

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WISCONSIN ELECTIONS COMMISSION, *et al.*,

Defendants.

Civil Case No.: 3:25-cv-1036-JDP

UNITED STATES' RESPONSE TO NOTICE OF SUPPLEMENTAL AUTHORITY

The United States respectfully submits this response to Intervenor-Defendants Wisconsin Alliance for Retired Americans and Forward Latino's Notice of Supplemental Authority (Dkt. 82). 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 district courts in California, Oregon, and Massachusetts by holding that the Attorney General must state a *factual* basis for the demand. *Id.* at *3. 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—the 2024 EAVS data in its June 17, 2025 letter (Dkt. 3-1). *Second*, nothing in the CRA's text "cabin[s] its application solely" to "voting-related racial discrimination." *Amore*, 2026 WL 1040637, at *5; accord *United States v. Benson*, 2026 WL 362789, at *8 (W.D. Mich. Feb. 10, 2026), appeal docketed No. 26-1225 (6th Cir. 2026).

Dated: April 22, 2026

Respectfully submitted,

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