as CHIRLA, to see federal data on the people on the Justice Department's list. A district court is a federal trial court, where cases usually begin. Boasberg ordered the group not to disclose any names and to use the data only for arguments about legal **standing**. Legal standing means the right to bring a **lawsuit** because the people suing can show they are directly affected by what they are challenging.

On Saturday, lawyers for the immigrant rights group filed papers saying their analysis found that more than 40% of the people on the government's list did not appear in California's voter file, which is the state's official record of registered voters. The analysis also said it identified 22 people who were likely naturalized U.S. citizens, meaning they became citizens after being born elsewhere. The filing said thousands more U.S. citizens appeared to be on the list as well. Those claims, if accurate, would raise questions about using the list for urgent election actions.

The Justice Department responded that the analysis went beyond what the judge had allowed. It argued that comparing the government's list with the full California voter file was not relevant to whether CHIRLA had standing to sue. The department suggested that Boasberg consider whether the group and its lawyers should face **contempt** proceedings.

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Contempt of court is a finding that someone disobeyed or interfered with a court order, and it can lead to penalties. The department also suggested the judge refer the matter for possible criminal contempt investigation.

The immigrant rights group's side says it followed the court's order. A spokesman for UCLA's Voting Rights Project, which filed the case and performed the data analysis, said the plaintiffs' lawyers and experts complied with the judge's instructions. That creates a second tension in the story: courts often need confidentiality to handle sensitive information, but lawsuits about public voting systems also depend on **evidence** being tested and debated. If critics cannot describe alleged errors, the public may not understand the risk. If they disclose too much, they may violate limits meant to protect privacy and the court process.

The list is part of a broader set of legal fights. In a separate case, the Justice Department appealed a ruling by U.S. District Court Judge Trina L. Thompson in San Francisco. Her ruling blocked the department from demanding that election offices remove possible noncitizens from voter rolls, separate their ballots, or threaten legal action. Voter rolls are official lists of registered voters. The Justice Department noted that Thompson ruled before the federal government had filed its first arguments, and she scheduled a hearing on the appeal.

California election officials argue the list contains many errors and that there is not enough time before the election to do the careful work required by law to remove voters from the rolls. The Justice Department says the list was carefully built from California voter registration data and checked against federal citizenship records. It has also issued subpoenas, which are legal demands for records or **testimony**, to election offices in California and warned officials they could face criminal charges if they knowingly allow noncitizens to vote.

The core disagreement is about risk. The Justice Department is emphasizing the risk that ineligible voters could remain on the rolls and cast ballots. California officials and voting rights advocates are emphasizing the risk that eligible citizens could be wrongly targeted by a flawed list, especially when there is little time to investigate each name. Both risks can damage trust. A democracy needs rules that are enforced, but it also needs enforcement methods accurate enough that lawful voters are not treated as suspicious without good reason.

Written from reporting by PBS NewsHour.

THINK IT THROUGH

1. **When an election is close, should officials act quickly on an imperfect voter list or wait for stronger proof, even if that means some ineligible registrations might remain?**

   > **A strong answer:** A strong answer should weigh the competing harms of ineligible voting, wrongful removal, timing, and the standard of evidence government should meet.

2. **How should courts balance confidentiality rules with the public's need to understand whether government election data is accurate?**

   > **A strong answer:** A strong answer should consider privacy, court authority, transparency, and whether limited disclosure can help test government claims.

3. **What would a fair process look like for checking a disputed voter list without either ignoring possible problems or intimidating eligible voters?**

   > **A strong answer:** A strong answer should propose safeguards such as verification steps, notice, time to respond, and accountability for errors.

