



February 6, 2024

BY CM/ECF

Hon. Britt C. Grant
Hon. Nancy G. Abudu
Hon. Frank M. Hull
Elbert Parr Tuttle Court of Appeals Building
56 Forsyth Street, N.W.
Atlanta, GA 30303

Re: *Greater Birmingham Ministries v. Secretary of State for the State of Alabama*, No. 22-13708

Letter Notice of Supplemental Authority Pursuant to Fed. R. App. P. 28(j) and Eleventh Circuit I.O.P.—6

Dear Judges Grant, Abudu, and Hull:

Plaintiff-Appellee Greater Birmingham Ministries (“GBM”) respectfully files this letter to notify the Court of a relevant supplemental authority.

In *Pub. Int. Legal Found., Inc. v. Bellows*, No. 23-1361, 2024 WL 396134 (1st Cir. Feb. 2, 2024), the First Circuit recently held that (1) the Public Disclosure Provision of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20507(i)(1), applies to the disclosure of Maine’s voter file and (2) Maine’s restrictions on the use and publication of the voter file are preempted by the NVRA. *Bellows* accords with the Fourth Circuit’s holdings on the Public Disclosure Provision, as well as unanimous district court precedent on these issues. *Bellows*’ reasoning is relevant here for several reasons.

First, *Bellows* supports GBM’s argument that the Provision covers data reflecting Alabama’s denial of voter-registration applications and removal from the voter rolls related to persons with disqualifying felony convictions, GBM Br. at 20-21, and rejects the Secretary’s contention that the Provision’s use of the words “any program or activity” excludes all voter-registration denials and removals for any reason other than change of address or death, Secretary’s Br. at 36. *See Bellows*, 2024 WL 396134, at *5. The First Circuit also rejects the Secretary’s reliance on FEC guidance from the 1990s. *See* GBM Br. at 28.

Second, Bellows contradicts the Secretary’s argument that the Provision does not cover individual voter records. *See* Secretary’s Br. at 47-49. *Bellows* held that Maine’s “Voter File ‘concern[s] the implementation of Maine’s voter list registration and maintenance activities” and that the NVRA requires public disclosure of individual voter records. *Bellows*, 2024 WL 396134, at *6, 11-12.

Third, Bellows invalidated Maine laws that restricted the use and publication of its voter file, holding that state laws that hinder the NVRA’s purpose of “ensur[ing] that accurate and current voter registration rolls are maintained” are preempted. *Id.* at *11 (citations omitted). *Bellows* therefore confirms that policies that frustrate meaningful public disclosure, such as the Secretary’s in-person inspection policy and exorbitant fees for records, are invalid. *See, e.g.*, GBM Br. at 36-37, 43-44.

Respectfully submitted,

/s/ Danielle M. Lang

Danielle M. Lang
Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005

cc: Defendant-Appellant’s Counsel (by CM/ECF)
Intervenor’s Counsel (by CM/ECF)