

**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

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully notify the Court of the following supplemental authorities issued after Plaintiffs' July 16 Notice of Supplemental Authority. *See* ECF 47.

Six more federal district courts have dismissed lawsuits by the Department of Justice ("DOJ") to compel disclosure of states' unredacted statewide voter registration lists ("SVRLs"):

- *United States v. Thomas*, 2026 WL 2070437 (D. Conn. July 17, 2026)
- *United States v. Adams*, --- F. Supp. 3d ----, 2026 WL 2123871 (E.D. Ky. July 23, 2026)
- *United States v. Caldwell*, 2026 WL 2186515 (D.N.J. July 29, 2026)
- *United States v. Matthews*, --- F. Supp. 3d ----, 2026 WL 2212877 (C.D. Ill. July 31, 2026)
- *United States v. Griswold*, 2026 WL 2235374 (D. Colo. Aug. 3, 2026)
- *United States v. Evans*, 2026 WL 2267774 (D.D.C. Aug. 6, 2026)

A total of 22 federal courts (one court of appeals and 21 district courts) have now rejected DOJ's voter data demand lawsuits, striking down the same legal arguments DOJ asserts here to defend its Voter List Maintenance Policy. *See* ECF 36 at 1 n.1; ECF 44 at 1; ECF 47 at 1 (citing prior decisions). No court has ruled in DOJ's favor.

In addition to holding that DOJ's SVRL demands were not authorized by Title III of the Civil Rights Act, the National Voter Registration Act (the "NVRA"), or the Help America Vote Act, many of the recent decisions have noted DOJ's demands were part of a comprehensive agency "endeavor" to collect "election records from nearly every State and the District of Columbia." *United States v. Benson*, 179 F.4th 470, 474 (6th Cir. 2026); *see also Evans*, 2026 WL 2267774, at *1 (describing DOJ's "unprecedented effort to collect sensitive information about voters" from "at least 48 states and Washington, D.C.").

Plaintiffs also call the Court's attention to two arguments DOJ recently advanced in the Fourth Circuit in its voter data collection lawsuit against Maryland, which heighten the urgency of Plaintiffs' requested relief here. First, DOJ now claims that

any removal of ineligible voters from the SVRL based on an individualized recommendation or alert from the United States is not a "systematic" removal by the State and thus does not implicate the NVRA's 90-day quiet period. ... The NVRA's plain text does not prohibit the DOJ from using a systematic program to evaluate the reasonableness of [a state's] list maintenance, or identify individuals to which [the state] can perform individual determinations, regardless of timing.... [Thus], it is possible to legally identify and remove fraudulent and ineligible voters from the SVRL before November 3.

United States' Reply in Supp. of Emergency Mot. to Expedite Briefing at 7, *United States v. DeMarinis*, No. 26-1878, Doc. 24 (4th Cir. July 29, 2026) ("*DeMarinis* Reply"). This position contradicts DOJ's recent representations to this Court in a separate case that the NVRA *prohibits* states from purging voters from their rolls based on data supplied by the federal government during the 90-day quiet period. *See* Mem. Op. at 14, *League of Women Voters v. DHS*, 25-cv-3501-SLS, ECF 123 (July 28, 2026) ("The Federal Defendants previously represented that state voter roll maintenance" using SAVE data "in the ninety days prior to a federal primary or general election would be unlawful" under the NVRA (citing Opp'n to Prelim. Inj. Mot. at 35-36, ECF 37)).

Second, DOJ's Fourth Circuit brief noted the "realistic possibility[]" that States including Maryland w[ill] simply elect voluntary compliance to avoid the criminal sanctions that may be

incurred by state officials that knowingly conspire with noncitizens to permit them to vote or knowingly tabulate fictitious ballots.” *DeMarinis* Reply at 8 (cleaned up). This statement is further proof of DOJ’s coercive and escalating tactics to collect every state’s voter rolls pursuant to its Voter List Maintenance Policy, and underscores the urgency of Plaintiffs’ request for relief prohibiting DOJ from unlawfully collecting this sensitive voter data, even from states that would voluntarily comply with DOJ’s demands.

Dated: August 10, 2026

Respectfully submitted,

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