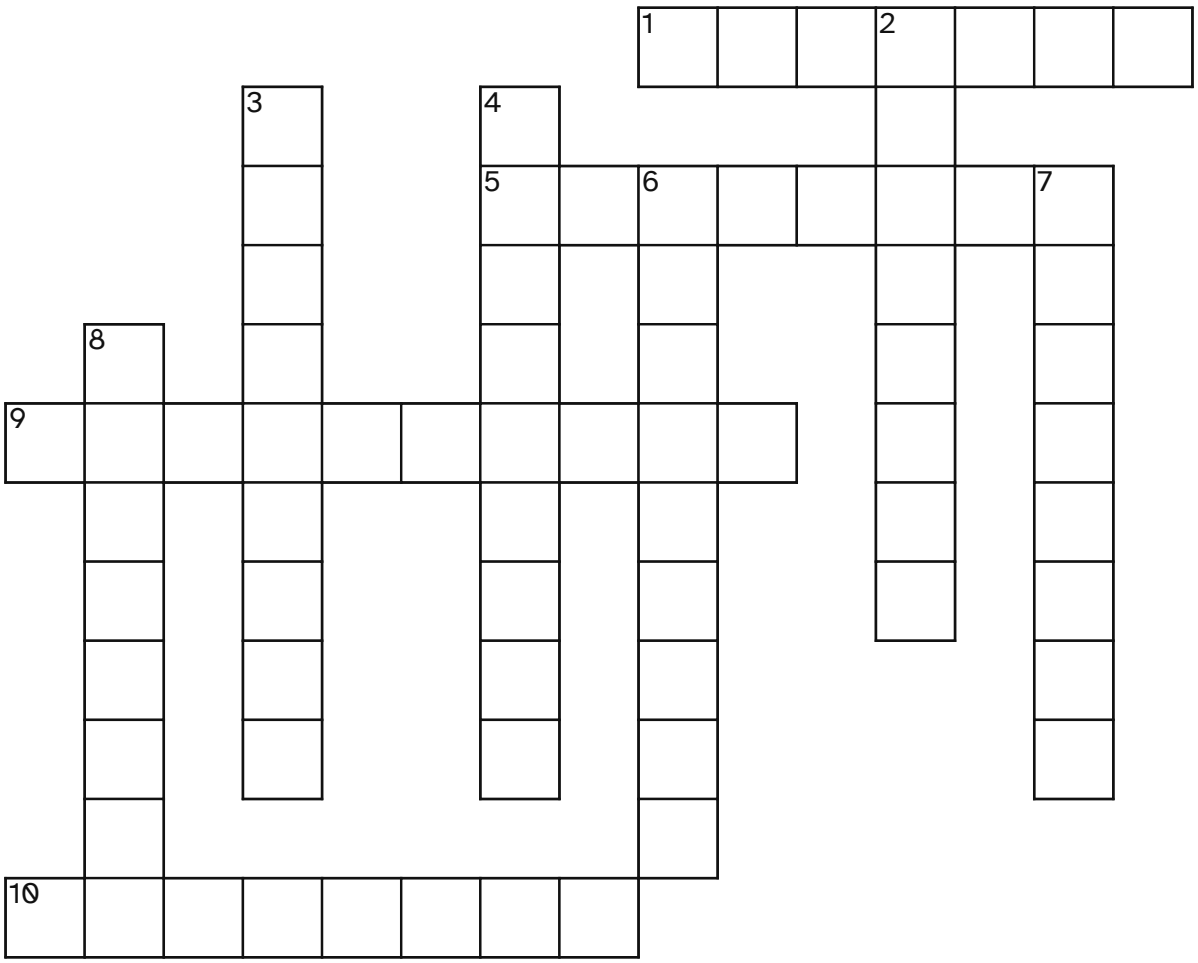
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CONTEMPT DEMOCRACY ELIGIBLE EVIDENCE INTEGRITY
LAWSUIT NONCITIZEN STANDING SUBPOENA TESTIMONY

