

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

ARTHENIA JOYNER, <i>et al.</i> ,	)	
	)	
	)	
Plaintiff,	)	
v.	)	Civil Action No. 17-22568 (MGK)
	)	
	)	
PRESIDENTIAL ADVISORY	)	
COMMISSION ON ELECTORAL	)	
INTEGRITY, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**NOTICE OF RELATED MOTIONS  
FOR TEMPORARY RESTRAINING ORDER**

Undersigned counsel is in receipt of plaintiffs’ motion for a temporary restraining order, which was sent to counsel by email at 5:42 am on July 13, 2017.

The motion alleges that: (1) the Presidential Advisory Commission on Electoral Integrity (the “Commission”) is not complying with the procedural requirements of the Federal Advisory Committee Act (“FACA”), Mot. TRO ¶¶ 19-24, 26, ECF No. 6; (2) Defendants have failed to make available for public inspection an E-Government Act Privacy Impact Assessment for voter data collection, *id.* ¶ 25; (3) Defendants exceeded the authority of the Executive Order by creating the Commission, and in doing so, violated the separation of powers and Article II, *id.* ¶¶ 29-35; and (4) the Commission violated the Paperwork Reduction Act (“PRA”), *id.* ¶¶ 36-39. Plaintiffs request a TRO restraining Defendants from (a) collecting voter data . . . in furtherance of creating a national, centralized voter database, and (b) conducting any business until fully complying with FACA and the PRA.

Defendants respectfully direct this Court's attention to three related motions for a temporary restraining order that are currently being addressed by Judge Kollar-Kotelly of the United States District Court for the District of Columbia. In *Electronic Privacy Information Center* ("EPIC") v. *Presidential Advisory Commission on Election Integrity* ("PACEI"), No. 17-1320 (CKK) (D.D.C.), plaintiff argues that the Commission has not complied with the E-Government Act, and seeks to enjoin federal defendants from collecting voter information. There has already been extensive briefing in this case, and a hearing. The federal defendants have represented that they have requested that the states not submit any data until the court issues a ruling on the pending motion for a temporary restraining order, and that the information that has already been collected will be purged. See Third Declaration of Kris W. Kobach, *EPIC v. PACEI*, ECF No. 24-1 [attached hereto as Ex. A]; Order (July 11, 2017), *EPIC v. PACEI*, ECF No. 31 [attached hereto as Ex. B]. EPIC will file an amended motion by Thursday, July 13, 2017, at 4pm, to which defendants will respond by Monday, July 17, 2017 at noon, and to which plaintiff will reply by 4pm that same date. Order, ECF No. 31. Accordingly, because no voter information will be collected at least until the court in Washington, D.C. rules on the pending TRO motion, there is no exigency to this claim

Two other motions are also challenging the Commission's alleged noncompliance with FACA's procedural requirements. See *American Civil Liberties Union v. Trump*, No. 17-cv-1351 (CKK) (D.D.C.)<sup>1</sup>; *Lawyers' Committee for Civil Rights Under Law v. PACEI*, No. 17-cv-1354 (CKK) (D.D.C.). Here, plaintiffs seek to require the Commission to produce documents and to enjoin it from meeting on July 19 unless it

---

<sup>1</sup> The ACLU of Southern Florida is also a plaintiff to this case.

complies with FACA's open meeting requirements. Judge Kollar-Kotelly, who is presiding over both cases, has set a coordinated briefing schedule: defendants' brief is due at 5pm today, Thursday, July 13, 2017, and plaintiffs' replies are due at 5pm tomorrow, Friday, July 14. *See* Minute Order *ACLU* (July 11) [attached hereto as Ex. C]; Minute Order *Lawyers* (July 11) [attached hereto as Ex. D]. The parties expect a ruling sometime early next week, prior to the scheduled July 19 meeting of the Commission. Defendants will file their consolidated brief in these cases on this docket later today.

Accordingly, there is no immediate need for relief here, and this court should respectfully await the forthcoming decision from Judge Kollar-Kotelly and provide the federal defendants with an opportunity to fully respond to the Complaint and Motion for a Temporary Restraining Order.

Dated: July 13, 2017

Respectfully submitted,

CHAD A. READLER  
Acting Assistant Attorney General

BENJAMIN G. GREENBERG  
Acting United States Attorney

ELIZABETH J. SHAPIRO  
Deputy Director, Civil Division

*s/ Joseph E. Borson*  
JOSEPH E. BORSON  
Virginia Bar No. 85519  
United States Department of Justice  
Civil Division, Federal Programs Branch  
P.O. Box 883  
Washington, D.C. 20044  
Tel: (202) 514-1944 / Fax: (202) 616-8460  
E-mail: [Joseph.Borson@usdoj.gov](mailto:Joseph.Borson@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2017, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which shall send notice to all counsel of record.

/s/ Joseph E. Borson  
Joseph E. Borson