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Attorney General Keith Kautz

April 13, 2026

109 State Capitol
200 W. 24th Street
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Re: Complaint against Secretary of State Chuck Gray for alleged violation of W.S. §§ 22-2-113, 22-26-112 and 22-26-119 and request for appointment of special prosecutor

Dear Attorney General Kautz:

I am a registered voter in Laramie County Wyoming. I am filing this written complaint against Secretary of State Chuck Gray ("Secretary Gray") for violation of the Wyoming Election Code, Sections 22-2-113, 22-26-112 and 22-26-119. I am serving this complaint on you, the Wyoming Attorney General, pursuant to W.S. § 22-26-121(c). In my opinion, there is a reasonable basis to believe that Secretary Gray has violated the Election Code based on the following facts and legal authorities recited herein.0

1. On or about June 25, 2025, the United States Department of Justice ("DOJ") sent a letter to Secretary Gray requesting information about the policies and procedures that Wyoming had adopted in compliance with voter list maintenance obligations under the Help America Vote Act ("HAVA"), 52 U.S.C. § 21083(a)(2). DOJ requested information responsive

to fifteen items, including a request for “Wyoming’s current statewide voter registration list.” The DOJ letter did not allege or suggest any claim that Wyoming had violated HAVA or any other federal election law.

2. On or about July 24, 2025, Secretary Gray sent a letter responding to the DOJ requests. In response to the request for a voter registration list (“VRL”), Secretary Gray provided a copy of the “registry list,” as defined by Wyoming law. This list included the publicly available information regarding registered voters under the terms of W.S. 22-2-113. Secretary Gray properly withheld additional personally identifiable information regarding registered voters, which is confidential under W.S. 22-2-113(d).
3. Section 22-2-113(d) of the Wyoming Election Code states as follows:

(d) Unless otherwise specifically stated in this Election Code, all election records of the county clerk are public. The availability and dissemination of such records shall be in accordance with the Wyoming Public Records Act. **Election records containing social security numbers, portions of social security numbers, driver's license numbers, birth dates, telephone numbers, tribal identification card numbers, e-mail addresses and other personally identifiable information** other than names, gender, addresses, unique identifying numbers generated by the state and party affiliations **are not public records and shall be kept confidential**. When necessary, members of the county or state canvassing boards may access confidential information for purposes of this code but shall maintain its confidentiality. (Emphasis supplied.)
4. On or about August 14, 2025, the DOJ sent another letter to Secretary Gray. Assistant Attorney General Harmeet Dhillon stated that “the electronic copy of the statewide [voter registration list] must include *all fields*, including the registrant’s full name, date of birth, residential address, his or her state driver’s license number or the last four digits of the registrant’s social security number as required under the Help

America Vote Act (“HAVA”) to register individuals for federal elections.” The DOJ’s only stated purpose for this request was “to assess your state’s compliance with the statewide VRL maintenance provisions of the National Voter Registration Act (“NVRA”).” Although Dhillon referenced Section 401 of HAVA, 52 U.S.C. § 21111, and Section 303 of the Civil Rights Act of 1960 (“CRA”), 52 U.S.C. § 20703, to support DOJ’s demand for the complete VLR including the additional confidential personally identifying information, she never stated or alleged any factual or legal basis that could support any claim that Wyoming had violated the HAVA, the NVRA, the CRA or any other federal election law.

5. The DOJ had no authority to demand Wyoming’s VRL under the NVRA. Wyoming is exempt from the NVRA, a fact previously noted by Secretary Gray in his earlier letter of July 24, 2025. There was no possible factual or legal basis to support DOJ’s claim that its purpose for making this request for confidential information was to “to assess your state’s compliance with the statewide VLR maintenance provisions of the National Voter Registration Act (“NVRA”).” In addition, even if the NVRA did apply, federal caselaw widely recognizes that the NVRA does not require states to disclose telephone numbers, partial social security numbers, dates of birth and other sensitive personally identifiable information. *See Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 339 (4th Cir. 2012); *Pub. Int. Legal Found. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024); *Voter Reference Found., LLC v. Torrez*, 160 F.4th 1068, 1083 n.14 (10th Cir. 2025); *Voting for Am., Inc. v. Andrade*, 488 F. App’x 890, 902–03 (5th Cir. 2012); *Tex. Democratic Party v. Bettencourt*, Civ. A. H–08–3332, slip op. at 16–18 (S.D. Tex. July 16, 2009); *True the Vote v. Hosemann*, 43 F. Supp. 3d 693, 729 (S.D. Miss. 2014); *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1345 (N.D. Ga. 2016); *Pub. Int. Legal Found. v. Boockvar*, 431 F. Supp. 3d 553, 562 n.3 (M.D. Pa. 2019); *Pub. Int. Legal Found. v. N.C. St. Bd. of Elections*, 996 F.3d 257, 267 (4th Cir. 2021); *Pub. Int. Legal Found., Inc. v. Matthews*, 589 F. Supp. 3d 932, 942 (C.D. Ill. 2022); *Greater Birmingham Ministries v. Merrill*, Civ. A. No. 2:22cv205-MHT, 2022 WL 5027180 at *4 (M.D. Ala. 2022), *reversed in part on other grounds*, 105 F.4th 1324 (11th Cir. 2024); *United States v. Weber*, No. 2:25-CV-09149-DOC-ADS, 2026 WL 118807, at *12 (C.D. Cal. Jan. 15, 2026).

