IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DSCC, et al., Plaintiffs, v. DONALD J. TRUMP, in his official capacity as President of the United States, et al., Defendants.	Case No. 1:26-CV-3674

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

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Plaintiffs DSCC, DCCC, the Democratic Governors Association, Nevada State Democratic Party, Erick Jose Jimenez, and the Democratic Leaders of the U.S. Senate and House of Representatives submit this Notice of Supplemental Authority to inform the Court of two material developments supporting Plaintiffs' Motion for Temporary Restraining Order, ECF No. 19.

First, at approximately 8:30 PM ET on October 28, 2026, the District Court for the Central District of California issued an order denying DOJ's motion for a temporary restraining order that would have directed California election officials to segregate ballots cast by registered voters who appeared on the federal government's list of suspected noncitizens. Exhibit A (Order Denying Temporary Restraining Order, *United States v. California*, No. 2:26-cv-12025-DOC-ADS (C.D. Cal. Oct. 28, 2026), ECF No. 149). Specifically, it found DOJ's theory that 18 U.S.C. § 611 preempts state ballot-counting procedures was unlikely to succeed because (1) DOJ failed to show "genuine conflict between state and federal law," *id.* at 13; (2) it was not "reasonabl[e]" to conclude that Congress "intended to strip California of its Constitutionally-vested responsibility for election administration" under the Elections Clause with a federal misdemeanor provision, *id.* at 15; and

(3) DOJ's preemption argument "raises constitutional concerns under the Tenth Amendment," specifically the anticommandeering principle, *id.* at 16–17.

Second, on October 28, 2026, the Washington Secretary of State Steve R. Hobbs responded to DOJ's October 26, 2026, letter, *see* ECF No. 19-2, Nkwonta Decl., Ex. AM, which had demanded that the State segregate ballots issued to 400 individuals identified in a target list of suspected noncitizens. *See* Exhibit B (Letter from Sec'y Hobbs to Mr. Floyd and Mr. Serrano (Oct. 28, 2026). Secretary Hobbs reported that "[a] preliminary investigation" into the list confirmed that it "includes United States citizens and is not reliable." *Id.* He further maintained "it would be both irresponsible and illegal for election officials to decline to process a registered voter's ballot" "[w]ithout individualized proof of ineligibility." *Id.* Secretary Hobbs invited DOJ to provide "individualized proof," if they have it, "so election officials can take appropriate steps that are consistent with federal and state law." *Id.*

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Dated: October 29, 2026

Respectfully submitted,

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