

**United States District Court
District of Maryland
Northern Division**

PUBLIC INTEREST LEGAL FOUNDATION, INC.,

Plaintiff,

v.

LINDA H. LAMONE, et al.,

Defendants.

Case No. 1:19-cv-03564-DLB

DECLARATION OF LOGAN C. CHURCHWELL

I, Logan C. Churchwell, make the following declaration from personal knowledge pursuant to 28 U.S.C. § 1746:

1. I am a resident and registered voter in the State of Florida.
2. I am not a resident or a registered voter in the State of Maryland.
3. I am the Communications and Research Director for the Public Interest Legal Foundation (the “Foundation”), the plaintiff in the above-captioned action.
4. Attached as Exhibit A is a true and correct copy of the Application for Voter Registration Data submitted by the Foundation to the Maryland State Board of Elections.
5. Attached as Exhibit B is a true and correct copy of the email chain between me and Erin W. Dennis, a Campaign Accounts Support officer in the Candidacy and Campaign Finance Division of the Maryland State Board of Elections.
6. Attached as Exhibit C is a true and correct copy of the letter, dated November 21, 2019, that was sent by the Foundation to Linda H. Lamone, Maryland’s State Administrator for Elections, and others at the Maryland State Board of Elections, which notified Administrator

Lamone that the State Board's denial of the Foundation's request for the statewide voter roll violates the National Voter Registration Act of 1993 ("NVRA") (the "Notice Letter").

7. Attached as Exhibit D is a true and correct copy of the email through which I transmitted the Notice Letter to Administrator Lamone and others at the Maryland State Board of Elections.

8. Attached as Exhibit E are true and correct copies of electronic return receipts, showing deliver of the Notice Letter via the United States Postal Service to the mailing address for Administrator Lamone and Ms. Dennis.

9. On November 13, 2019, I submitted an Application for Voter Registration Data via email to the Maryland State Board of Elections (the "Application"). See Exhibit B at 2.

10. The Application requested a copy of the "Statewide" "Registered Voter List." Exhibit A at 1.

11. The Application requested that the list include "All Registered Voters of All Parties, including inactive voters." Exhibit A at 1.

12. I provided all information required for the Application, except I did not provide the information required by Section One because Section One states that the applicant "Must be a Registered Maryland Voter" and I am not a registered Maryland voter. Exhibit A at 1.

13. I submitted the Application via email to the contact persons listed at the bottom of page two of the Application—Erin W. Dennis and Soo Kang. Exhibit A at 2; Exhibit B at 2.

14. On November 13, 2019, Ms. Dennis responded via email, stating, in part, "I've reviewed your application and it is incomplete. You must complete section one even if you are purchasing this list on behalf of an organization." Exhibit B at 1-2.

15. On November 13, 2019, I responded to Ms. Dennis via email, stating

Thanks for the follow-up. Section One was left incomplete as I am not a Maryland resident/registered voter. These data are requested pursuant the National Voter Registration Act and the recent holding in *Judicial Watch, Inc. v. Lamone*, Civil Action No. ELH-17-2006, 2019 U.S. Dist. LEXIS 134151, *25-45 (D. Md. Aug. 8, 2019). I've provided my Florida residential address below for the sake of transparency.

Exhibit B at 1.

16. On November 15, 2019, Ms. Dennis responded via email, stating,

At this time we have to deny your request. The matter you are referencing is not yet final, including regarding any potential appeal, and we believe it was wrongly decided. Maryland law currently requires an applicant for voter registration data to be a Maryland registered voter.

Exhibit B at 1.

17. On November 21, 2019, I emailed the Notice Letter to Administrator Lamone and Ms. Dennis, and others at the Maryland State Board of Elections. Exhibit C; Exhibit D.

18. On November 21, 2019, the Foundation also sent the Notice Letter to Administrator Lamone and Ms. Dennis via Certified Mail provided by the U.S. Postal Service. Return receipts show that the Notice Letter was received on November 26, 2019. Exhibit E.

19. The Notice Letter notified Administrator Lamone that the “denial of our request for the statewide voter roll violates the NVRA and the *Lamone* ruling.” Exhibit C at 1.

