

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

STEVE SIMON, in his official capacity as  
Secretary of State for the State of  
Minnesota, and the STATE OF  
MINNESOTA,

*Defendants.*

Case No. 25-cv-3761 (KMM/EMB)

**NOTICE TO SUPPLEMENT THE RECORD**

Defendants Steve Simon and the State of Minnesota, Intervenor-Defendants Minnesota Alliance for Retired Americans Educational Fund and Misael Hernandez, and Intervenor-Defendants League of Women Voters Minnesota, Common Cause, Jennifer Compeau, and Valerie Mangskau, respectfully provide this notice to inform the Court of two recent developments that bear directly on the representations made by the U.S. Department of Justice (“DOJ”) at the March 3 motions hearing.

First, during the hearing the Court asked several times whether the information contained in voter files being sought in Minnesota and elsewhere would be used for immigration enforcement. *See* Mar. 3, 2026 Hr’g Tr. at 47:21–23; 48:1–3; 49:1–4, ECF No. 161. DOJ’s counsel assured the Court that, “to [his] knowledge,” it would not. *Id.* at 49:5; *see also id.* at 47:24–25; 48:16–19. But at a March 26 hearing in DOJ’s lawsuit seeking Rhode Island’s voter list, when asked whether DOJ could take the voter list and

send it to the U.S. Department of Homeland Security (“DHS”) to check if any of the people on it were not citizens, DOJ’s counsel confirmed that DOJ will in fact provide the list to DHS. Mar. 26, 2026 Hr’g Tr. at 65:1–6, *United States v. Amore*, No. 25-cv-639 (D.R.I.), ECF No. 47. Public reporting has also emerged indicating that DOJ and DHS “are close to finalizing an agreement that will allow the federal government to use sensitive voter registration data for immigration and criminal investigations.”<sup>1</sup> The reporting confirmed that DOJ “will share voter roll data that its Civil Rights Division is collecting from states with Immigration and Customs Enforcement Homeland Security Investigations as part of an effort to determine whether non-citizens are unlawfully registered or have cast ballots in prior elections.”

Second, at the March 3 hearing and in its briefing, DOJ repeatedly denied that it intends to create a “national database” or a national voter list. Mar. 3, 2026 Hr’g Tr. at 49:9–12; DOJ Mem. Opp’n Mot. Dismiss at 22, ECF No. 102. On March 31, 2026, however, President Trump issued an Executive Order titled “Ensuring Citizenship Verification and Integrity in Federal Elections.”<sup>2</sup> The Executive Order directs the Secretary of Homeland Security to compile what it calls “State Citizenship Lists” of “confirmed” U.S. citizens who are eligible voters in each state. It further directs the U.S. Postal Service

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<sup>1</sup> Sarah N. Lynch, *Justice Dept. close to finalizing deal to hand over states’ voter roll data to Homeland Security, sources say*, CBS News (Mar. 26, 2026), <https://www.cbsnews.com/news/justice-dept-finalizing-deal-voter-roll-data-homeland-security/> (filed herewith as Exhibit A to the Declaration of Katherine M. Swenson).

<sup>2</sup> Available at <https://www.whitehouse.gov/presidential-actions/2026/03/ensuring-citizenship-verification-and-integrity-in-federal-elections/> (filed herewith as Exhibit B to the Swenson Declaration).

not to transmit mail ballots from any person who is not on a state-specific list to be developed. These provisions—which purport to require the creation of lists of supposedly eligible voters in every state—cast serious doubt on DOJ’s representations that it does not intend to create a national database or a national voter list.

Dated: April 7, 2026

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