



*United States Attorney
Northern District of California*

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October 23, 2026

Francisco Diaz
County Clerk-Recorder and Registrar of Voters
San Benito County
1601 Lana Way
Hollister, CA 95023

Re: Notice of Suspected Likely Aliens on the San Benito County Voter Roll

Dear Mr. Diaz:

As you're aware, federal law prohibits noncitizens from voting in federal elections. *See* 18 U.S.C. § 611. It is also unlawful to deprive the residents of California of a fair and impartially conducted federal election process by casting or tabulating ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of California. *See* 52 U.S.C. 20511(2)(B). And it is unlawful for those not entitled to vote in an election to fraudulently vote or attempt to vote. *See* Cal. Elec. Code § 18560(a). The Supreme Court has also recognized that States "may not induce, encourage or promote private persons to accomplish what it is constitutionally forbidden to accomplish." *Norwood v. Harrison*, 413 U.S. 455, 465 (1973) (citation omitted). I write to seek your help to protect the integrity of the ongoing federal election.

On July 16, the Secretary of the Department of Homeland Security (DHS) made the California Secretary of State aware that there are likely numerous noncitizens registered to vote in the federal election in California. He then asked for her cooperation to ensure the accuracy of these findings and to prevent noncitizen votes from diluting citizen votes. The Secretary's response the following week did not refute that noncitizens are registered to vote in California. Nor did it contest that noncitizens receive ballots through California's vote-by-mail regime, which automatically sends voting materials to "every registered voter." 2021 Cal. Stat. ch. 312 (codified at Cal. Elec. Code § 3000.5). Instead, the Secretary of State asked for more information. The Department of Justice provided those details to the Secretary on October 13, which included a list of more than 20,000 names with accompanying personal identifying information for suspected aliens who are registered to vote in California. I am now providing you with a subset of that list specific to San Benito County that contains 33 likely aliens. Earlier this week, the Department charged 28 aliens for unlawful voting and registration offenses, each of

whom was on the list provided to the California Secretary of State.¹

Within 48 hours, we ask that you commit to working with DOJ and DHS to identify who on the accompanying list is a citizen and who is not. That means sending us the nonpublic information associated with each suspected alien's registration, which includes everything in your possession from the following: a social security number, a copy of a state ID or driver's license or the information that appears on it, a copy of the voter registration application supporting the registration, and a copy or list of documents that were presented by the registrant at the time the person registered to vote or obtained their driver's license if registered as part of motor voter. By comparing the accompanying list with the requested information you provide, together we can quickly assess these specific suspected aliens registered to vote in your County.

For individuals whom citizenship status cannot be confirmed, we request that you immediately instruct the appropriate elections official to segregate—not cancel—those individuals' vote-by-mail ballots until their citizenship status can be determined. If a ballot for any individual on the list has been returned, instruct the appropriate elections official to not process the ballot until citizenship can be determined. This process will protect American citizens' votes while preventing noncitizens from participating in the federal election in violation of federal law.

A substantially similar letter to this one was sent to the Los Angeles County Registrar-Recorder/County Clerk. Instead of committing to working with the Department to prevent aliens from voting in the upcoming federal election, it sent a letter declining to review the evidence presented to it and resisting our civil lawsuit to compel segregation of those ballots until citizenship could be verified.

I write to make unmistakably clear the legal implications of continuing to send vote-by-mail ballots to those people on the list or tabulating ballots cast by them until citizenship can be verified.

This list was developed through a multilayered, multiagency investigative methodology at DHS that relied upon internal immigration records, data matching, supervisory verification procedures, and more. I am also attaching two declarations that detail this process that support the civil lawsuit filed last week.

The legal consequences for either facilitating or ignoring federal crimes are significant. An alien voting in a federal election is a federal crime—and knowingly facilitating such conduct is equally unlawful. Under 18 U.S.C. § 611(a), aliens are prohibited from voting in any election involving federal offices. This is also a state offense in California. *See* Cal. Elec. Code § 18560(a). And under 52 U.S.C. 20511(2)(B), knowingly violating that state statute in a federal election is also a federal offense. Further, under 18 U.S.C. § 2, anyone who aids, abets, counsels, induces, or procures the commission of a federal offense is equally liable. If persons knowingly tabulate ballots cast by individuals identified by federal agencies as noncitizens, they risk

¹ <https://www.justice.gov/opa/pr/justice-department-charges-28-foreign-nationals-california-election-crimes>

becoming aiders and abettors to a federal crime. Any assertion that ballots must be counted simply because California's registration system relies on self-attestation of citizenship does not relieve election officials of their obligations under federal law *when they are on actual notice of noncitizen voting*. Nor can state procedures supersede federal criminal statutes.