20. The Notice Letter further explained,

A special primary election to fill the vacancy in Maryland's Seventh Congressional District is currently scheduled for February 4, 2020. Because the violations described herein occurred within 120 days of that federal election, a lawsuit may be filed against you if the violations are not corrected within 20 days of your receipt of this letter. 52 U.S.C. § 20510(b)(2).

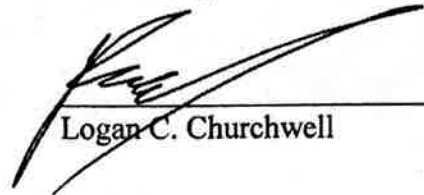
Exhibit C at 2.

21. The Foundation received no further correspondence from Administrator Lamone or any other person at the Maryland State Board of Elections.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Dated: December 16, 2019.

Respectfully submitted,



Logan C. Churchwell

EXHIBIT A

State of Maryland

Application for Voter Registration Data

1. Provide Applicant Information (Must be a Registered Maryland Voter)

Name: _____ Best Phone #: _____
 Residential Address: _____
 City: _____ State: MD Zip Code: _____ Registered in _____ (County/City)

2. Provide Organization Information (Required if you are buying data on behalf of an organization)

Name of Entity: Public Interest Legal Foundation Company Contact: Logan Churchwell
 Address: 32 E Washington St. #1675
 City: Indianapolis State: IN Zip Code: 46204 Best Phone #: 432-935-3840

3. Indicate Region of Data Needed (Check one)

Statewide (\$125) Single County or Baltimore City (\$75) - Specify: _____
 Single District (\$75) - Specify District Type: _____ District Number: _____

4. Indicate Type of List Needed (See next page for file details. Check all that apply)

Walking List (Not available Statewide.)
 Absentee Applicants List for a single election. Specify election: _____
 Early Voting List for a single election. Specify election: _____
 Registered Voter List

Voting History (up to 10 elections): Included in Voter List (If statewide, only 5 elections) As a separate file from Voter List

Specify Election Types: Gubernatorial Primary Gubernatorial General Presidential Primary Presidential General
 Specify Election Years: 2022 2018 2014 2010 2006 2002 2020 2016 2012 2008 2004

5. Limit the Type of Voters to Include on List (Check all that apply)

Only Active Voters Specific Registration Date Range _____
 OR Specific Party(ies) _____
 All Registered Voters of All Parties, including inactive voters

6. Choose Delivery Method (files are usually too large to send by email)

File Transfer (FTP) (no additional fee) Provide Email: LCHURCHWELL@PUBLICINTERESTLEGAL.ORG
 On CD (add \$3 fee) - Specify: Will Pick Up Mail to Applicant Mail to Organization Mail to Other (Specify):
 Address: _____
 City: _____ State: _____ Zip Code: _____

7. Read Statement and Sign Oath

Under penalty of perjury, I hereby declare, as required by Election Law Article, § 3-506, *Annotated Code of Maryland*, that **the list of registered voters for which I am applying is not intended to be used for commercial solicitation or for any other purpose not related to the electoral process.** I am aware that, if I use the list for commercial solicitation or for any other purpose not related to the electoral process, or make the list available to the public or third parties or publish or republish the list in a way that allows it to be used in that manner, I will be guilty, upon conviction of a misdemeanor and subject to punishment under Election Law Article, Title 16, *Annotated Code of Maryland*.

I, LOGAN CHURCHWELL/PILF (print or type name), have read and understand the above statement and agree to pay the balance due upon receipt of the voter registration list.

Logan Churchwell Applicant's Signature 11/13/19 Date

For Office Use Only: Filled By: _____	Date: _____
Applicant's Voter Reg Num: _____	Total Fee: _____
Total Deposit Received: _____	Date Remainder Paid: _____

State of Maryland
Application for Voter Registration Data

Qualifications: To apply for a voter registration list, the applicant must be a registered voter in Maryland and must sign a statement, under penalty of perjury, that the list is not intended to be used for purposes of commercial solicitation or any other purpose not related to the electoral process. (Election Law Article, §3-506, *Annotated Code of Maryland* and COMAR 33.03.02.03A and 33.03.02.04) The applicant's registration will be verified before processing of the request.

