

April 3, 2026

David J. Smith
Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Re: Response to Notice of Supplemental Authority
Disability Rights Florida v. Secretary, State of Florida
No. 23-13727

Dear Mr. Smith:

Under Federal Rule of Appellate Procedure 28(j), the GOP Intervenors respond to Plaintiffs' letter regarding the Eighth Circuit's decision in *Get Loud Arkansas v. Jester*, No. 24-2810 (8th Cir. Mar. 31, 2026). Plaintiffs cite the case as persuasive authority, but the opinion is anything but persuasive.

First, the *Get Loud* majority assumes much and reasons little, perhaps because it found arguments had been "forfeited." Op. 9. Judge Stras's dissent, however, persuasively explains why a wet-signature requirement complies with the materiality provision of the Civil Rights Act. Consider the meaning of "material." The majority opinion cites a single dictionary and never discusses statutory context. *Id.* at 8. Instead, it announces that information is immaterial unless state officials treat it as important in the registration process. *Id.* at 8-9. But Judge Stras considers text, context, caselaw, and other sources. *Id.* at 18-20 (Stras, J., dissenting). Though "material" can bear multiple meanings, he finds that the "statute as a whole" suggests materiality is "something closer to relevance." *Id.* at 18-19. The majority never answers that assessment.

Second, Plaintiffs argue that *Get Loud* supports their demand for "discovery" on materiality. Letter at 2. The *Get Loud* majority faulted the State Election Board for failing to produce "evidence" of how election officials used wet signatures. Op. 8-9. But whether materiality is a "factual question" depends on what the materiality standard is—a question only one of the opinions seriously considers. As Judge Stras explains, "materiality is about whether something *could* influence a decision, not whether it *does*." Op. 23 (Stras, J., dissenting). Courts don't need a developed record to ascertain the

logical connection between a wet-signature requirement and a voter's qualifications. Similar signature requirements have been used to give a form solemn weight and combat fraud for centuries. *Id.* at 21. So "the evidence" that the majority "wants is itself immaterial." *Id.* at 23.

Best regards,

A handwritten signature in blue ink, appearing to read "Gilbert Dickey". The signature is written in a cursive, slightly stylized font.

Gilbert Dickey
Counsel for GOP Appellees