6. The DOJ had no authority to demand Wyoming's VRL under HAVA. First, HAVA does not contain any provision that would require a state to disclose confidential information contained in its VRL. *United States v Webber*, ___ F. Supp. 3d ___, 2026 U.S. Dist LEXIS 8545 at *42 (C.D. Cal. 2026). Second, Secretary Gray had previously provided the DOJ with a detailed description of the policies and procedures that had been adopted and implemented by Wyoming under HAVA. The DOJ did not take exception to Secretary Gray's recitation regarding the policies and procedures adopted in Wyoming. The DOJ never made any claim or allegation that Wyoming's policies and procedures relating to the maintenance of its VRL were somehow inadequate or otherwise in violation of HAVA or any other federal law relating to elections.
7. The DOJ had no authority to demand Wyoming's VRL under the CRA. The DOJ never alleged that Wyoming had violated any provision of the CRA or any other federal law relating to elections. Moreover, under the terms of the CRA, any request for voting records must be in writing and must "include a statement of the basis and purpose" for that request. 52 U.S.C. § 20703. The DOJ's only alleged purpose was "to ascertain Wyoming's compliance with the list maintenance requirements of the NVRA and HAVA." The DOJ had no authority or other legal basis permitting it to use the CRA to bootstrap its demand for confidential voter information for an alleged investigation of non-existent claims under completely different statutes, such as the HAVA or NVRA. The CRA was written decades before either HAVA and NVRA and was intended to address racial discrimination. When Congress wrote the CRA, it could not have intended the CRA to serve as a vehicle to mandate disclosure of information in voting records, such as the Wyoming VRLs developed years later in response to HAVA and NVRA. Moreover, the VRL is not a record that "c[a]me into [Wyoming's] possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election" and is not covered by the CRA. 52 U.S.C § 20701.
8. On or about August 28, 2025, Secretary Gray authorized and directed the officers and staff of the Wyoming Secretary of State's Office to release an unredacted VRL to the United States Department of Justice (hereafter "DOJ"). The unredacted VRL included personally identifiable information about all registered Wyoming voters, including birth dates, portions of social security numbers, and driver's license numbers for every

registered voter in Wyoming. My own personally identifiable information was included in this VRL.

9. When Secretary Gray authorized and directed the officers and staff of the Wyoming Secretary of State's Office to release an unredacted VRL to the DOJ, he knew that the VRL contained personally identifiable information about the registered voters of Wyoming, which was confidential and not public records. When Secretary Gray released this unredacted VRL to the DOJ, he knowingly and willfully violated his statutory duty to maintain the confidentiality of the personally identifiable information in the VRL, as required by W.S. § 22-2-113(d).
10. In the months following Secretary Gray's release of the unredacted Wyoming VRL containing confidential personally identifiable voter information, the DOJ's campaign to compel disclosure of similar lists of registered voters from other states has been met with firm resistance from numerous states. The DOJ has now filed lawsuits against approximately thirty states and the District of Columbia to compel the release of confidential information contained in VRLs across the country. To date, four of the DOJ complaints have been dismissed by four different federal judges in four different states, California, Oregon, Michigan and Massachusetts. See *United States v Webber, supra, United States v. Oregon*, ___ F. Supp. 3d ___, 2026 U.S. Dist. LEXIS 25259 (D. Or. 2026), *United States v. Benson*, ___ F. Supp. 3d ___, 2016 U.S. Dist. LEXIS 27501 (W.D. Mich. 2026) and *United States v. Galvin*, ___ F. Supp. 3d ___, 2026 U.S. Dist. LEXIS _____ (Order on Motion to Compel and Motions to Dismiss, Doc. 92, Civil No. 25-13816, April 9, 2026) (D. Mass. 2026). In each of these cases the district court held that the DOJ demands for an unredacted VRL containing confidential personal voter information was not authorized by federal law. Additional motions to dismiss have been filed against the DOJ lawsuits in other states and these motions are still pending.
11. Further events have called into question the DOJ's prior statements about its alleged purpose for requesting this confidential voter information. These events also cast doubt on any assurances that the DOJ may have offered regarding the confidentiality of the voter information that has been surrendered to DOJ by states, such as Wyoming.

