

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

<p>PUBLIC INTEREST LEGAL FOUNDATION, INC.,</p> <p style="text-align: right;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p>JENA GRISWOLD, in her official capacity as Secretary of State for the State of Colorado,</p> <p style="text-align: right;"><i>Defendant.</i></p>	<p>Civil Case No. 1:21-cv-03384- PAB-MEH</p>
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PLAINTIFF’S SECOND NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiff Public Interest Legal Foundation (“Foundation”) hereby notifies the Court of legal authority relevant to this matter. *Public Interest Legal Foundation v. Dahlstrom*, No. 1:22-cv-00001 (D. Ak., entered May 17, 2023) (attached as Exhibit A).

Dahlstrom involved a request to the State of Alaska to inspect the same voter list maintenance records at issue in this action. On May 17, 2023, the United States District Court for the District of Alaska denied the defendant’s motion to dismiss. The court explained,

[T]he Court finds that the NVRA’s disclosure provision does not categorically exclude the ERIC data from public disclosure. The Foundation has plausibly alleged in its complaint that the ERIC data falls within the reach of the disclosure provision because the review of the ERIC data is an “activity” or “program” that the State has “implement[ed]” to determine the continued eligibility of registered voters for the purpose “of ensuring the accuracy and currency of official lists of eligible voters.

Exhibit A at 20.

With respect to the impact of other laws, “the Court will allow the parties to proceed with discovery, subject to any appropriate redactions, and present any further issues to the Court with a more developed record.” Exhibit A at 23.

The court further explained that “[t]he Foundation has made a plausible claim that State law may be preempted the NVRA,” but the issue requires a more developed record and additional briefing. *See* Exhibit A at 23-24.

Date: May 24, 2023.

Respectfully submitted,

/s/ Noel H. Johnson

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* *Motion for admission pro hac vice granted*

*Attorneys for Plaintiff Public Interest Legal
Foundation*

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2023, I electronically filed the foregoing using the Court's ECF system, which will serve notice on all parties.

/s/ Noel H. Johnson

Noel H. Johnson
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