These federal statutes do not excuse unlawful voting simply because the State employs a permissive registration method. The Department is not asking San Benito County to adjudicate immigration status; it is asking it to temporarily set aside ballots from individuals whose eligibility is credibly in question—a standard election-administration practice implemented nationwide.

Others have pointed to the National Voter Registration Act's ("NVRA's") "quiet period." That is misplaced. The NVRA's 90-day limitation applies only to systematic list-maintenance programs—not to targeted, individualized evidence of unlawful voting identified by federal law enforcement. The Department is not requesting a purge, cancellation of registrations, or any programmatic action. We request only temporary ballot segregation pending citizenship verification. Invoking the NVRA to justify counting ballots unlawfully cast is both legally incorrect and operationally irresponsible.

Once the United States provides credible evidence that certain ballots may be unlawful to count, election officials may not disregard that information because it is inconvenient to process. Administrative difficulty is not a defense to violating federal law or aiding or abetting a federal offense.

The Department strongly urges you and your agency to work with the Department of Justice to ensure the integrity of California's federal elections before taking actions that risk significant federal scrutiny and legal exposure.

Sincerely,


CRAIG H. MISSAKIAN
United States Attorney

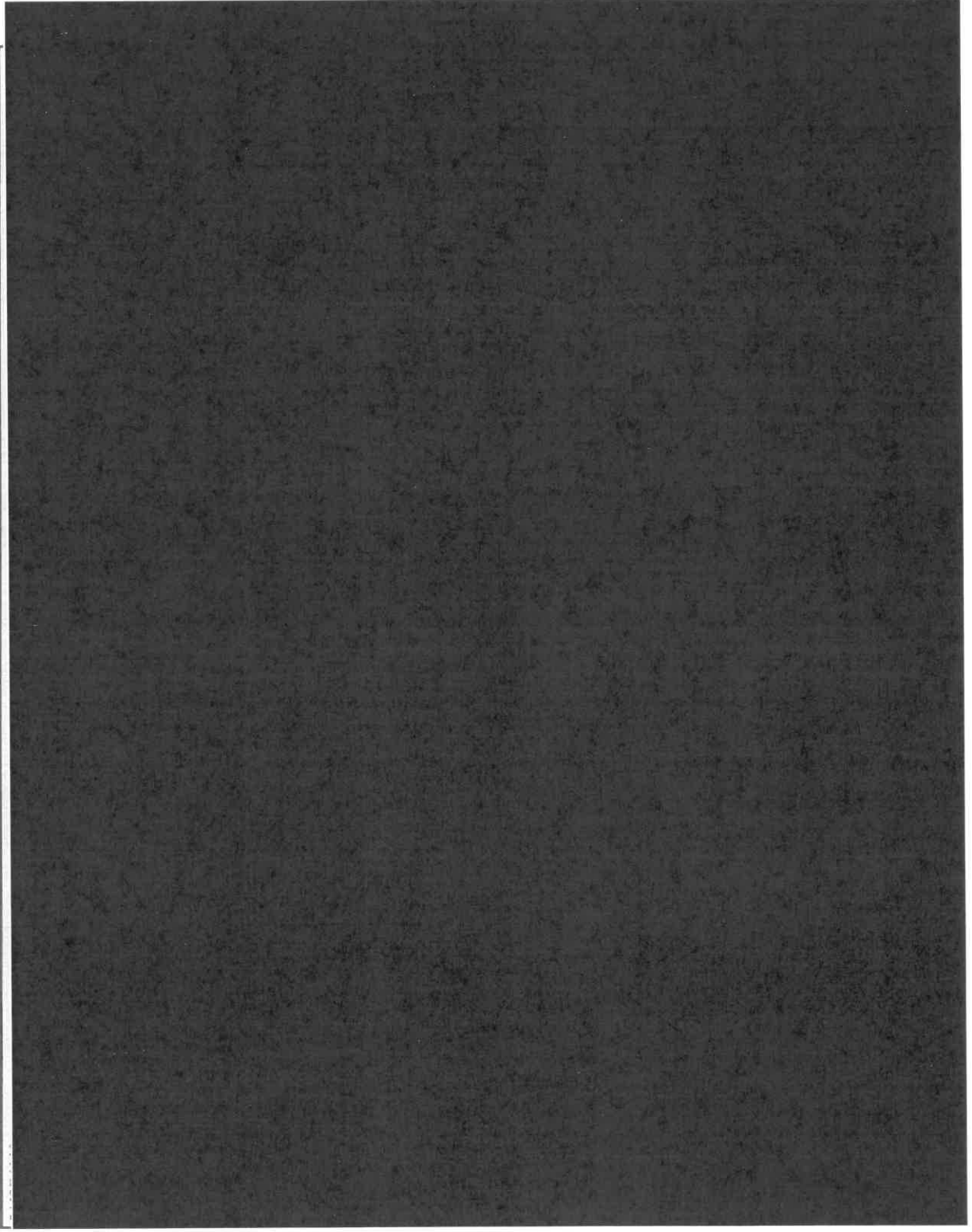
First Name

Middle Name

Last Name

DOB

Voter Address



First Name	Middle Name	Last Name	DOB	Voter Address

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF CALIFORNIA, *et al.*,

Defendants.

No. 2:26-cv-12025

**DECLARATION OF ERIC
MCLOUGHLIN**

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1 6. As a customs officer, I am empowered with the law enforcement authority
2 set forth at 19 U.S.C. § 1589a. Under that authority, HSI Special Agents may, among
3 other authorities, “make an arrest without a warrant for any offense against the United
4 States committed in the officer’s presence or for a felony, cognizable under the laws of
5 the United States committed outside the officer’s presence if the officer has reasonable
6 grounds to believe that the person to be arrested has committed or is committing a
7 felony.” 19 U.S.C. § 1589a(3). That authority is broad, and it includes the authority to
8 investigate the full panoply of crimes in Title 18 of the United States Code, including
9 crimes involving mail fraud. Additionally, HSI is familiar with crimes involving mail
10 and parcels given its cross-border focus and routinely interacts with contraband through
11 various international mail and shipping modes.

12 7. As an HSI Special Agent, I am also an immigration officer empowered with
13 the law enforcement authority set forth at 8 U.S.C. § 1357. With that authority, I am able
14 to investigate both civil and criminal violations involving false claims to citizenship, and
15 I can investigate both civil and criminal denaturalization cases.

16 8. In order to effectively do my job, I have received federal law enforcement
