

PUBLIC INTEREST

— LEGAL FOUNDATION —

March 15, 2017

VIA EMAIL

John Brzozowski
Superintendent of Elections/Commissioner of Registration
Hudson County
257 Cornelison Avenue, 4th Floor
Jersey City, NJ 07302
Email: Supt.ofElections@hcnj.us

Dear Mr. Brzozowski:

I am writing on behalf of the Public Interest Legal Foundation to request inspection of records related to your office's voter list maintenance obligations under the National Voter Registration Act of 1993 (NVRA).

The Public Interest Legal Foundation is a nonpartisan, nonprofit, public-interest law firm that is interested in list maintenance procedures designed to protect the integrity of American elections.

The National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq.*, requires your office to make available for public inspection "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); *See also, Project Vote v. Long*, 682 F.3d 331, 334-335 (4th Cir. Va. 2012) (The NVRA requires local election officials to provide list maintenance records to the public).

Pursuant to Section 20507(i) of NVRA, we request that your office provide the opportunity to inspect the following data and documents:

1. Documents regarding all registrants who were identified as potentially not satisfying the citizenship requirements for registration from any information source, including information obtained from the New Jersey Motor Vehicle Commission or from the New Jersey Department of State since 2009. This request extends to all documents that provide the name of the registrant, the voting history of such registrant, the nature and content of any notice sent to the registrant, including the date of the notice, the response (if any) of the registrant, and actions taken regarding the registrant's registration (if any) and the date of the action. This request extends to electronic records capable of compilation.

2. All communications regarding your list maintenance activities relating to #1 above to the County Prosecutor(s), New Jersey Attorney General, New Jersey State Police, any other state law enforcement agencies, the United States Attorney's office, or the Federal Bureau of Investigation.
3. The total voting-age population in your jurisdiction as of the date of your response; and
4. The total number of voters registered in your jurisdiction as of the date of your response.

We will come to your office to inspect these records at a time agreeable to both of us. If you would like to produce them in paper or digital form, we can dispense with the need to visit your office.

This letter serves as the statutory notice to you, we are required to provide under 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of the NVRA, 52 U.S.C. § 20507. Thus, we would like to complete our inspection as soon as possible, and certainly before the statutory waiting period expires.

It is our hope that your office will work quickly towards full compliance with 52 U.S.C. § 20507. If not, according to the federal statute, a lawsuit under the NVRA may be filed after the receipt of this notice by a private party as the NVRA contains a private right of action to enforce the provisions of the statute. For any 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 time and attention to this matter. Please feel free to call to arrange a convenient time to discuss and arrange an inspection or data transfer by contacting me at the below email.

Sincerely,



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