



VIA EMAIL

October 11, 2022

ATTN: Elections and Voting
The Hon. Jena Griswold
Colorado Secretary of State
1700 Broadway, Suite 550
Denver, CO 80290
Email: elections@sos.state.co.us

RE: NVRA Request

Dear Secretary Griswold:

I am writing on behalf of the Public Interest Legal Foundation to request inspection (or production) of records related to voter list maintenance activities in light of recent disclosures regarding erroneous voter registration outreach mailings sent to 30,000 purported foreign nationals living in Colorado (hereinafter, the “Noncitizen Mailings”).¹

The Public Interest Legal Foundation is a nonpartisan, nonprofit, public-interest law firm that studies voter list maintenance activities throughout the Nation.

The National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20501 *et seq.*, requires each state and the District of Columbia 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)(1).

Pursuant to Section 20507(i) of NVRA, we request that your office reproduce or provide the opportunity to inspect the following records:

1. Records identifying the approximately 30,000 purported foreign nationals deemed “ineligible” to register to vote and mailed voter registration applications;
2. All email or other written communications concerning the Noncitizen Mailings between Secretary of State staff and any of the following persons or entities: ERIC staff (eric.org), Colorado county officials, the Center for Election Innovation and Research (electioninnovation.org), and David Becker (dbecker@electioninnovation.org) or other

¹ Colorado Public Radio; Colorado accidentally sent voter registration notices to 30,000 residents who are not citizens (October 7, 2022), <https://www.cpr.org/2022/10/07/colorado-voter-registration-notices-non-citizens/>

private email address(es);

3. For the time period 2018 to present: all records showing the number of Colorado residents initially categorized as “Eligible But Unregistered” (“EBU”) who were ultimately not sent EBU postcards because they were determined to not be United States citizens;
4. All records maintained in SCORE concerning any person among the aforementioned 30,000 who have applied for voter registration after receiving the EBU postcard. Records should show current registration status and indicate whether the applicant provided documentation proving his or her citizenship;
5. For the time period 2018 to present: all records showing the number of applicants for voter registration who were prevented from registering to vote because “Colorado’s online voter registration system” prevented their registration, as referenced in recent media reports²; and,
6. A copy of the EBU postcard mailed to the approximately 30,000 Colorado residents prior to the 2022 voter registration deadline.

As you are aware, the activities about which we seek information concern the 2022 General Election and this request is therefore very time sensitive. We therefore need a response by **Friday, October 21, 2022.**

Please provide any and all requested information electronically, where possible. Should further clarification be required, send email to lchurchwell@publicinterestlegal.org.

Thank you for your assistance in advance.

Sincerely,



Logan Churchwell
Research Director
Public Interest Legal Foundation

² Colorado Public Radio; Colorado accidentally sent voter registration notices to 30,000 residents who are not citizens (October 7, 2022), <https://www.cpr.org/2022/10/07/colorado-voter-registration-notice-non-citizens/> (“The state emphasizes that if anyone who isn’t a U.S. citizen tries to register to vote, Colorado’s online voter registration system will prevent their application from going through.”).