

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

Plaintiff,

v.

DAVID M. SCANLAN in his official
capacity as Secretary of State for the State of
New Hampshire, and the STATE OF NEW
HAMPSHIRE,

Defendants.

CASE NO: 1:25-cv-00371-AJ

PLAINTIFF UNITED STATES' NOTICE OF SUPPLEMENTAL AUTHORITY

The United States submits this letter in response to Intervenor Neal Kurk, Robert “Bob” Perry, Louise Spencer, and Christopher Cole’s (“Voter Intervenor”) Notice of Supplemental Authority, (Dkt. 71). In *United States v. Amore*, 2026 WL 1040637, at *5 (D.R.I. Apr. 17, 2026), the district court ruled that the Attorney General’s written demand for Rhode Island’s statewide voter registration list was legally insufficient under the CRA because it provided no “factual basis” suggesting Rhode Island may be violating the NVRA or HAVA. The court further held that, even if the Attorney General’s demand had specified a factual basis, it would still be inadequate because the stated purpose for the demand — enforcement of the NVRA’s and HAVA’s list maintenance requirements — is “unrelated to voting-related racial discrimination.” *Id.* at *5-6.

Amore is incorrect. *First*, the court there repeated the errors committed by the district courts in California, Oregon, and Massachusetts by holding that the Attorney General must state a *factual* basis for the demand. And nothing in *Kennedy v. Lynd*, 306 F.2d 222, 226 (5th Cir. 1962), which held that the “factual foundation for, or the sufficiency of,” the basis “is not open to judicial review or ascertainment,” suggests

otherwise. At any rate, the government provided a factual basis—the 2024 EAVS data—even if it was not in the demand itself. *Amore*, 2026 WL 1040637, at *3. *Second*, nothing in the CRA’s text “cabin[s] its application solely” to “voting-related racial discrimination.” *Id.* at *5; *accord United States v. Benson*, 2026 WL 362789, at *8 (W.D. Mich. Feb. 10), *appeal docketed* No. 26-1225 (6th Cir. 2026).

DATED: April 23, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2026, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Brittany E. Bennett

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