Application Deadline: Before any election, neither the State Administrator nor any election director may respond to an application for a voter registration list unless the application was filed on or before the registration deadline. Applications received after that date shall be returned. (COMAR 33.03.02.05B)

Delivery: Requests will be turned around within 10 working days from the time SBE receives the application. Output may be picked up from the State Board office, mailed to the applicant, or provided via FTP. To ensure delivery, provide contact information as indicated on the application.

Cost: Statewide Lists: \$125.00, County Lists: \$75.00 each, District Lists: \$75.00 each
Set-Up fee: \$3.00 (waived if delivered via FTP)

Payment: Payment-in-full must accompany this application. Payment can be in the form of credit card, certified check, personal or campaign check or money order. Make checks payable to: **Maryland State Board of Elections. All returned checks will be assessed a fee of \$30.00.**

File Format: All files except the Walking List are tab separated text files with no text-delimiter. This format is easily imported into Microsoft products; however, statewide data files are (and some district files may be) **too large to read in Excel or Access.**

Disclaimer: The Maryland State Board of Elections and local boards of elections do not guarantee that the data requested will be compatible with all software programs. The applicant will utilize his/her own software to import this data to his/her database. Technical support and special data formats are not provided.

File Details:

Walking List: the walking list is a PDF (uneditable) file generated by precinct and sorted by street address. Under each street address is listed all the voters who live in that address and their political party. It is designed for walking up and down the streets, with even addresses in the left column and odd on the right. **It is not available Statewide; however, the data is in the Registered Voter List.**

Absentee Applicants List: Text file containing a list of voters with absentee ballot requests for the given election. It includes voter id, name, residential address, mailing address, absentee ballot address, precinct, district information, state and county registration dates, party, absentee type, absentee request status, and county. Actual absentee VOTERS are on voter history lists.

Early Voting List: Text file listing voters who voted at an early voting location for a given election. It includes voter ID, name, early voting location, date of voting, party, residential address (in one column), mailing address (in one column), ballot style, precinct, and gender. This information is already on the voter history lists.

Registered Voters List: Text file containing a list of registered voters with name, party, gender, residential address, mailing address, status (active or inactive), state and county registration dates, split and precinct, congressional district, legislative district, councilmanic district, ward, municipal district, commissioner district and county.

Voting History Included in Registered Voter List: Text file identical to the registered voter list **EXCEPT:** some columns are in a different order, it does not have a column for county or commissioner district, and there is a column for each election selected. This list is easy to view when opened in a spreadsheet format, but it gives no data on voting method or date. **Statewide lists are limited to 5 elections.**

Voting History as Separate File from Registered Voter List: The Voting History file contains the following columns: Voter Id, Election Date, Election Description, Election Type, Party, Election Code, Voting Method, Date of Voting, Precinct, Early Voting Location, Jurisdiction Code, County Name. To match each record in this file to a registered voter, use the Voter ID column in the Registered Voter List. This file is for technically savvy individuals.

Contact Person: Erin Dennis 410-269-2867 or email: erin.dennis@maryland.gov
Soo Kang email: myoungsoo.kang@maryland.gov

EXHIBIT B

Re: Application for Voter Registration Data

Erin Dennis -SBE- <erin.dennis@maryland.gov>

Fri 11/15/2019 13:38

To: Logan Churchwell <lchurchwell@PublicInterestLegal.org>

Cc: Mary Wagner -SBE- <maryc.wagner@maryland.gov>; Myoungsoo Kang <myoungsoo.kang@maryland.gov>

Mr. Churchwell,

At this time we have to deny your request. The matter you are referencing is not yet final, including regarding any potential appeal, and we believe it was wrongly decided. Maryland law currently requires an applicant for voter registration data to be a Maryland registered voter.

Regards,

Erin W. Dennis

Maryland State Board of Elections

151 West Street, Suite 200

P.O. Box 6486

Annapolis, Maryland 21401

(P) 410.269.2840

(P) 800.222.8683

(F) 410.974.5415

Please note that my email address has changed. erin.dennis@maryland.gov

On Wed, Nov 13, 2019 at 4:29 PM Logan Churchwell <lchurchwell@publicinterestlegal.org> wrote:

Erin: Thanks for the follow-up. Section One was left incomplete as I am not a Maryland resident/registered voter. These data are requested pursuant the National Voter Registration Act and the recent holding in *Judicial Watch, Inc. v. Lamone*, Civil Action No. ELH-17-2006, 2019 U.S. Dist. LEXIS 134151, *25-45 (D. Md. Aug. 8, 2019). I've provided my Florida residential address below for the sake of transparency.

