

No. 25-1288

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In the  
Supreme Court of the United States

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WISCONSIN VOTER ALLIANCE, *et al.*,  
*Petitioners,*

v.

DON M. MILLIS, *et al.*,  
*Respondents.*

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

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**SUPPLEMENTAL BRIEF FOR THE  
PETITIONER UNDER RULE 15.8**

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Erick G. Kaardal  
*Counsel of Record*  
Elizabeth A. Nielsen  
MOHRMAN, KAARDAL  
& ERICKSON, P.A.  
150 South Fifth Street, Suite 3100  
Minneapolis, Minnesota 55402  
Tel: (612) 341-1074  
kaardal@mklaw.com  
nielsen@mklaw.com

*Counsel for Petitioners*

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Pursuant to Supreme Court Rule 15.8, Petitioners respectfully submit this Supplemental Brief to call the Court’s attention to two intervening decisions issued after the filing of the Petition: *Public Interest Legal Foundation, Inc. v. Wolfe*, No. 24-3258, 2026 WL 2425386 (7th Cir. Aug. 19, 2026), and *Public Interest Legal Foundation, Inc. v. Simon*, No. 25-1703, 2026 WL 2545322 (8th Cir. Aug. 28, 2026). Since this Court’s decision in *FDA v. Alliance for Hippocratic Medicine*, 602 U.S. 367 (2024), the circuits have used a wide latitude of undisciplined discretion to reject or uphold Article III organizational standing related to “core activities.” The *Hippocratic* framework acknowledged that when a defendant’s conduct directly affected and interfered with an organization’s core business activities the asserted allegations were sufficient for standing. Most recently, in *Pub. Interest Leg. Found., Inc. v. Wolfe*, No. 24-3258, 2026 WL 2425386, at \*3 (7th Cir. Aug. 19, 2026), the U.S. Court of Appeals for the Seventh Circuit, while dismissing a complaint for failure to state a claim, granted organizational standing for “a traditional pocketbook injury” under *Tyler v. Hennepin County*, 598 U.S. 631, 636 (2023).

Meanwhile, in *Pub. Int. Legal Found., Inc. v. Simon*, No. 25-1703, 2026 WL 2545322 (8th Cir. Aug. 28, 2026), the U.S. Court of Appeals for the Eighth Circuit rejected Article III organizational standing for asserted informational injury because allegations did not assert downstream consequences. The court concluded the alleged adverse effects did not meet the required nexus to interests Congress sought to protect under the National Voter Rights Act’s disclosure provision.

These recent cases reflect two extremes of Article III organizational standing after *Hippocratic*’s

framework that left courts with an inadequate standard other than an oblique reference to a required direct effect and interference with an organization's core business activities. The petition before this Court is *Wisconsin Voter Alliance v. Millis*, No. 25-1288. In this case, the Seventh Circuit rejected Article III organizational standing despite a state depriving guaranteed statutory procedural adjudication of HAVA complaints, as Congress mandated under HAVA as a remedy for private complainants, even though the filing of successful HAVA complaints was one of several core organizational activities. The petitioners showed the deprivation caused adverse consequences, including "downstream" consequences to the organization. With the contrasting applications of organizational standing standards in the circuits, the petition provides this Court with an opportunity to clarify *Hippocratic's* framework.

## ARGUMENT

1. In *Alliance for Hippocratic Medicine*, this Court opined that advocacy organizations whose core activities were not directly impaired by governmental agency regulatory decisions did not have Article III standing; thus, simply choosing to spend money opposing those decisions would not confer standing on those advocacy organizations. The *Hippocratic Medicine* decision sought to narrow this Court's holding in *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982). There, this Court determined that the organization, suing under the Fair Housing Act, had Article III standing because the defendant interfered with the organization's ability to provide counseling and referral services to low- and moderate-income home seekers draining the organization's resources,

constituting more than a simple setback to the organization’s “abstract social interests.”

2. The *Pub. Int. Legal Found., Inc. v. Simon*, No. 25-1703, 2026 WL 2545322 (8th Cir. Aug. 28, 2026), decision is part of a broader pattern of circuit decisions addressing PILF’s standing theories in similar National Voter Rights Act disclosure cases, though the circuits have not reached uniform results. Although the NVRA aims at increasing citizen participation in federal elections, the Act also provides for public inspection of “records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters” and contains a remedial provision with a right to sue. *See* 52 U.S.C. §§ 20501(b), 20507(i).

The *Simon* decision prohibits a purely informational injury—the inability to evaluate or scrutinize data or both— as a concrete injury in fact. An organization suing on its own behalf must demonstrate a concrete and demonstrable injury to its activities that drains its resources and is more than simply a setback to its abstract social interests. A plaintiff must also identify some downstream consequence from failing to receive the information; otherwise, the plaintiff is complaining about an abstract statutory violation lacking actual impact. But, downstream consequences are ambiguously and arbitrarily identified. Moreover, downstream consequences must reveal a nexus to the interest Congress sought to protect in the NVRA’s disclosure provision.

The Third Circuit in *Pub. Interest Leg. Found. v. Sec. Cmmw. of Pennsylvania*, 136 F.4th 456, 467 (3d Cir. 2025), *cert. denied sub nom. Pub. Interest Leg. Found. v. Schmidt*, 146 S. Ct. 1785 (2026), vacated and remanded with instructions to dismiss for lack of

Article III standing, holding that PILF's alleged downstream consequences — inability to study and analyze voter records, inability to publish educational materials, and expenditure of time and financial resources —lacked the required nexus to the interests Congress sought to protect in enacting the NVRA.

