

EXHIBIT C

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