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ACROSS

1 Court case to resolve a legal dispute

5 Legally permitted to vote or receive a benefit

9 Person without legal membership in a particular country

10 Legal right to sue because one is directly affected

DOWN

2 Court demand to appear or provide records

3 Government in which voters choose their leaders

4 Sworn statements offered as proof in court

6 Honesty and fairness free from improper influence

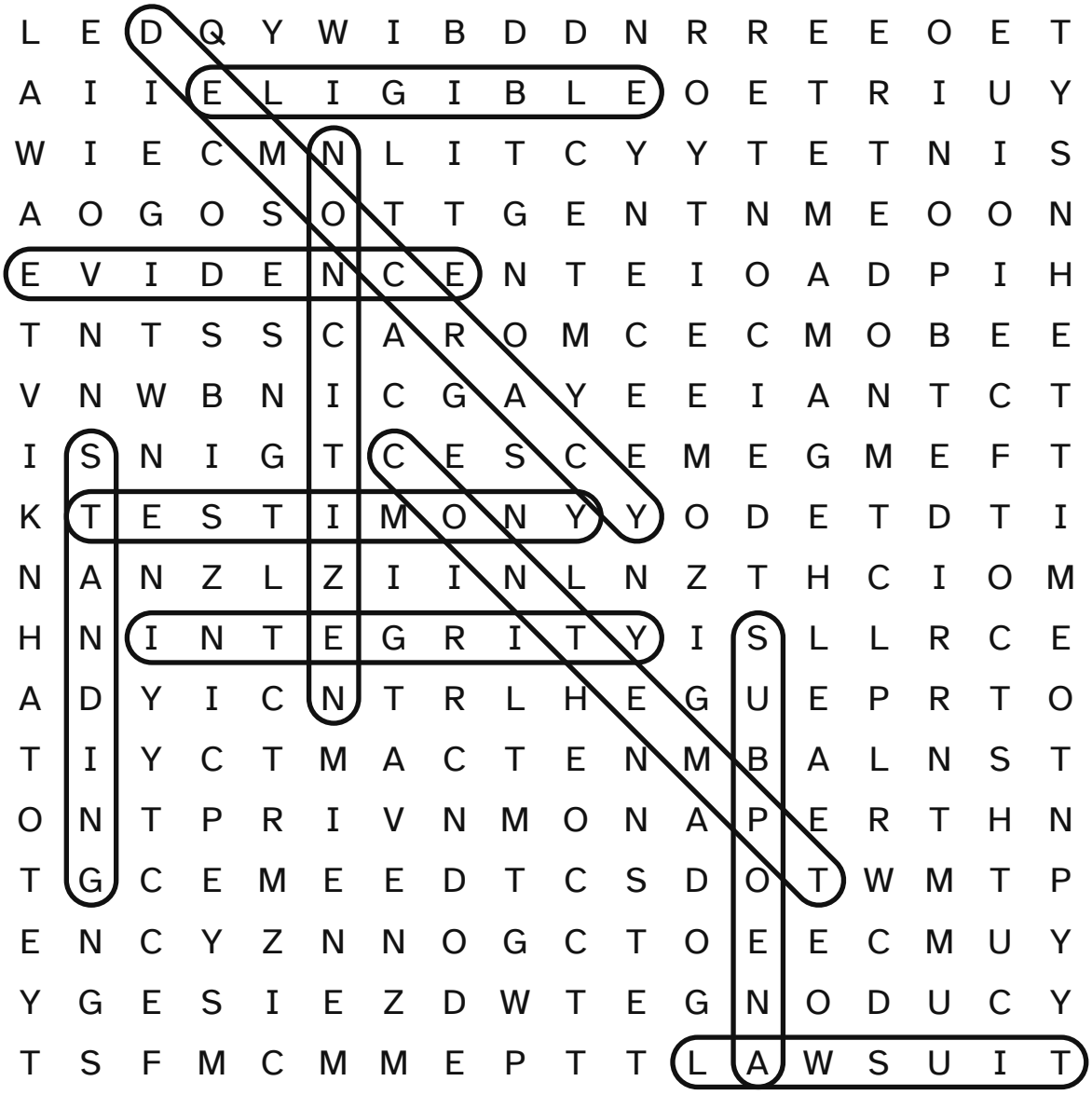
7 Facts or materials that support or challenge a claim

