IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA Plaintiff, v. ANTHONY ALBENCE, in his Official Capacity as State Election Commissioner of Delaware, Defendant.	Case Number: 1:25-cv-01453-RGA

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RESPONSE TO SUBMISSION OF SUPPLEMENTAL AUTHORITY

The United States responds to Intervenor-Defendant Latin American Community Center's Notice of Supplemental Authority, (Dkt. 70). 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 United States provided a factual basis, that being the volume of invalid and duplicate registrations contained in Delaware's 2024 EAVS data. Dkt. 4-1; *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).

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DATED: April 22, 2026

Respectfully submitted,

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