



Civil Rights Division

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May 12, 2026

**VIA CM/ECF**

Kelly L. Stephens, Clerk of the Court  
Office of the Clerk  
540 Potter Stewart U.S. Courthouse  
United States Court of Appeals  
for the Sixth Circuit  
100 E. Fifth Street  
Cincinnati, Ohio 45202

Re: *United States v. Benson*, No. 26-1225 (6th Cir.) (oral argument scheduled for May 13, 2026)—Appellant United States’ Rule 28(j) Letter

Dear Ms. Stephens,

Pursuant to Rule 28(j), Appellant, the United States, advises the Court of an opinion from the Department of Justice Office of Legal Counsel (OLC) published on May 12, 2026 (attached). <https://www.justice.gov/olc/media/1440346/dl>.

OLC concludes that the Civil Rights Act (CRA) authorizes the Attorney General to compel States to produce unredacted statewide voter registration lists (SVRLs), and that once produced, the Department may share that data with components within the Department of Homeland Security (DHS). *See* Op. 6, 34; *see also* U.S. Br. 13-14. The CRA covers SVRLs because such lists relate to voter registration and come into the possession of state election officers. Op. 7; *see* U.S. Br. 14-22. Analyzing dictionaries, case law, statutes, the CRA, and “common sense” (Op. 9), OLC points out that “it is not unusual to say that one comes into possession of a thing that one created oneself;” “the phrase does not carry a requirement that the thing is received from a third party,” *id.* at 8-9; *see* U.S. Br. 15, 17. And because “[t]he ordinary meaning of the term ‘relating to,’” is “broad,” Op. 7 (brackets in original; citation omitted), “[a] State’s [SVRL] is perhaps the archetypical example of a ‘record’ that ‘relat[es]’ to voter ‘registration,’” *ibid.* (quoting 52 U.S.C. 20701); *see* U.S. Br. 14-22.

The OLC opinion also thoroughly explains the requirements of various federal privacy statutes and why they are satisfied here based on the Civil Rights Division’s current rules and procedures. Each privacy statute contains an applicable exception, is already being complied with, or does not apply at all. Op. 23-33. And because the Privacy Act contains exceptions for law enforcement and routine use, the Attorney General may share the SVRL with appropriate components within DHS and remain in full compliance with that Act and other statutes related to data security and maintenance. *Id.* at 34-36; *see* U.S. Br. 38-48; U.S. Reply Br. 26-27.

Sincerely,

s/ Andrew Braniff  
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Appellate Section  
Civil Rights Division  
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Attachment

cc: Counsel of Record (via CM/ECF)