

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 STAY THE PRELIMINARY INJUNCTION
HEARING**

Petitioners hereby file this assented-to motion to stay today's 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).

2. Yesterday, 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 states: "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." This email is attached as *Exhibit A*.

3. As the Defendant Secretary of State has agreed to comply with the Commission's request to hold on submitting any data until receiving further notice from the Commission, the parties agree that immediate resolution of the Petitioners' request for a preliminary injunction is, at this juncture, no longer necessary. If and when the U.S. District Court for the District of Columbia rules on the TRO and/or Defendant plans on submitting any data with notice to Petitioners, one or more of the parties will inform the Court whether immediate judicial intervention is requested. If the Commission renews its request or Defendant plans on submitting any data, notice will be provided to Petitioners with 72 hours of any proposed submission and, if necessary, Petitioners will make a formal filing renewing their request for a preliminary injunction hearing.

4. Accordingly, Petitioners request a stay of today's hearing on Petitioners' request for a preliminary injunction and a stay of any filing deadlines in this matter unless and until the request for a preliminary injunction is renewed

5. Defendant assents to the relief requested.

WHEREFORE, Petitioners seek to stay today's hearing on Petitioners' request for a preliminary injunction and to stay any filing deadlines in this matter unless and until the request for a preliminary injunction is renewed.

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 11, 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 11, 2017.

7.11.17

Date



Gilles Bissonnette

Exhibit A

From: FN-OVP-Election Integrity Staff

Sent: Monday, July 10, 2017 9:40 AM

Subject: Request to Hold on Submitting Any Data Until Judge Rules on TRO

Dear Election Official,

As you may know, the Electronic Privacy Information Center filed a complaint seeking a Temporary Restraining Order ("TRO") in connection with the June 28, 2017 letter sent by Vice Chair Kris Kobach requesting publicly-available voter data. See *Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity* filed in the U.S. District Court for the District of Columbia. 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.

Andrew Kossack

Designated Federal Officer

Presidential Advisory Commission on Election Integrity

ElectionIntegrityStaff@ovp.eop.gov