

United States v. Benson: Sixth Circuit Denies Federal Demand for State Voter Registration List

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The U.S. Department of Justice (DOJ) has requested election records—including statewide voter registration lists (SVRL) with detailed voter data—from the majority of states and, in some cases, has [sued](#) to enforce compliance with its demands. Among the suits, federal district courts in several states [have dismissed](#) the federal government’s claims seeking SVRL and other election information, reasoning that while federal laws set certain requirements with regard to voter registration, they do not compel the disclosure of the records demanded by DOJ. In the first of the suits to reach the federal appellate courts, *United States v. Benson*, DOJ [appealed](#) the U.S. District Court for the Western District of Michigan’s dismissal of its suit attempting to obtain Michigan’s SVRL. On June 24, 2026, the U.S. Court of Appeals for the Sixth Circuit (Sixth Circuit) [affirmed](#) the district court’s dismissal, holding that DOJ is not entitled to the records at issue under [Title III of the Civil Rights Act of 1960](#) (CRA).

This Sidebar provides the legal background of *United States v. Benson*, examines the Sixth Circuit’s decision, and offers some considerations for Congress.

Legal Background

On March 25, 2025, President Trump issued Executive Order (E.O.) 14248, “[Preserving and Protecting the Integrity of American Elections](#).” The E.O. [directs](#) the Attorney General to prioritize enforcement of “laws that restrict non-citizens from registering to vote or voting” and to consider withholding federal grants from states that do not enter into information-sharing agreements with the federal government or otherwise refuse to cooperate with enforcement of the E.O. It further requires that federal officials review federal immigration databases alongside state voter registration lists and other state records.

Michigan maintains an SVRL it refers to as its “[qualified voter file](#).” After the issuance of E.O. 14248, DOJ requested various election records from [the majority of states](#), including Michigan. In its July 21, 2025, [demand](#) for records from Michigan, DOJ sought “a list of the election officials who are responsible for implementing Michigan’s general program of voter registration list maintenance,” “a description of the steps” that Michigan has taken in furtherance of voter registration list maintenance, “the current

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electronic copy of Michigan’s computerized statewide voter registration list,” and other information related to Michigan’s registration and election procedures. While Michigan agreed to provide a public version of its voter registration list and other information, it [denied](#) DOJ’s demand for a list “with confidential, personally identifying information,” such as full names, dates of birth, residential addresses, state driver’s license numbers, and partial social security numbers, [arguing](#) that such information is exempt from disclosure under state and federal law.

DOJ [filed suit](#), alleging in three separate counts that Michigan had failed to make disclosures required by (1) the [National Voter Registration Act of 1993](#) (NVRA), (2) the [Help America Vote Act of 2002](#) (HAVA), and (3) Title III of the CRA. The NVRA establishes some basic federal standards for election administration by the states, including [requiring](#) that states must “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters” due to death or residency changes. HAVA [provides](#) that states must maintain “in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list” containing the names and registration information of all registered voters. HAVA further requires states to ensure voter registration records are “accurate and are updated regularly,” to make “a reasonable effort to remove registrants who are ineligible to vote,” and to ensure eligible voters are not removed in error. Both the NVRA and HAVA [contain provisions](#) authorizing the Attorney General to bring civil actions to enforce their requirements.

[Title III of the CRA](#), codified at [52 U.S.C. §§ 20701–20706](#), requires an election officer to retain and preserve “all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election” for 22 months. Records and papers subject to this requirement must be “made available for inspection, reproduction, and copying” if the Attorney General demands in writing and specifies “the basis and the purpose” for the inspection.

On February 10, 2026, the district court [granted](#) Michigan’s [motion to dismiss](#). In its decision, the district court held that, while federal laws set certain requirements with regard to voter registration, none of the three statutes forces the disclosure of the SVRL demanded by DOJ. With regard to HAVA, the district court [highlighted](#) that HAVA “lacks any provision related to disclosure” of SVRL, and that while the federal government contended that it may seek the voter registration list through the discovery process for prosecuting HAVA claims, DOJ had not actually alleged a violation of HAVA to support such a claim via discovery. Although the NVRA contains [public disclosure provisions](#), the district court [held](#) that the provisions do not require states to disclose the type of sensitive voter information that was encompassed in DOJ’s demand for SVRL. Finally, while the district court rejected several of Michigan’s [arguments](#) regarding the CRA, it ultimately [held](#) that SVRL is not within the scope of documents requestable under the CRA.

The federal government timely [appealed](#) the district court’s decision to the Sixth Circuit. On appeal, the United States argued only that the district court [erred](#) in dismissing its claim based in the CRA, dropping its claims based in HAVA and the NVRA (although still arguing in its briefs that enforcing the NVRA and HAVA is a proper purpose for demanding SVRL under the CRA).

