

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

UNITED STATES OF AMERICA

Plaintiff,

v.

JENA GRISWOLD, in her Official Capacity
as Secretary of State for the State of
Colorado,

Defendant.

Case Number: 1:25-cv-03967-PAB-TPO

**UNITED STATES' RESPONSE TO DEFENDANT JENA GRISWOLD'S NOTICE OF
SUPPLEMENTAL AUTHORITIES (DKT. 65)**

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The United States respectfully submits this response to Defendant Jena Griswold’s Notice of Supplemental Authority (Dkt. 65).

In *United States v. Galvin*, No. 25-13816, 2026 WL 972129 (D. Mass. Apr. 9, 2026) (*Galvin*), the District Court ruled that Title III of the Civil Rights Act of 1960 (CRA), 52 U.S.C. § 20703, requires that the Attorney General’s written demand for records must provide a “*factual* basis,” not just a legal basis, to support a demand. *Galvin*, at *3 (emphasis added). *Galvin* acknowledged that in *Kennedy v. Lynd*, 306 F.2d 222, the stated basis for the demand was merely that there was “information in the possession of the Attorney General tending to show that” the states were violating the law. *Id.* at 229 n. 6. Nevertheless, *Galvin* ruled that the Attorney General’s written demand letters did not provide a factual basis that satisfied *Lynd*. See *Galvin*, at *4.

The United States respectfully disagrees with *Galvin*’s overly formalistic interpretation of CRA procedure. Another out-of-circuit district noted in a footnote that a similar pair of demand letters “collectively put [the State] on notice of the basis and purpose of its request, which is sufficient to comply with the CRA.” *United States v. Benson*, No. 25-1148, 2026 WL 362789, at *8, fn. 3 (W.D. Mich. Feb. 10, 2026), *appeal docketed* Feb. 27, 2026.

Galvin is inapplicable in this case because the United States’ demand letter informed Defendant Griswold that it was in possession of a complaint alleging that she failed to comply with the list maintenance provisions of the NVRA. Dkt. 5-1, *Lynd*, 306 F.2d at 229 n.6.

[Signatures next page]

Dated: April 13, 2026

Respectfully submitted,

HARMEET K. DHILLON
Assistant Attorney General
Civil Rights Division

ROBERT J. KEENAN
Acting Deputy Assistant Attorney General
Civil Rights Division

ERIC V. NEFF
Acting Chief, Voting Section

/s/ Jonathon P. Hauenschild
JONATHON P. HAUENSCHILD
Trial Attorney, Voting Section
Civil Rights Division
4 Constitution Square
150 M Street, Room 8.923
Washington, D.C. 20002
Jonathon.Hauenschild@usdoj.gov
Tel. (202) 307-2767
Attorneys for the United States

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2026, a true and correct copy of the foregoing document was served via the email to all counsel of record.

/s/ Jonathon P. Hauenschild

JONATHON P. HAUENSCHILD

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