

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

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UNITED TO PROTECT DEMOCRACY et al.)	
)	
Plaintiffs,)	
v.)	Civil No. 17-02016 (RC)
)	
PRESIDENTIAL ADVISORY COMMISSION)	
ON ELECTION INTEGRITY et al.)	
)	
)	
Defendants.)	
_____)	

MOTION FOR LEAVE TO FILE A DECLARATION

Plaintiffs, United to Protect Democracy and the Protect Democracy Project, Inc., respectfully move for leave to file the Declaration of Amber McReynolds (the “Declaration”), attached hereto as Exhibit A, pursuant to Local Rule 65.1(c). Ms. McReynolds is the Director of Elections for the Denver Elections Division of the Office of the Clerk & Recorder for the City and County of Denver, Colorado. Plaintiffs initially referenced the impact on voters in Colorado of the Presidential Advisory Commission on Election Integrity’s (“Commission”) efforts to collect voter data in their Complaint, Compl. ¶ 39, and Motion for Preliminary Injunction, Pls. Mot. at 10-11, and they quoted directly from a newspaper op-ed written by Ms. McReynolds in their motion. *Id.* Plaintiffs have since received the attached Declaration, which restates the principal claims of the previously cited op-ed directly for the Court and swears to the included information. Plaintiffs respectfully seek leave to file the proposed Declaration because it provides important context on the ground-level impact of the Commission’s actions, bears substantially on arguments in Defendants’ opposition, and seeks to ensure that the Court has the benefit of receiving the information in an evidentiary form clearly susceptible to judicial notice.

Plaintiffs' mission is to prevent the erosion of longstanding democratic norms and institutions and to protect our democracy from descending into a more authoritarian form of government. Compl. ¶ 5. They achieve this mission by engaging in advocacy and public education about government action. As described in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction, the Commission's failure to comply with the provisions of the Paperwork Reduction Act ("PRA") threatens irreparable harm to Plaintiffs' ability to carry out that mission because the Commission has withheld information that it is statutorily mandated to provide and that Plaintiffs would use to educate and advise election officials and citizens across the country regarding the Commission's collection of information. *See* Pls. Mot. at 34-35. In support of that contention, Plaintiffs have argued that the Commission's efforts to collect voter data have already had, and will continue to have, concrete negative effects on democratic participation. Nevertheless, Defendants insist that Plaintiffs suffer no irreparable harm. Defs. Opp. at 31-32.

The proposed Declaration reinforces Plaintiffs' argument by providing, in sworn evidentiary form, information illustrating the direct linkage between the Commission's data collection and democratic participation. The consequences are real: a significant number of voters are foregoing their right to vote, and if the Commission may continue with its collection and use of that data during the pendency of this case, Americans may continue to abandon the voter rolls. In this respect, the Declaration supports the need for immediate injunctive relief by demonstrating the urgency of Plaintiffs having access to the information the PRA entitles them to in the course of their public education and advocacy related to the Commission's data collection. Plaintiffs respectfully seek leave to file the Declaration to provide this crucial context about the effects of the Commission's activities.

Plaintiffs respectfully submit that Defendants will suffer minimal or no prejudice by the filing of this Declaration because the information contained therein is materially the same as the information used in Plaintiffs' Complaint, Compl. ¶ 39, and Motion for Preliminary Injunction, Pls. Mot. at 10-11; it is simply provided in a different form, *i.e.*, a sworn firsthand account. Plaintiffs believe this additional information will assist this Court in its assessment of the issues raised in this matter.

Pursuant to Local Rule 7(m), Plaintiffs have conferred with the Defendants, and they take no position on Plaintiffs' motion beyond reserving the right to seek leave to file a brief response if warranted.

For the foregoing reasons, Plaintiffs respectfully request leave to file the Declaration.

Respectfully submitted,

Date: November 20, 2017

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CERTIFICATE OF SERVICE

I hereby certify that, on this 20th day November, 2017, a true and correct copy of the foregoing Motion for Leave to File a Declaration and accompanying declaration, exhibits, and proposed order have been served via ECF/CM on the following parties:

Presidential Advisory Commission on Election Integrity
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