

PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA CERTIFIED MAIL and EMAIL

October 29, 2019

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 17, 2019, we requested the opportunity to inspect or receive a copy of the Maine statewide voter registration list pursuant to the records inspection rights of the National Voter Registration Act of 1993 (“NVRA”).

As explained in our letter, the 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). The requested registration list falls within the scope of this requirement and it is therefore a public record.

On October 17, 2019, your office denied our request, explaining, “Maine law prohibits the disclosure of the voter registration list to your organization and for your purposes.” As we explained in our October 17 letter, Maine law, to the extent it prohibits disclosure of the requested records, is superseded and preempted by the NVRA.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*, Civil Action No. ELH-17-2006, 2019 U.S. Dist. LEXIS 134151, *25-45 (D. Md. Aug. 8, 2019).

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. If not, according to federal law, a lawsuit under the NVRA may be filed within 90 days of your receipt of this notice. 52 U.S.C. § 20510(b). 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).

Sincerely,

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

cc: Aaron Frey
Maine Attorney General
6 State House Station
Augusta, ME 04333