

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA

Plaintiff,

v.

SARAH COPELAND HANZAS, in her  
Official Capacity as Secretary of State for  
the State of Vermont,

Defendant(s).

Case Number: 2:25-cv-00903-MKL

**UNITED STATES' RESPONSE TO NOTICE OF SUPPLEMENTAL AUTHORITY**

The United States submits this in response to Intervenor-Defendants Vermont Alliance for Retired Americans, Richard Monterosso, and Mary Andrews' Notice of Supplemental Authority, (Dkt. 72).

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 28, 2026

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2026, a true and correct copy of the foregoing document was served via email to all counsel of record.

*/s/ Brittany E. Bennett*  
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