

PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA EMAIL

December 20, 2017

ATTN: Clarkson F. Brown
Bexar County Assistant District Attorney-Civil Division
Paul Elizondo Tower
101 W. Nueva
San Antonio, TX 78205
Email: cbrown@bexar.org

RE: NVRA violation notice

Dear Mr. Brown:

We have received your letter dated December 14, 2017, denying inspection pursuant to the National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq.* and asserting that the office of the Bexar County Elections Administrator is not bound to the federal disclosure and inspection statutes—only the Texas Secretary of State.

This letter serves as statutory notice to Bexar County, required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of Section 8 52 U.S.C. § 20507(i) for failure to grant inspection of “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,” and/or reproduction of responsive records “at a reasonable cost.” 52 U.S.C. § 20507(i)(1).

The Bexar County Elections Administrator is hereby notified that it now faces federal litigation should they continue to deny access to requested records in their possession.

The federal court in the Western District of Texas has determined that county-level election officials in Texas must comply with the requirements of the NVRA. Notwithstanding the NVRA’s use of the term “State,” the court ruled that county election officials “ha[ve] certain obligations under the NVRA as the designated voter registrar and state official.” *Am. Civil Rights Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 793 (W.D. Tex. 2015). If a county election official “has failed to meet her obligations,” an aggrieved party “can bring a civil suit against her.” *Id.*

It is our hope that the County will work quickly to provide for inspection the all of the records previously requested. If not, according to federal law, a lawsuit under the NVRA may be filed within 90 days after the failure to permit inspection or failure to provide the documents. 52 U.S.C. § 20510(b). For any lawsuits initiated by a private party, an award of attorney’s fees, expenses, and costs incurred are available under U.S.C. § 20510(c).

Thank you for your time and attention to this matter. Please feel free to utilize the contact information below to arrange an inspection.

Sincerely,

A handwritten signature in black ink, appearing to read "Logan Churchwell". The signature is fluid and cursive, with a prominent initial "L" and "C".

Logan Churchwell
Communications & Research Director
Public Interest Legal Foundation
lchurchwell@publicinterestlegal.org

CC: Elections Division
The Hon. Rolando Pablos
Texas Secretary of State
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Austin, TX 78711-2060
Email: elections@sos.texas.gov