Sixth Circuit Decision

On June 24, 2026, the Sixth Circuit [affirmed](#) the district court’s dismissal, holding that DOJ is not entitled to Michigan’s SVRL under the CRA. The majority of a Sixth Circuit panel agreed with Michigan’s interpretation of [52 U.S.C. § 20701](#) requiring the retention of “all records and papers which come into... possession” of election officers “relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.” The court found that, while the SVRL was a “record,” it was not a record that “come[s] into... possession” of state election officials. Since the Michigan officials internally generated the voter registration list, as [required by Michigan law](#), the court did not consider the list to

have “come into possession” of the Secretary of State, which the court reasoned implied it would have come from an outside source. As the court [explained](#)

A baker may purchase ingredients from a grocery store (flour, eggs, etc.) and then proceed to bake cakes. It would be rather strange to say that the baker has “come into” possession of the cakes after pulling them out of the oven. True, the baker did “come into” possession of the ingredients she used to make the cakes by acquiring those items from the grocery store. But the baker did not “come into” possession of the cakes—she created them.

Although the United States [argued](#) that the Michigan officials came into possession of qualifying records in order to create the SVRL, the court found that the government had not requested the records that were used to create the files, and further, that the list at issue was based on diverse sources, such as state health-department records that are not “requisite to voting” under § 20701.

The court found that the larger statutory context of the CRA confirmed its reading. It distinguished between records that state election officials “acquire, obtain, or receive” from potential voters and are explicitly identified by § 20701, such as voter applications, registrations, and payments for poll taxes, and records that the officials create themselves. The decision also [emphasized](#) that its reading was more harmonious with the NVRA and HAVA’s treatment of SVRL, since those statutes require state election officials “to alter the qualified voter file routinely,” while the CRA in 52 U.S.C. § 20702 proscribes “alter[ing]” records that election officers must preserve under § 20701.

In addition, the court—referring to the requirement in the CRA in 52 U.S.C. § 20703 that a demand for records “shall contain a statement of the basis and the purpose therefor”—[held](#) that none of DOJ’s demands for the SVRL from Michigan contained a “basis” and “purpose” as required.

The United States presented several arguments for construing the CRA to encompass SVRL, which the Sixth Circuit rejected in turn. For example, the government [argued](#) that federal courts, in the context of the NVRA, had [interpreted](#) the term “records” to include SVRL and, in the context of the Freedom of Information Act, had [construed](#) “records” to include those records that an agency creates or obtains. The panel majority reasoned that such decisions interpreting different statutory schemes are not instructive regarding meaning of “records” or “come into” possession within the CRA. The court similarly rejected a DOJ Office of Legal Counsel [opinion](#) issued shortly before oral argument that concluded that Title III of the CRA covers SVRL.

One of the Sixth Circuit panelists disagreed with the majority, arguing in a [dissent](#) that the federal government’s demand for Michigan’s SVRL met the requirements of both §§ 20701 and 20703, in part because the records came into the Secretary of State’s possession when her staff created them and provided them to her.

The federal government has since [appealed](#) for rehearing en banc before the full Sixth Circuit. Beyond Michigan, the federal government has appealed district court denials of demands for SVRL from [other states](#), which remain pending as of this writing. Meanwhile, the voter registration records at issue in *United States v. Benson* and similar cases are just one category of election records that the federal government is currently seeking from various states and localities. For more information on the Trump Administration’s actions to obtain election records, consult [Federal Investigations and Seizures of Voting Records](#).

Considerations for Congress

The Sixth Circuit’s majority opinion in *United States v. Benson* is based in statutory interpretation construing the provisions of Title III of the CRA. If Congress disagrees with court decisions interpreting the CRA, Congress can amend those provisions within the bounds of the U.S. Constitution as interpreted by the Supreme Court. For example, Congress could define “records and papers” in 52 U.S.C. § 20701 to

include, or exclude, SVRL. Congress could also clarify that if Title III of the CRA includes voter registration lists, the periodic updating of such lists does or does not qualify as “alter[ing]” such records in violation of 52 U.S.C. § 20703. Alternatively, Congress can decide not to act and defer these matters of interpretation to the courts.

Congress may also consider legislation addressing federal investigations involving election records and systems more broadly. While states have the primary role in administering elections, Congress may help facilitate or restrict federal investigations into election integrity in various ways, such as by encouraging or requiring greater information sharing between state, local, and federal officials. In light of evolving [challenges](#) in protecting election security, Congress may consider creating new requirements for securing and increasing federal oversight over election infrastructure. Congress may instead consider limiting the federal role in elections, such as by restricting the circumstances under which the executive branch can obtain and consolidate voter information. Congress may also provide additional [resources](#) and [guidance](#) to state and local election officials to ensure the integrity of elections systems.

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