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[DKT 31, 23 & 24]

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF HAWAII**

**PUBLIC INTEREST LEGAL  
FOUNDATION, INC.**

*Plaintiff,*

v.

**SCOTT T. NAGO**, in his official  
capacity as the Chief Election Officer for  
the State of Hawaii

*Defendant.*

CIVIL NO. CV-23-00389 LEK-WRP

PLAINTIFF'S SECOND  
SUPPLEMENTAL  
AUTHORITIES PURSUANT TO  
LR7.6

**PLAINTIFF’S SECOND SUPPLEMENTAL AUTHORITIES PURSUANT TO LR7.6**

Public Interest Legal Foundation supplements its authorities pursuant to LR7.6 in Response to Defendant’s Motion to Dismiss Plaintiff’s First Amended Complaint (ECF 42), Defendant’s Reply in Support of its Motion to Dismiss Plaintiff’s First Amended Complaint (ECF 44) and Defendant’s Memorandum In Opposition To Plaintiff’s Motion For Discovery Under Federal Rule Of Civil Procedure 56(D) [ECF No. 40] Filed By Scott T. Nago. (Attachments: # (1) Certificate of Compliance with Word Limitations, # (2) Certificate of Service)(ECF 45). On March 29, 2024, the United States District Court of New Mexico issued its opinion in *Voter Reference Foundation, LLC. V Torrez*, No. CIV 22-0222 JB/KK., 2024 U.S. Dist. LEXIS (D.N.M. March 29, 2024), a true and correct copy is attached as exhibit A.

*Torrez* involved a request under the National Voter Registration Act (“NVRA”) 52 U.S.C. § 20507 (i)(1), to the New Mexico Secretary of State for SERVIS data, including, “Current voter registration data, including voter history, for all active, inactive, suspended, and cancelled status voters (including any registration status other than active).” Exhibit A at 38.

The Court held that the requested records are within the NVRA’s scope:

[T]he Court, concurring with all other federal courts that have considered this

issue, concludes that a current list of a State’s registered voters – the core voter roll – is a “record [] concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1).

Exhibit A at 298.

The Court also held that the NVRA preempts New Mexico’s Data Sharing Ban and Use Restrictions because they pose obstacles to the NVRA’s objectives.

With respect to the Data Sharing Ban and Use Restrictions the Court explained:

“The Court agrees with this analysis and concludes that the Data Sharing Ban and Use Restrictions presents a conflict with the right conferred by the Public Inspection Provision, because it severely burdens the circulation of voter data among the public. The Data Sharing Ban largely deprives individuals and entities of the ability to engage with disclosed records in such a way that facilitates identification of voter registration-related irregularities and thereby severely limits the extent to which the Public Inspection Provision can contribute meaningfully to furthering the NVRA’s objectives.”

*Id.* at 309.

DATED: April 3, 2024.

/s/ Joseph M. Nixon  
JOSEPH M. NIXON

Attorney for Plaintiff

**CETTIFICATE OF SERVICE**

I hereby certify that on April 3, 2024, I electronically filed the foregoing using the Court's ECF system, which will serve notice on all parties.

/s/ Joseph M. Nixon

Joseph M. Nixon

Counsel for Plaintiff

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