- a) In *United States v. Webber, supra*, the court reviewed the history of conflicting statements that DOJ had offered to explain its unprecedented requests for confidential voting records containing the personally identifying information of millions of voters. The court noted documented reports regarding plans to use this nationwide collection of voting records in conjunction with the Department of Homeland Services (“DHS”) “to compile a national database with millions of voters’ private information.” 2026 U.S. Dist. LEXIS 8545 at *33. The court rejected that DOJ’s attempt to put a benign characterization on its demands for confidential portions of the California VRL as contrived and pretextual.

The Court does not take lightly DOJ's obfuscation of its true motives in the present matter. Congress passed the NVRA, Civil Rights Act, and HAVA to protect voting rights. If the DOJ wants to instead use these statutes for more than their stated purpose, circumventing the authority granted to them by Congress, it cannot do so under the guise of a pretextual investigative purpose.

Id.

- b) More recently, pleadings filed in opposition to DOJ’s pending lawsuits as well as reports in the public press have documented DOJ’s admission that DOJ intends to share the voter information that it has secured through its campaign with the Department of Homeland Security (“DHS”). According to reports citing Mar. 26, 2026 Hr’g Tr. at 65:1–6, *United States v. Amore*, No. 25-cv-639 (D.R.I.), ECF No. 47, at a March 26, 2026, hearing in DOJ’s lawsuit seeking Rhode Island’s voter list, the DOJ attorney was asked by the court whether DOJ could take the voter list and send it to the U.S. DHS to check if any of the people on it were not citizens. The DOJ’s attorney confirmed that DOJ will in fact provide the list to DHS.
- c) On March 31, 2026, President Donald J. Trump issued an Executive Order titled “Ensuring Citizenship Verification and Integrity in Federal Elections,” directing the Department of Homeland Security (“DHS”) to develop a “State Citizenship List” of all eligible voters for each state using all federal data bases. These State Citizenship Lists will then be transmitted to the United States Postal Service with

instructions to withhold mail-in ballots from anyone not on those lists. Nothing will prevent the confidential personally identifying information that Secretary Gray turned over to DOJ from becoming part of those expanding federal data bases.

12. When confronted with questions about his decision to release the Wyoming VRL containing the confidential personally identifying information of Wyoming's registered voters, Secretary Gray has only offered terse conclusory statements. A typical example was his Media Release of February 2, 2026. "In close consultation with the Wyoming Attorney General and the Wyoming Attorney General's Office, I complied with a lawful request from a federal law enforcement agency charged with enforcing voting rights to ensure that Wyoming's voter rolls were compliant with the Help America Vote Act and the Civil Rights Act". More recently in response to inquiries from the Wyoming Tribune Eagle Secretary Gray has repeated this claim. "I have worked to maintain compliance with the law and these actions have been carried out in close consultation with the Attorney General." However, the bare conclusions contained in these statements ring hollow, when contrasted with the clear language of Section 22-2-113(d).
13. There is no basis for Secretary Gray to claim that the DOJ's request for this confidential voter information was "lawful" under the NVRA, the HAVA, the CRA or any other federal election law. The DOJ never claimed or alleged that Wyoming had violated any federal election law. In *United States v. Webber, supra*, the court described the DOJ's efforts to collect confidential voter information in the absence of any colorable claim that the state had violated any law as nothing more than a "fishing expedition." 2026 U.S. Dist. LEXIS 8545 at *44. When confronted by such a contrived misuse of the law, Secretary Gray's duty under Wyoming law could not have been clearer. All he had to do was to follow the state law which he was sworn to uphold. "**Election records containing social security numbers, portions of social security numbers, driver's license numbers, birth dates, telephone numbers, tribal identification card numbers, e-mail addresses and other personally identifiable information** other than names, gender, addresses, unique identifying numbers generated by the state and party affiliations **are not public records and shall be kept confidential.**" W.S. § 22-2-113(d) (emphasis supplied). The DOJ's baseless requests for Wyoming's VRL

cannot excuse Secretary Gray's abject failure to preserve the confidentiality of the personally identifiable information contained in those records.