17 training associated with my position as well as supervisory, management, and leadership
18 training.

19 9. I have experience evaluating data quality, overseeing analytic processes,
20 developing operational workflows, prioritizing leads, and coordinating the appropriate
21 routing of information for further review.

22 10. My work requires attention to applicable legal authorities and policies from
23 DHS and Immigration and Customs Enforcement (ICE). My work also requires
24 familiarity with approved information sharing processes, privacy and civil liberties
25 requirements, record management obligations, and system access restrictions.

Election Integrity Efforts

11. It is unlawful for aliens to vote in federal elections. *See* 18 U.S.C. § 611. To ensure aliens do not vote in federal elections, HSI is among several federal departments and agencies receiving and processing publicly available state-eligible voter files (e.g., voter rolls) and cross-referencing them with federal immigration databases. HSI's role in that initiative includes data intake (including obtaining bona fide voter rolls), preparation, enrichment, quality review, and routing of leads or records for review by the appropriate component or partner agency to determine whether aliens are on voter rolls or otherwise participating in federal elections.

12. HSI's team of technical and analytic experts evaluate, to the best of their ability, whether the data it receives indicates whether an alien is registered on a state voter file or requested or received a vote-by-mail ballot. HSI, together with other federal agencies, conducts and supports the technical and analytic aspects of the workflow.

Workflow Process Generally

13. Voting records contain various types of information about the listed individual, including name, address, date of birth or age, contact information, registration information, voter-history information, and more.

14. After a state voter file is acquired, HSI sends it for analysis to the Fraud Detection and National Security Directorate (FDNS) within U.S. Citizenship and Immigration Services (USCIS). HSI sends it to FDNS to determine if the person on the list has data in USCIS immigration holdings.

15. As I understand, FDNS developed a model that uses information from the voter roll and combines it with information from a reliable third-party data analytics and investigative platform to learn more about the individuals. *See* Bartell Decl. ¶¶ 13-20. From there, as I understand, FDNS then compares the enhanced voter file data to USCIS holdings to score the extent to which the individual profile matches an individual within DHS holdings. *Id.* ¶ 16. Data profiles include name, mailing address, date of birth or age, social security number, phone number, email, registration information, voter-history

1 information, and more. *Id.* The more data identifiers that match, the higher the
2 confidence it is that individual. *Id.* ¶ 18. Naturalized United States citizens are then
3 removed from the population as they are lawfully registered voters. *Id.* ¶ 19. The
4 remaining data are then referred for manual review to confirm the subject is a true
5 match, and based on all available information, is not a United States citizen. *Id.* ¶¶ 19-20.