8 Court finding for disobeying or interfering with an order

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— answer key

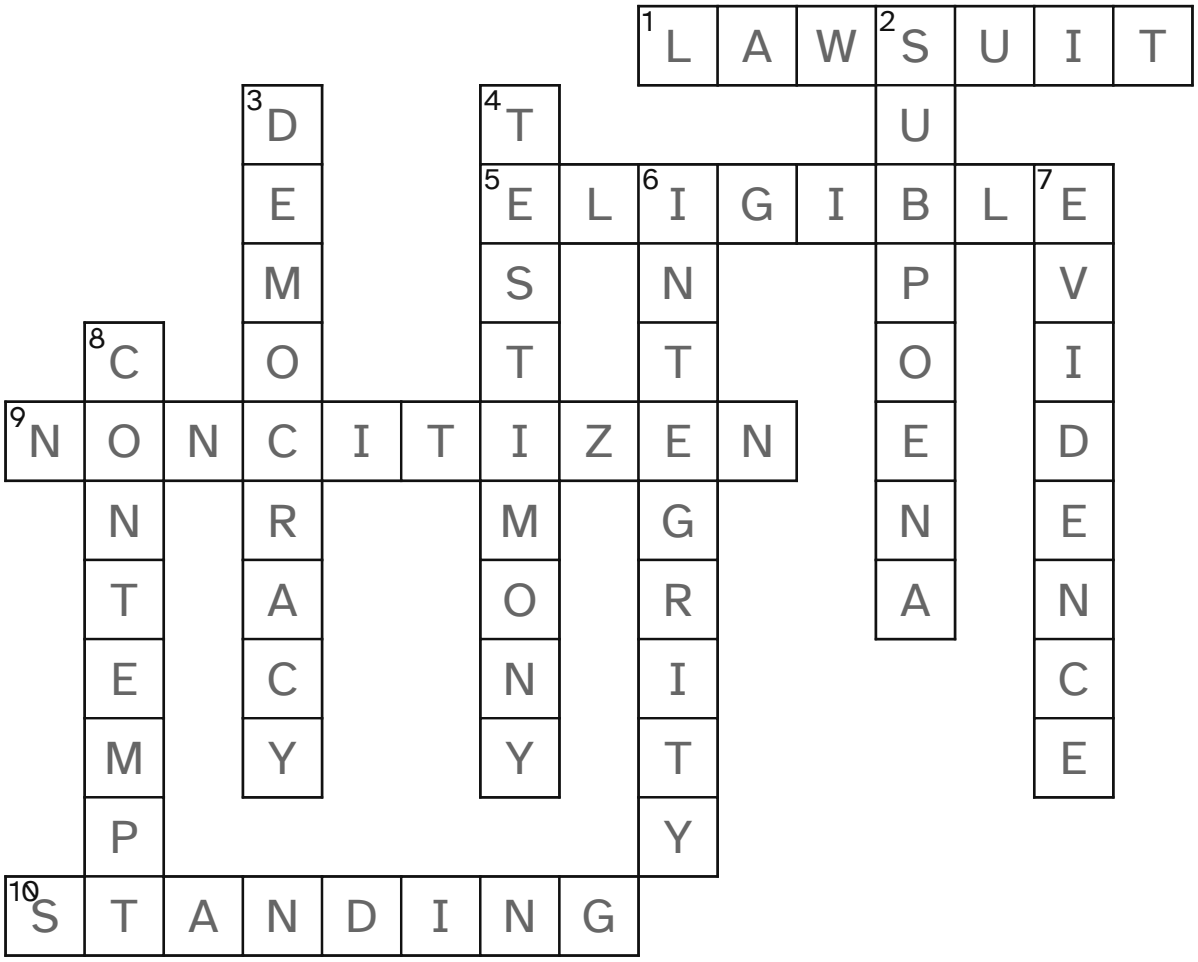


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Where this came from

This article was written for 3andB from the reporting below. It is not a reprint — the wording is ours and the facts are theirs.

PBS NewsHour

"Justice Department urges sanctions for database analysis critical of its noncitizen voting claims"

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https://www.pbs.org/newshour/politics/justice-department-urges-sanctions-for-database-analysis-critical-of-its-noncitizen-voting-claims

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The article with a note on each question, a word search, a crossword, and the answer key to both.

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