14. As for Secretary Gray's alleged reliance upon his "close consultation" with the Wyoming Attorney General and the Wyoming Attorney General's Office, I have made public record requests pursuant to the Wyoming Public Records Act, W.S. §§ 16-4-201 *et seq.*, asking for public records relating to Secretary Gray's decision to release the confidential VRL. I specifically requested the following records:

"Public records" addressing or assessing whether the transfer of voter information records containing personally identifiable information in response to the USDOJ request would constitute a violation of W.S. § 22-2-113, **including any legal opinions that may have been obtained, if the WSOSO considered or relied upon any such opinion in making its decision.** (Emphasis supplied.)

15. To date this request for records has produced scant documentation about any alleged "close consultation." Although Secretary Gray claims he conferred with the Wyoming Attorney General and presumably relied on any advice he may have received as a factor in making his decision to release the confidential information contained in the Wyoming VRL, Secretary Gray has not shared that advice with the people of Wyoming. He has produced a handful of redacted email communications to schedule a telephone call between Secretary Gray and other officers of the Secretary of State's Office with Attorney General Kautz and members of the Attorney General's office. He has made veiled references to an email from Attorney General Kautz that he has described only as an "ancillary" communication. Secretary Gray has withheld all substantive information relating any questions or answers that may have been exchanged in these communications on a claim of attorney-client privilege.
16. I respectfully dispute Secretary Gray's claim that his communications with Attorney General Kautz and the Attorney General's Office regarding the release of confidential personally identifiable information about registered Wyoming voters are privileged. I contend that any applicable privilege has been waived by Secretary Gray's repeated public statements

asserting his reliance on this “consultation” as a possible justification for his decision to release confidential voter information in violation of W.S. § 22-2-113. If he relied upon his “close consultation” with the Attorney General to justify his decision to ignore his duty to maintain the confidentiality of the information contained in the Wyoming VRL, then this information should be produced.

17. If upon further investigation by appropriate authorities it is determined that Secretary Gray’s release of the Wyoming VRL containing confidential information was a knowing and willful violation of W.S. § 22-2-113, then he may be subject to W.S. § 22-26-112(a), which states, in pertinent part, as follows:

Unless a different penalty is specifically provided in this code, the following acts, if knowingly and willfully committed, are misdemeanor offenses punishable by not more than six (6) months in a county jail or a fine of not more than one thousand dollars (\$1,000.00), or both:

(viii) Violating W.S. 22-2-113.

18. In addition, W.S. § 22-26-119 provides as follows:

Violation of the Election Code by an official consists of the willful violation of the Election Code by any official or by any deputy or assistant official, or the willful failure or refusal of any official or assistant to perform an act or duty required of him by the Election Code. Any official, deputy or assistant who commits a violation of the Election Code is guilty of a felony and, in addition to the penalty prescribed by W.S. 22-26-101, is subject to removal from office in a proceeding instituted for that purpose. (Emphasis supplied.)

Secretary Gray is an “official” when acting as Secretary of State. All his actions in addressing and responding to the DOJ’s requests for voter

information were performed as an “official.” If upon further investigation it is determined that he willfully violated W.S. § 22-2-113, then he may be subject to the additional penalties provided under W.S. § 22-26-119 for that violation.

19. The words “willfully and knowingly” do not require proof of a specific intent to violate the law. These offenses only require proof of a general intent. To prove a violation of W.S. § 22-2-113 or § 22-26-119, “it is necessary only that the proscribed conduct be undertaken voluntarily.” *Saldana v. State*, 685 P.2d 20 (Wyo. 1984). In *Hopkins v. State*, 2019 WY 77, ¶ 9, 445 P.3d 582, 586 (Wyo. 2019), the Wyoming Supreme Court wrote:

As a general intent crime, the only intent which need be proven beyond a reasonable doubt is that the act constituting the offense charged be done voluntarily. *Harris v. State*, 2006 WY 76, ¶ 26, 137 P.3d 124, 131 (Wyo. 2006) (citation omitted); *Carfield v. State*, 649 P.2d 865, 869 (Wyo. 1982) (citations omitted). “An act is voluntary if the actor intended to do it (as opposed to an event occurring accidentally or involuntarily).” *Barrera v. State*, 2017 WY 123, ¶ 31, 403 P.3d 1025, 1031 (Wyo. 2017). “If done voluntarily, ‘the inference thereupon arises that the defendant intended that which resulted.’” *Harris*, ¶ 26, 137 P.3d at 131 (quoting *Slaughter v. State*, 629 P.2d 481, 483-84 (Wyo. 1981); see also *Tillett v. State*, 637 P.2d 261, 264 (Wyo. 1981) (stating defendants are “considered by law to have intended the natural consequences of [their] act[s]”); *Streitmatter v. State*, 981 P.2d 921, 927 (Wyo. 1999) (citation omitted) “The crime of aggravated assault [under *Wyo. Stat. Ann. § 6-2-502(a)(iii)*] is a general intent crime, and its commission requires only that intent which the jury may infer from the commission of the proscribed act.”).

