

STATE OF NEW HAMPSHIRE
HILLSBOROUGH COUNTY SUPERIOR COURT, SOUTHERN DIVISION
Docket No. 226-2017-cv-00340

BETTE R. LASKY
15 Masefield Rd., Nashua, NH 03062

and

NEAL KURK
RR 1, Weare, NH 03281

and

AMERICAN CIVIL LIBERTIES UNION OF NEW HAMPSHIRE FOUNDATION
18 Low Ave # 12, Concord, NH 03301

v.

THE STATE OF NEW HAMPSHIRE
By its Secretary of State
William Gardner
(In his official capacity only)
107 N Main St #112, State Office Building
Concord, NH 03301

**PETITIONERS' ASSENTED-TO MOTION TO LIFT STAY AND SCHEDULE PRELIMINARY
INJUNCTION HEARING**

Petitioners hereby file this assented-to motion to lift the stay of this case and schedule a hearing on Petitioners' request for a preliminary injunction given a recent development. In support, Petitioners state as follows:

1. The Electronic Privacy Information Center filed a complaint in the U.S. District Court for the District of Columbia seeking a Temporary Restraining Order ("TRO") in connection with the June 28, 2017 letter sent by Kris Kobach, the Vice Chair of the Presidential Advisory Commission on Election Integrity, requesting various voter information. *See Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity*, 1:17-cv-1320 (CKK) (D.D.C. filed July 3, 2017). As a result, on July 10,

2017, a representative of the Commission wrote to election officials in all 50 states—including Defendant Secretary of State—requesting that they not submit any data pursuant to this June 28, 2017 letter until the U.S. District Court for the District of Columbia rules on this TRO Motion. The email partially stated: "Until the Judge rules on the TRO, we request that you hold on submitting any data. We will follow up with you with further instructions once the Judge issues her ruling." As the Defendant Secretary of State agreed to comply with the Commission's request, the parties stayed this action on July 11, 2017.

2. On July 24, 2017, the D.C. District Court denied without prejudice the request for a TRO. As a result, on July 26, 2017, the Commission renewed its request for voter information. A copy of this renewed request, which was sent to all states, is attached as *Exhibit 1*.

3. As the Defendant Secretary of State intends to comply with this renewed request for voter information, Petitioners renew their request for a preliminary injunction. All parties agree that the stay should now be lifted and this Court should schedule a hearing on Petitioners' request for a preliminary injunction.

4. The parties are available for a hearing on the following dates: (i) Monday, August 7, and (ii) Tuesday, August 8 (Petitioners' counsel is not available for the remaining days of the week of August 7). Defendant agrees to serve his response to Petitioner's petition within 24 hours of any scheduled hearing. Petitioners agree to serve and file their reply, if necessary, within 72 hours after the scheduled hearing.

5. Petitioners also intend to promptly file an Amended Petition.

6. Accordingly, Petitioners renew their request for a preliminary injunction and request that the stay be lifted and seek a hearing on Petitioners' request for a preliminary injunction.

7. Defendant assents to the relief requested below.

WHEREFORE, Petitioners request that the stay be lifted and seek a hearing on Petitioners' request for a preliminary injunction on the proposed dates listed above, as well order the briefing schedule in this Motion.

Respectfully submitted,

Petitioners Bette R. Lasky, Neal Kurk, and the American Civil Liberties Union of New Hampshire Foundation,

By and through their attorneys in cooperation with the American Civil Liberties Union of New Hampshire Foundation,



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July 27, 2017

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion has been hand-delivered to the
New Hampshire Department of Justice on this date, July 27, 2017.

7.27.17
Date

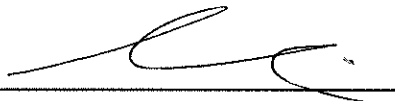

Gilles Bissonnette

Exhibit 1



Presidential Advisory Commission on Election Integrity

July 26, 2017

Office of the Secretary of State of New Hampshire
The Honorable William Gardner, Secretary of State
State House, Room 204
107 North Main Street
Concord, NH 03301

Dear Secretary Gardner,

In my capacity as Vice Chair of the Presidential Advisory Commission on Election Integrity, I wrote to you on June 28, 2017, to request publicly available voter registration records. On July 10, 2017, the Commission staff requested that you delay submitting any records until the U.S. District Court for the District of Columbia ruled on a motion from the Electronic Privacy Information Center that sought to prevent the Commission from receiving the records. On July 24, 2017, the court denied that motion. In light of that decision in the Commission's favor, I write to renew the June 28 request, as well as to answer questions some States raised about the request's scope and the Commission's intent regarding its use of the registration records. I appreciate the cooperation of chief election officials from more than 30 States who have already responded to the June 28 request and either agreed to provide these publicly available records, or are currently evaluating what specific records they may provide in accordance with their State laws.

Like you, I serve as the chief election official of my State. And like you, ensuring the privacy and security of any non-public voter information is a high priority. My June 28 letter only requested information that is already available to the public under the laws of your State, which is information that States regularly provide to political candidates, journalists, and other interested members of the public. As you know, federal law requires the States to maintain certain voter registration information and make it available to the public pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). The Commission recognizes that State laws differ regarding what specific voter registration information is publicly available.

I want to assure you that the Commission will not publicly release any personally identifiable information regarding any individual voter or any group of voters from the voter registration records you submit. Individuals' voter registration records will be kept confidential and secure

throughout the duration of the Commission's existence. Once the Commission's analysis is complete, the Commission will dispose of the data as permitted by federal law. The only information that will be made public are statistical conclusions drawn from the data, other general observations that may be drawn from the data, and any correspondence that you may send to the Commission in response to the narrative questions enumerated in the June 28 letter. Let me be clear, the Commission will not release any personally identifiable information from voter registration records to the public.

In addition, to address issues raised in recent litigation regarding the data transfer portal, the Commission is offering a new tool for you to transmit data directly to the White House computer system. To securely submit your State's data, please have a member of your staff contact Ron Williams on the Commission's staff at ElectionIntegrityStaff@ovp.eop.gov and provide his or her contact information. Commission staff will then reach out to your point of contact to provide detailed instructions for submitting the data securely.

The Commission will approach all of its work without preconceived conclusions or prejudgments. The Members of this bipartisan Commission are interested in gathering facts and going where those facts lead. We take seriously the Commission's mission pursuant to Executive Order 13799 to identify those laws, rules, policies, activities, strategies, and practices that either enhance or undermine the integrity of elections processes. I look forward to working with you in the months ahead to advance those objectives.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Kobach". The signature is written in a cursive, slightly slanted style.

Kris W. Kobach
Vice Chair
Presidential Advisory Commission on Election Integrity