Logan Churchwell

Communication and Research Director

[REDACTED]

From: Erin Dennis -SBE- <erin.dennis@maryland.gov>

Sent: Wednesday, November 13, 2019 16:11

To: Logan Churchwell <lchurchwell@PublicInterestLegal.org>

Cc: myoungsoo.kang@maryland.gov <myoungsoo.kang@maryland.gov>

Subject: Re: Application for Voter Registration Data

Logan,

I've reviewed your application and it is incomplete. You must complete section one even if you

are purchasing this list on behalf of an organization.

Additionally, you are requesting more than 10 elections worth of voter history. More than 10 election histories will cost you another \$125.

Please let me know if you have any questions,

Best,

Erin W. Dennis

Maryland State Board of Elections

151 West Street, Suite 200

P.O. Box 6486

Annapolis, Maryland 21401

(P) 410.269.2840

(P) 800.222.8683

(F) 410.974.5415

Please note that my email address has changed. erin.dennis@maryland.gov

On Wed, Nov 13, 2019 at 2:02 PM Logan Churchwell <lchurchwell@publicinterestlegal.org> wrote:

Erin and Soo: Please review the attached application submitted from the Public Interest Legal Foundation. If possible, could we pay via credit card over the phone?

Logan Churchwell

Communications & Research Director

Public Interest Legal Foundation

lchurchwell@PublicInterestLegal.org

432-935-3840

EXHIBIT C

PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA CERTIFIED MAIL and EMAIL

November 21, 2019

Linda H. Lamone
Erin W. Dennis
Maryland State Board of Elections
151 West Street, Suite 200
P.O. Box 6486
Annapolis, Maryland 21401
Email: linda.lamone@maryland.gov; erin.dennis@maryland.gov;
cc: maryc.wagner@maryland.gov; myoungsoo.kang@maryland.gov

RE: Notice of Violation of National Voter Registration Act

Dear Ms. Lamone and Ms. Dennis:

On November 13, 2019, Logan Churchwell, on behalf of the Public Interest Legal Foundation, submitted a request for voter registration data—specifically, a copy of the statewide voter roll and several years of voting history. On November 15, 2019, our request was denied because Mr. Churchwell is not a Maryland registered voter.

The National Voter Registration Act (“NVRA”) requires election officials to “make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i).

As you are aware, the federal district court in Maryland recently ruled that Maryland’s statewide voter roll is a public record under the NVRA and that the NVRA supersedes and preempts Maryland’s registered-voter requirement. *Judicial Watch, Inc. v. Lamone*, Civil Action No. ELH-17-2006, 2019 U.S. Dist. LEXIS 134151, *25-45 (D. Md. Aug. 8, 2019). Maryland was ordered to provide the voter list to the requestor, an out-of-state organization. Your denial of our request for the statewide voter roll violates the NVRA and the *Lamone* ruling.

Your denial of our request for voting history also violates the NVRA. Voting (and failing to vote) plays an important role in the maintenance of the official list of eligible voters. Both the NVRA and Maryland law require election officials to remove someone from the voter roll if they have not responded to an address confirmation notice and not voted in two consecutive general elections. 52 U.S.C. § 20507(d)(1)(B)(i)-(ii); Md. Code, Elec. Law § 3-502(e). Thus, voting records are reviewed as part of the process for removing ineligible registrants from Maryland’s voter rolls. Such removals are plainly “conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters,” 52 U.S.C. § 20507(i), and therefore records of voting history are public records under the NVRA.

This letter serves to notify you that **your office is in violation of the National Voter Registration Act** for failure to permit inspection and duplication of public records as required by 52 U.S.C. § 20507(i). It is our hope that you will work quickly to provide for disclosure of the requested records.