6 16. Once FDNS completes its analysis, it sends its work product to HSI.
7 *Id.* ¶ 20. After an initial intake—which includes a quality review that consists of
8 identifying duplicate entries, incomplete records, inconsistent formatting, missing
9 identifiers, and other data quality issues—HSI prioritizes the voter records for review
10 and prepares the data for additional enrichment using approved analytic capabilities.

11 17. HSI’s enrichment process focuses on improving the completeness and
12 consistency of identity and address information and, where lawfully permitted,
13 identifying additional unique identifiers that may assist in reliable matching of the voters
14 to their immigration status. HSI’s enrichment process has the capability to perform data
15 matching across multiple authorized data sources, consolidating disparate records into a
16 unified set of matching results. The purpose of enrichment is to increase the quality of
17 HSI’s analysis and to reduce the risk that voters are mistakenly associated with the
18 wrong immigration status.

19 18. In short, HSI’s processing adds value by applying consistent quality
20 controls and enrichment processes before voter records are disseminated as investigative
21 referrals or routed for another authorized purpose.

22 19. Once the HSI review is completed, each individual data profile will be
23 referred to the applicable HSI field office where it will be investigated for potential
24 criminal violations.

1 **Evidence that Noncitizens in California were Sent Vote-by-Mail Ballots**

2 20. Our office received what appeared to be the California voter roster for the
3 general election of 2026. The roster appeared credible enough for our office to initiate
4 our investigative processes in accordance with our standard operating procedures. HSI
5 initially reviewed the list of millions of registered voters in California, then turned the
6 list over to USCIS FDNS.

7 21. I believe that the voter file provided to HSI accurately reflects the actual
8 voter rolls in California that, as of August 2025, may be used for the 2026 federal
9 election. Based on my understanding of California law, I believe that California
10 automatically mails vote-by-mail ballots to participate in a federal election to anyone
11 registered to vote in California. *See* 2021 Cal. Stat. ch. 312 (codified at Cal. Elec. Code §
12 3000.5).

13 22. After receiving the file, HSI referred it to FDNS to go through the process
14 described above. FDNS then provided HSI an enhanced file of voter information to
15 ensure the accuracy of the information. As I understand, FDNS analyzed the original file
16 provided by HSI in combination with third party commercial data. *See* Bartell Decl.
17 ¶¶ 13, 16. FDNS immigration officers then manually reviewed the data. *Id.* ¶ 19. FDNS
18 confirmed to HSI that the revised list includes persons that FDNS believes includes
19 noncitizen aliens. *Id.* ¶ 20.

20 23. After receiving that enhanced file from FDNS, HSI continued to further
21 refine the data with federal law enforcement systems. That further refinement resulted in
22 over 20,000 individuals remaining on the list.

23 24. On October 13, 2026, I helped facilitate delivery to the U.S. Department of
24 Justice and the U.S. Attorney's Office for the Central District of California that list of
25 just over 20,000 individuals who HSI believes are (1) registered to vote in California, (2)
26 were sent a vote-by-mail ballot to participate in the federal elections, and (3) are
27 noncitizen aliens. On that same day, I understand an HSI special agent delivered that
28 same list on an encrypted hard drive to the Los Angeles County Registrar-Recorder/

1 County Clerk. *See* Exhibit A. I understand that the Los Angeles County Registrar-
2 Recorder / County Clerk received that list. *Id.* I also understand that the Department of
3 Justice made the list available to the California Secretary of State on the same day.

4 25. Based on my training, experience, understanding of California law, and
5 collaboration with USCIS, I reasonably believe that just over 20,000¹ individuals on this
6 list are those who (1) registered to vote in California, (2) were sent a vote-by-mail ballot,
7 and (3) are noncitizen aliens.

8 **Conclusion**

9 26. HSI works with USCIS to determine whether aliens are on voter rolls to
10 vote in federal elections. In support of the above-captioned case, HSI received data that,
11 in my belief, accurately reflects the voters on California's voter rolls. HSI, together with
12 USCIS, processed these data to identify voters who are highly likely to be noncitizens
13 registered to vote in the 2026 federal election.

