

PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA CERTIFIED MAIL and EMAIL

January 29, 2020

Matthew Dunlap
Secretary of State of Maine
148 State House Station
Augusta, Maine 04333-0148
Email: sos.office@maine.gov
cc: Kristen.Muszynski@maine.gov



RE: Notice of Violation of National Voter Registration Act

Dear Secretary Dunlap:

On October 29, 2019, we notified your office via email and USPS certified mail that you were 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), namely a copy of the Maine statewide voter registration list. Automated receipt of the email was received same-day, while USPS records show that the certified mail was received by you on November 4, 2019.

Notice of the violation was preceded by an October 17, 2019 request for a copy of Maine’s statewide voter registration list. Your office denied the request the same day it was made, explaining that “Maine law prohibits the disclosure of the voter registration list to your organization and for your purposes.” As we have explained, Maine law, to the extent it prohibits disclosure of the requested records, is superseded and preempted by the NVRA. *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1, 14-15 (2013); *see also Judicial Watch, Inc. v. Lamone*, 399 F. Supp. 3d 425, 442-445 (D. Md. 2019).

The October 29, 2019 notice triggered a statutory curative period of 90 days. 52 U.S.C. § 20510(b). As of this writing, that window of time is rapidly closing. Using the later of the two dates on which your office received the notice of violation—November 4, 2019—the deadline to cure the violation is Sunday, **February 2, 2020**. If your office continues to deny access to the requested records past that date, the Foundation will have no choice but to pursue legal remedies through litigation. 52 U.S.C. § 20510(b). We remind your office that an award of attorney’s fees, expenses, and costs incurred are available under 52 U.S.C. § 20510(c).

Please alert me at the earliest possible opportunity of your office’s intent to open access to the Maine statewide voter registration list.

Sincerely,

Noel H. Johnson
Litigation Counsel
Public Interest Legal Foundation
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cc: Aaron Frey
Maine Attorney General
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Augusta, ME 04333