

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

COMMON CAUSE, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 1:26-cv-01352-SLS

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully notify the Court of the following supplemental authority—consisting of six decisions—issued after Plaintiffs’ June 12 Opposition to Defendants’ Motion to Dismiss or in the Alternative for Summary Judgment and Reply in Support of Plaintiffs’ Motion for Partial Summary Judgment. *See* ECF 36.

First, four more federal courts—the Sixth Circuit, the District of Maryland, the Western District of Pennsylvania, and the District of New Hampshire—have rejected lawsuits by the Department of Justice (“DOJ”) to compel the disclosure of states’ unredacted statewide voter registration lists. *See United States v. Benson*, --- F.4th ---, 2026 WL 1815425 (6th Cir. June 24, 2026); *United States v. Demarinis*, 2026 WL 1780586 (D. Md. June 18, 2026); *United States v. Schmidt*, 2026 WL 1850016 (W.D. Pa. June 27, 2026); *United States v. Scanlan*, 2026 WL 1864054 (D.N.H. June 29, 2026). Twelve courts have now rejected DOJ’s voter data lawsuits, striking down the same legal arguments DOJ asserts here to defend its Voter List Maintenance Policy. *See* ECF 36 at 1 n.1 (collecting prior decisions). No court to date has ruled in DOJ’s favor.

Second, on June 24, 2026, the District of Massachusetts declared Sections 2 and 3 of Executive Order 14,399, *Ensuring Citizenship Verification and Integrity in Federal Elections*, 91 Fed. Reg. 17125 (Mar. 31, 2026) (the “March 2026 EO”), “ultra vires” and “unconstitutional.” *See California v. Trump*, 2026 WL 1826490, at *1, 17-18 (D. Mass. June 25, 2026). Pertinent here, the court affirmed that “neither in [the Help America Vote Act] nor any other federal statute does Congress authorize the federal government to create their own voting database. Instead, Congress, consistent with the Constitution, has left that authority to the States alone.” *Id.* at *14. The court further held that the “federal agencies charged with compiling Confirmed Citizen Lists” under the March 2026 EO “lack the ability to create complete and accurate lists of the U.S. citizens residing in every State”—including using the unreliable “SAVE . . . data” Defendants are utilizing in this case—and that the cross-agency data sharing directed by the EO is subject to “the limitations of the Privacy Act.” *Id.* at *13-*14.

Third, in *League of Women Voters v. DHS*, 2026 WL 1784297 (D.D.C. June 22, 2026) (“*LWV*”), this Court held unlawful, vacated, and set aside the “establishment of the modified [Systematic Alien Verification for Entitlements (“SAVE”)] system and two related [systems of records] notices published by” the Department of Homeland Security (“DHS”) and the Social Security Administration (“SSA”), on the grounds that those actions violated the Social Security Act, the Privacy Act, and the Administrative Procedure Act. *See id.* at *1-*2. As Defendants here concede, this Court in *LWV* “rejected many of [Defendants’] arguments” in this case. ECF 43 at n.2. On June 25, the government noticed its appeal of the Court’s June 22 Memorandum Opinion and Order in *LWV*. *See* Notice of Appeal, *LWV v. DHS*, 25-cv-3501-SLS, ECF 113 (D.D.C. June 25, 2026).

Dated: July 1, 2026

Respectfully submitted,

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