14 27. The statements made in this Declaration are based on the knowledge
15 acquired by me in the performance of my official duties and in conjunction with factual
16 and legal research conducted by other investigators and staff at DHS.

27 ¹ As part of the ongoing analysis of voter data, USCIS identified and alerted HSI
28 to approximately 189 records with minor data discrepancies that appeared on the list of
over 20,000 individuals sent to California on October 13, 2026.

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

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Eric McLoughlin

Executed this 15th day of October 2026, Washington D.C.

Exhibit A

*Proof of Service of Noncitizen Voter List to Dean Logan of the
Los Angeles County Registrar-Recorder/County Clerk's Office*

PROOF OF SERVICE

RECEIVED BY
SERVER

DATE:
10/13/2026

PLACE:
Los Angeles County Registrar-Recorder/County Clerk
12400 Imperial Highway, Norwalk, CA 90650

SERVED

DATE:
10/13/2026

PLACE:
Los Angeles County Registrar-Recorder/County Clerk
12400 Imperial Highway, Norwalk, CA 90650

SERVED ON (PRINT NAME):

Desiree Arechiga Mateos

SERVED BY (PRINT NAME & TITLE):

Special Agent Virginia Pulido

ADDITIONAL INFORMATION:

On 10/13/2026 at approximately 1525 hours, the demand letter addressed to Dean Logan of the Los Angeles County Registrar-Recorder/County Clerk's Office and encrypted hard drive were served to Registrar-Recorder Employee Desiree Arechiga Mateos, who identified herself as the receptionist for the office of Dean Logan. Mateos presented SA Pulido with her employee badge bearing employee ID #: 680771.

DECLARATION OF SERVER

I declare under penalty of perjury that this information is true. VIRGINIA A

PULIDO

Digitally signed by VIRGINIA A
PULIDO
Date: 2026.10.13 19:35:46 -07'00'

Date: 10/13/2026

Server's signature

SA Virginia Pulido

Printed name and title

501 W. Ocean Blvd., Ste 7200, Long Beach CA

Server's address

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
STATE OF CALIFORNIA, *et al.*,
Defendants.

Case No. 2:26-cv-12025

**DECLARATION OF NICOLAS
BARTELL**

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1 9. I received my juris doctor with a concentration in international law from
2 Thomas M. Cooley Law School and my bachelor's in history from Michigan State
3 University.

4 **USCIS' Role in Determining Immigration Status**

5 10. USCIS is the federal agency that oversees lawful immigration into the
6 United States. In this role, USCIS is responsible for adjudicating applications for
7 naturalization, lawful permanent residence, citizenship by operation of law, and other
8 immigration benefits.

9 11. In the course of its work, USCIS determines the immigration status of
10 individuals and whether those individuals are in fact United States citizens.

11 12. I submit this declaration to outline how USCIS identifies potential
12 noncitizens who appear on voter rolls.

13 **USCIS' Role in Federal Election Integrity**

14 13. As part of its charge to oversee lawful immigration, USCIS receives state
15 voter rolls or information on state voter rolls from DHS to review for potential aliens
16 who unlawfully registered to vote or who voted in a federal election. USCIS conducts
17 extensive data analysis of these rolls and information to identify and match such
18 individuals. USCIS then refers certain matched individuals to Homeland Security
19 Investigations (HSI).

20 **How USCIS Processes Alien or Noncitizen Voter Records**

21 14. When presented with information on voter rolls from agencies like DHS,
22 USCIS processes that information to identify registered voters who are likely aliens.

23 15. This process is distinct from the Systematic Alien Verification for
24 Entitlements (SAVE) program.

25 16. The voting records USCIS receives contain information about the listed
26 individual such as name, mailing address, date of birth or age, social security number,
27 phone number, email, registration information, voter-history information, and more.
28 USCIS enhances that voter data through a reliable third-party data analytics and

1 investigative platform. The raw voting record data are combined with the enhanced data
2 and then paired with an internal USCIS alien number that may be the same individual.
3 USCIS then scores and ranks the potential identity match. The matches are scored and
4 ranked because the resulting data may be incomplete, outdated, or mismatched and the
5 potential matches need to be prioritized for manual review. The alien number may
6 include further identifying information like aliases.

7 17. Following the preliminary identity match, USCIS screens all potential
8 matches against Department of State and Social Security Administration data to remove
9 individuals who can be identified as United States citizens or as deceased and excludes
10 them from any further review.

