

EXHIBIT A

PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA CERTIFIED MAIL AND EMAIL

October 16, 2019

Steve Sandvoss
Executive Director
Illinois State Board of Elections
2329 S. MacArthur Blvd.
Springfield, IL 62704
cc: MDietrich@elections.il.gov; ACalvin@elections.il.gov; webmaster@elections.il.gov

RE: Request for electronic copy of statewide voter registration list

Dear Director Sandvoss and whomever it may concern:

My organization—an Indiana-based, 501(c)(3) organization—would like to receive or purchase an electronic copy of the Illinois statewide voter registration list (the “registration list”). However, under Illinois law, only a “State or local political committee” may receive the registration list. 10 ILCS 5/1A-25(4). All other persons—including my organization—are limited to viewing the registration list, during normal business hours, on a computer screen at the Springfield office of the State Board of Elections. *Id.* However, we “may not print, duplicate, transmit, or alter the list.” *Id.*

I am writing pursuant to 52 U.S.C. § 205010(b) to notify you that Illinois’s disclosure and duplication limitations violate the text and intent of Section 8 of the National Voter Registration Act of 1993 (“NVRA”). These limitations also discriminate against non-political-committee persons and entities in violation of the equal protection clause of the fourteenth amendment and burden our ability to exercise our first amendment rights.¹

Congress enacted the NVRA, in part, “to protect the integrity of the electoral process” and “to ensure that accurate and current voter registration rolls are maintained.” To reach those goals, the NVRA requires each state 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

¹ See, e.g., *Donrey Media Grp. v. Ikeda*, 959 F. Supp. 1280, 1287 (D. Haw. 1996) (“The statute, as drafted, provides dangerous precedent by allowing the state government and local municipalities to control the type of access to voter registration records that will be permitted to the press while permitting record access to political parties and certain other organizations. This clearly is an intolerable infringement upon the public’s right to know and denies a means of public access to important information relative to the integrity and honesty of the elections process.”); *Libertarian Party of Ind. v. Marion Cty. Bd. of Voter Registration*, 778 F. Supp. 1458, 1465 (S.D. Ind. 1991) (“In light of the court’s ruling that IC 3-7-7-10, as applied by the Voter Registration Board to the plaintiffs in this case, violates the plaintiffs’ equal protection rights, the county Defendants are hereby ordered to provide copies of Registration Lists to the plaintiff New Alliance and Libertarian parties in the same forms and manners and on the same terms as such lists are distributed to major political parties[.]”).

eligible voters.” 52 U.S.C. § 20507(i)(1). This provisions “convey[s] Congress’s intention that the public should be monitoring the state of the voter rolls and the adequacy of election officials’ list maintenance programs.” *Bellitto v. Snipes*, No. 16-cv-61474, 2018 U.S. Dist. LEXIS 103617, at *12-13 (S.D. Fla. Mar. 30, 2018).

Federal law thus requires not only access to, but duplication of, official voter registration lists, so that the public can effectively monitor the actions of election officials. Illinois law violates the text and frustrates the intent of the NVRA.

Recently, the federal district court in Maryland struck down a Maryland law that limited access to the voter list to Maryland registered voters. *Judicial Watch, Inc. v. Lamone*, Civil Action No. ELH-17-2006, 2019 U.S. Dist. LEXIS 134151 (D. Md. Aug. 8, 2019). The court ruled that the voter registration list is a public record under the NVRA and that the NVRA supersedes and preempts Maryland’s registered-voter requirement. *Id.* at *25-45. Maryland was ordered to provide the voter list to the requestor, an out-of-state organization.

Like Maryland’s registered-voter requirement, Illinois’s disclosure and duplication limitations are superseded and preempted by the NVRA. We therefore request that your office allow us to receive or purchase Illinois’s statewide voter registration list.

As the State’s chief election official, you are responsible for ensuring that Illinois complies with the NVRA. A denial of our request would violate the NVRA. The NVRA authorizes private lawsuits to enforce its provisions. 52 U.S.C. § 20510(b)(2).

Should you need to contact us regarding this matter, please contact me at lchurchwell@publicinterestlegal.org.

Thank you for your service on this matter.

Sincerely,



Logan Churchwell
Communications & Research Director
Public Interest Legal Foundation
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