



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

STEVE MARSHALL
ATTORNEY GENERAL

501 WASHINGTON AVENUE
MONTGOMERY, AL 36130
(334) 242-7300
WWW.AGO.ALABAMA.GOV

February 9, 2024

Mr. David J. Smith, Clerk of Court
U.S. Court of Appeals for the 11th Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Re: *Greater Birmingham Ministries v. Secretary of State, et. al.*, No. 22-13708

Dear Mr. Smith:

Greater Birmingham Ministries (“GBM”) submitted *Public Interest Legal Foundation, Inc. v. Bellows*, No. 23-1361, 2024 WL 396134 (1st Cir. Feb. 2, 2024), as supplemental authority. Doc. 59. The Secretary notes, however, that *Bellows* does not address whether 52 U.S.C. § 20507(i) requires electronic disclosure, and if the Secretary is correct on that point, the case is over.

What *Bellows* says about preemption is unhelpful. As to the Secretary’s one-cent-per-name fee for electronic disclosure, *Bellows* does not purport to establish that the NVRA can preempt non-conflicting State laws—e.g., the fee for a method of disclosure that is not required by the NVRA. *Bellows* also does not cure GBM’s lack of standing to challenge the Secretary’s public-inspection policy or GBM’s failure to provide statutory notice of a challenge to that policy under the NVRA. Doc. 23-1 at 43 n.7.

“Judicial minimalism” counsels against “decid[ing] . . . more than what is necessary to resolve” this appeal. *Harbourside Place, LLC v. Town of Jupiter*, 958 F.3d 1308, 1322 (11th Cir. 2020). Nonetheless, the Secretary recognizes that *Bellows* generally supports GBM’s arguments as to the scope of the records available under § 20507(i). But *Bellows*, like *Project Vote/Voting for America v. Long*, 682 F.3d 331 (4th Cir. 2012), “slic[es]” words from a nuanced phrase, “mount[s] [them] on definitional slide[s],” *Wachovia Bank, N.A. v. United States*, 455 F.3d 1261, 1267 (11th Cir. 2006), and add[s] up their broadest-possible definitions to expand the meaning of § 20507(i). See, e.g., *Bellows*, 2024 WL 396134, at *6. If this Court has

occasion to reach this issue, it should follow its own rules of statutory interpretation, where “context is king.” *Wachovia*, 455 F.3d at 1267. As the Secretary has argued, context demonstrates that § 20507(i)’s scope is more limited than GBM argues it is. Doc. 23-1 at 54-67; Doc. 34 at 26-32.

Respectfully submitted,

s/ Edmund G. LaCour Jr.
Edmund G. LaCour Jr.
Solicitor General

State of Alabama
Office of the Attorney General
501 Washington Avenue
Montgomery, AL 36130-0152
Tel: (334) 242-7300
Fax: (334) 353-8400
Edmund.LaCour@AlabamaAG.gov

Counsel for the Secretary of State

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/s/ Edmund G. LaCour Jr. _____

Edmund G. LaCour Jr.

Counsel for the Secretary of State

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CERTIFICATE OF INTERESTED PERSONS

In accordance with 11th Cir. R. 26.1-1(a)(3) and 26.1-2(b), undersigned counsel certifies that the persons and entities listed in the Certificate of Interested Persons and Corporate Disclosure Statement contained in the Secretary of State's Reply Brief are all persons or entities known to undersigned counsel to have an interest in the outcome of this appeal.

/s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

Counsel for the Secretary of State

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed on February 9, 2024, using the CM/ECF Document Filing System, which will send notification of such filing to all noticed parties.

/s/ Edmund G. LaCour Jr.

Edmund G. LaCour Jr.

Solicitor General

State of Alabama

Office of the Attorney General

501 Washington Avenue

Montgomery, AL 36130-0152

Tel: (334) 242-7300

Fax: (334) 353-8400

Edmund.LaCour@AlabamaAG.gov

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