Moreover, “[a] mistake of law is not a defense to a general intent crime.” *Harris v. State*, 2006 WY 76, ¶ 28, 137 P.3d 124, 131 (Wyo. 2006).

20. When Secretary Gray released the unredacted VRL to DOJ, he willingly and knowingly released information that was confidential under Wyoming law. He released these confidential records in response to a

mere request. He was never served with a subpoena or court order. He was never compelled to release these records. He simply turned over records that were protected by Wyoming law without objection. Secretary Gray voluntarily failed to protect the personally identifying information of every Wyoming registered voter in violation of his duty under Section § 22-2-113(d) of the Wyoming Election Code.

21. Section 22-26-121 allows any person to file a written complaint regarding any violation of the Election Code. Subsection 22-26-121(c) specifically provides, "Complaints that the secretary of state violated the election code shall be filed with the attorney general for investigation and prosecution."
22. Notwithstanding any issues regarding Secretary Gray's claims of an attorney-client relationship with the Attorney General and the arguments about a possible waiver any of attorney-client privilege (see ¶¶ 14-16, *supra*), Secretary's Gray's claims create a clear and immediate conflict of interest, which precludes the Wyoming Attorney General and the members of the Wyoming Attorney General's Office ("WAGO") from processing, investigating and, if warranted by the facts, prosecuting this complaint directly. The full nature and scope of the Attorney General's and WAGO's alleged involvement in the process leading to Secretary Gray's decision to release the confidential voter information is unknown at this time. However, under the circumstances the likelihood that the Attorney General and WAGO may have previously undertaken Secretary Gray's representation in connection with the DOJ requests, coupled with the possibility that they may have to testify as witnesses in the event of an investigation or prosecution, creates an unavoidable conflict. In either event, the public interest precludes the Attorney General and WAGO from overseeing any aspect of the investigation of this complaint or of the prosecution, if any, that may follow. Accordingly, I respectfully request that this complaint and any further investigation and prosecution be referred to an independent, disinterested officer, such as a district court judge, for the appointment of a qualified, independent special prosecutor.

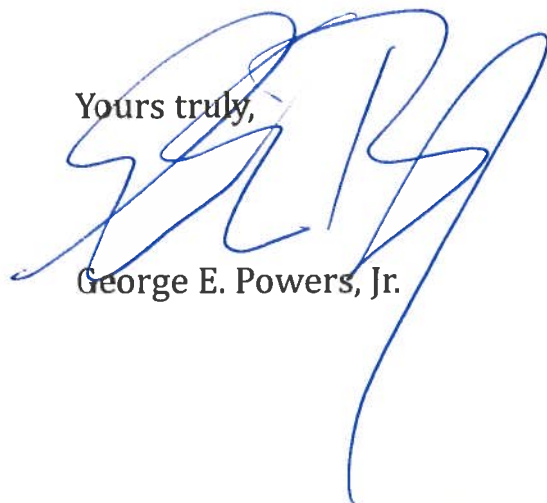
Based on the foregoing complaint I hereby respectfully request the following relief:

- A) That this Complaint be promptly referred to an independent, disinterested officer authorized to name and appoint a qualified, independent special prosecutor who will be charged with the responsibility and authority to investigate the facts and, if warranted, to prosecute claims against Secretary Gray for his violations of the Wyoming Election Code, if any;
- B) That the referral of this matter to an independent disinterested officer and any subsequent appointment of a special prosecutor be promptly disclosed publicly as a matter of public interest; and
- C) That, if it is determined that Secretary Gray has violated the Wyoming Elections Code by his acts or omissions, then appropriate penalties be assessed against Secretary Gray for any such violation in accordance with applicable Wyoming law.

Please acknowledge your receipt of this complaint. When you do so, please let me know if there are any questions or if you need additional information from me. If you believe there are any other issues I need to address at this time, I will be happy to supplement this complaint. Finally, if you will not honor my request to have this matter referred to independent disinterested officer for appointment of a special prosecutor, please provide me with a full explanation of your reasons for declining to make this referral

Thank you for your attention to this matter. I look forward to hearing from you.

Yours truly,

A handwritten signature in blue ink, appearing to read 'G. Powers, Jr.', is written over the typed name.

George E. Powers, Jr.

cc: Secretary of State Chuck Gray
chuck.gray@wyo.gov