11 18. USCIS then consolidates all match evidence and assigns a confidence level
12 for each match. A high confidence match means the match between the voting record
13 and USCIS alien record is strong and consistent with multifield evidence supporting a
14 strong identity link. At this point, USCIS has completed its initial review.

15 19. Based on the results of the initial review, FDNS investigators manually
16 review the matches to confirm the identity match and determine which registered voters
17 they believe are very likely to be aliens based on USCIS' citizenship data. Part of the
18 FDNS investigation includes verifying whether the registered voter could have
19 potentially derived citizenship based on history or through any parents. Investigators also
20 confirm the match with U.S. Department of State systems to identify if any documents
21 (like passports) may not have been linked in USCIS systems, but which bear on the
22 individual's citizenship status. A second-level review of the match and citizenship status
23 determination occurs as an additional safeguard.

24 20. After completion of that multilevel review, USCIS makes a final
25 determination on which matches to send to HSI for further assessment. After its
26 investigation, HSI may ask USCIS to perform additional manual review of the relevant
27 matches

1 **Evidence that Noncitizens in California Are Registered to Vote in California**

2 21. On or around May 8, 2026, FDNS received a copy of the California Voter
3 rolls from HSI to review. The list referenced in Mr. McLoughlin's declaration is the
4 same list FDNS received. *See* McLoughlin Decl. ¶ 20-21. I also understand that
5 California automatically mails vote-by-mail ballots to participate in a federal election to
6 anyone registered on California voter rolls. *See* 2021 Cal. Stat. ch. 312 (codified at Cal.
7 Elec. Code § 3000.5).

8 22. FDNS took that list and put it through the process identified above to
9 produce the most accurate results of likely noncitizens to whom California law requires a
10 vote by mail ballot to be sent for the November 2026 federal election. In particular,
11 FDNS analyzed the original file and then enhanced the data with third-party data. FDNS
12 then manually reviewed the data with immigration officials who are trained to determine
13 citizenship status. After those steps, FDNS compiled a refined list of individuals who the
14 agency believes are highly likely to be noncitizen aliens registered to vote in the 2026
15 federal election in California and then FDNS provided HSI with the refined list of
16 individuals. That list includes individuals described in Mr. McLoughlin's declaration.
17 *See* McLoughlin Decl. ¶ 24. I understand that the California Secretary of State and Los
18 Angeles County Registrar-Recorder/County Clerk were provided that list on October 13,
19 2026. *Id.* and Exhibit A.

20 23. USCIS, along with FDNS, continue to analyze additional potential
21 noncitizen voter records through the above-mentioned multilevel review process. For
22 example, USCIS has identified a separate batch of more than 17,000 voting records
23 potentially tied to noncitizens after an initial review of voter rolls. Historically speaking,
24 most voters in this initially flagged population will end up being referred to HSI after
25 USCIS completes its manual review. Our review is ongoing as USCIS receives records
26 on a rolling basis before the election date. USCIS intends to supplement the record with
27 additional information of likely noncitizen voting in the federal election. USCIS also
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1 continues to refine its analysis as more information becomes available.¹

2 **Conclusion**

3 24. USCIS and FDNS receive bona fide information of individuals on voter
4 rolls to determine the likely citizenship status of those registered voters. USCIS then
5 processes those voter rolls to identify whether the registered voters are likely
6 noncitizens. Those processes resulted here in a culled list of persons who are likely to be
7 noncitizens and who registered to vote in the upcoming 2026 federal election. USCIS
8 sent that list to HSI for further investigation. My understanding is that list was delivered
9 to the California Secretary of State and Los Angeles County Registrar-Recorder/County
10 Clerk on October 13, 2026. *See* McLoughlin Decl. ¶ 24 and Exhibit A.

11 25. Based on my training, experience, understanding of California law, the
12 above-described systems, and collaboration with HSI, I reasonably believe that the
13 individuals in the list presented to California (1) registered to vote in California, (2) were
14 sent a vote-by-mail ballot, and (3) are highly likely to be noncitizen aliens.

15 26. The statements made in this Declaration are based on the knowledge
16 acquired by me in the performance of my official duties and in conjunction with factual
17 and legal research conducted by other investigators and staff at DHS.

27 ¹ As part of its ongoing analysis of voter data, USCIS identified approximately 189 records with
28 minor data discrepancies that appear on the list of over 20,000 individuals sent to California on October
13, 2026. USCIS immediately alerted HSI of the discrepancies.

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

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Nicolas Bartell

5 Executed this 15 day of October 2026, Camp Springs, MD

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