Likewise, the Sixth Circuit in *Pub. Interest Leg. Found. v. Benson*, 136 F.4th 613, 631 (6th Cir. 2025), *cert. denied*, 146 S. Ct. 1772 (2026), dismissed PILF's records-access claim for lack of Article III standing, finding that PILF's vague allegations of harm to its research, educational, and remedial activities failed to identify specific downstream consequences and lacked the nexus to the NVRA. The underlying complaint failed to identify, for example, specific projects, research papers, or educational outreach efforts that were directly impacted by the government's failure to produce relevant records. *Id.*, at 631.

By contrast, the Seventh Circuit in *Pub. Int. Legal Found., Inc. v. Wolfe*, No. 24-3258, 2026 WL 2425386 (7th Cir. Aug. 19, 2026) reached the opposite conclusion on standing. The court found that PILF had Article III standing based on a traditional pocketbook injury — specifically, a \$12,500 fee Wisconsin charged for a copy of the state's voter roll. The Seventh Circuit expressly distinguished, rather than joined, the Third and Sixth Circuit decisions, noting that the financial harm from the fee differentiated PILF's Wisconsin case from those in which other circuits had concluded that PILF lacked standing to sue for access to state voting records.

3. This case presents the ideal vehicle to resolve the mounting conflict among the circuits and provide the uniform standard for Article III organizational standing that lower courts are openly struggling to formulate. While *Simon* and *Wolfe*

involved third-party requests for public records disclosure under the National Voter Registration Act (NVRA), *Wisconsin Voter Alliance v. Millis* presents the direct and consequential question of an agency's total administrative refusal to adjudicate a formal statutory complaint.

Petitioners Ron Heuer, Kenneth Brown, and the Wisconsin Voter Alliance were not outside entities requesting public documents from afar; they were formal, sworn complainants participating in a congressionally mandated administrative adjudicative process under Section 402 of the Help America Vote Act (HAVA), 52 U.S.C. § 21112. For WVA, filing verified HAVA administrative complaints to identify statutory deficiencies, obtain administrative corrections, build records for legislative reform, and inform its members of the legal impacts on voting systems constitutes a core organizational activity. The Wisconsin Elections Commission's total refusal to adjudicate those complaints—relying on a self-declared "ethical recusal" to return them without consideration or dismissal—did not merely deny information, but systematically severed the statutory remedial process Congress explicitly commanded states to provide. Because this case involves the complete administrative nullification of a statutory dispute-resolution framework rather than an abstract informational request, granting certiorari in *WVA v. Millis* allows the Court to clarify the boundaries of *FDA v. Alliance for Hippocratic Medicine* cleanly: establishing whether an agency's refusal to perform a mandatory quasi-judicial function directly impairs an organization's core activities to create a concrete Article III injury.

4. The Eighth Circuit's *Simon* decision, and the doctrine it applies, highlights the urgent need to distinguish abstract informational requests from the direct deprivation of a statutory adjudication. In *Simon*, the Eighth Circuit confronted an out-of-state entity asserting a generalized, informational desire to inspect voter rolls under the NVRA—a statute from which Minnesota is explicitly exempt. Because the plaintiff in *Simon* claimed only that the denial impaired its ability to "evaluate and scrutinize" data without demonstrating concrete, downstream consequences within the statutory scheme, the court deemed the harm non-cognizable under *Hippocratic Medicine*.

By contrast, the Seventh Circuit decision in *Wisconsin Voter Alliance v. Millis* does not involve a request for public information, nor does it rely on an incidental fee like the financial injury that sustained jurisdiction in *Wolfe*. Instead, *Millis* involves formal, in-state statutory complainants who suffered the total deprivation of a mandated quasi-judicial process under Section 402 of the Help America Vote Act, 52 U.S.C. § 21112. Congress, pursuant to its Election Clause powers, expressly required states receiving federal funds to maintain administrative procedures ensuring a hearing on the record, a timely final determination, and appropriate remedies for aggrieved parties. When the Wisconsin Elections Commission created a permanent "non-decision loop" by returning those complaints unadjudicated under an "ethical recusal," it directly stripped Petitioners of a congressionally created legal remedy and locked the courthouse door to judicial review.

Lower courts are currently applying *Hippocratic Medicine* in an uneven, blunt manner—conflating distinct forms of organizational injury and

treating an agency's total refusal to execute a mandatory statutory proceeding as if it were a mere informational slight. This Court's intervention is essential to clarify that while a purely informational desire to inspect records may fall short of Article III, the concrete deprivation of a Congressionally-mandated state administrative, adjudicative remedy provided by a federal statute establishes a real and immediate injury in fact.

### CONCLUSION

The Court should grant the petition.

Respectfully submitted,

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Erick G. Kaardal  
*Counsel of Record*  
Elizabeth A. Nielsen  
Mohrman, Kaardal & Erickson, P.A.  
150 South Fifth Street, Suite 3100  
Minneapolis, Minnesota 55402  
(612) 341-1074  
kaardal@mklaw.com  
nielsen@mklaw.com

*Counsel for Petitioners*