A special primary election to fill the vacancy in Maryland's Seventh Congressional District is currently scheduled for February 4, 2020.¹ Because the violations described herein occurred within 120 days of that federal election, a lawsuit may be filed against you if the violations are not corrected within 20 days of your receipt of this letter. 52 U.S.C. § 20510(b)(2). For lawsuits initiated by a private party, an award of attorney's fees, expenses, and costs incurred are available under 52 U.S.C. § 20510(c).

Thank you for your attention to this matter.

Sincerely,

Noel H. Johnson
Litigation Counsel
Public Interest Legal Foundation
njohnson@publicinterestlegal.org

¹ <https://elections.maryland.gov/elections/2020/index.html>.

EXHIBIT D

Notice of Violation of National Voter Registration Act

Logan Churchwell

Thu 11/21/2019 14:00

To: linda.lamone@maryland.gov <linda.lamone@maryland.gov>; Erin Dennis -SBE- <erin.dennis@maryland.gov>; maryc.wagner@maryland.gov <maryc.wagner@maryland.gov>; myyoungsoo.kang@maryland.gov <myyoungsoo.kang@maryland.gov>

Bcc: Noel Johnson <njohnson@PublicInterestLegal.org>

📎 1 attachments (103 KB)

11.21.19 - Maryland - Notice of NVRA Violation.pdf;

All: a hard copy of this notice was sent via certified mail to your offices today.

Logan Churchwell

Communications & Research Director

Public Interest Legal Foundation

lchurchwell@PublicInterestLegal.org

432-935-3840

EXHIBIT E



December 2, 2019

Dear Noel Johnson:

The following is in response to your request for proof of delivery on your item with the tracking number: **7019 0700 0001 4245 0497**.

Item Details

Status: Delivered, PO Box
Status Date / Time: November 26, 2019, 10:57 am
Location: ANNAPOLIS, MD 21401
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

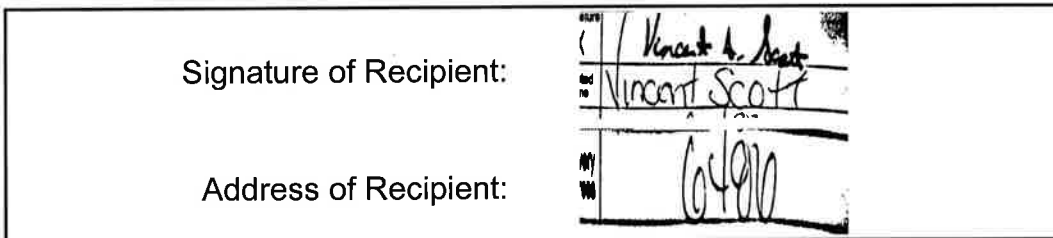
Shipment Details

Weight: 1.0oz

Destination Delivery Address

Street Address: PO BOX 6486
City, State ZIP Code: ANNAPOLIS, MD 21401-0486

Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004



December 2, 2019

Dear Noel Johnson:

The following is in response to your request for proof of delivery on your item with the tracking number:
7019 0700 0001 4245 0503.

Item Details

Status: Delivered, PO Box
Status Date / Time: November 26, 2019, 10:57 am
Location: ANNAPOLIS, MD 21401
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic

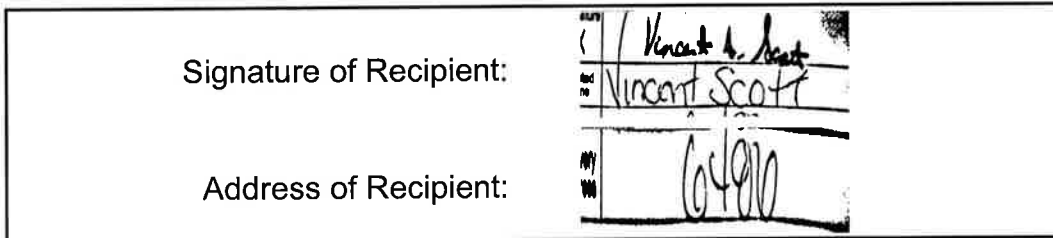
Shipment Details

Weight: 1.0oz

Destination Delivery Address

Street Address: PO BOX 6486
City, State ZIP Code: ANNAPOLIS, MD 21401-0486

Recipient Signature



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004