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**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

BERT MARLEY, an individual; and)
IDAHO STATE DEMOCRATIC PARTY,)
a political party,)

Plaintiffs,)

vs.)

LAWRENCE DENNEY in his official)
capacity as Secretary of State)

Defendant,)

CV01-17-12594

Case No. _____

**COMPLAINT FOR EMERGENCY
TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION AND/OR A WRIT OF
PROHIBITION**

Plaintiffs, BERT MARLEY ("Mr. Marley") as an individual, and the IDAHO STATE
DEMOCRATIC PARTY ("IDP") (collectively referred to as "Plaintiffs") on its own behalf as on

behalf of its members by and through their attorneys of record, hereby complains and alleges as follows:

I. PARTIES

1. Plaintiff Mr. Marley is a registered qualified elector in the State of Idaho, pursuant to Idaho Code § 34-402. Mr. Marley is one of hundreds of thousands of Idahoans whose personal information is being sought by the Presidential Advisory Commission on Election Integrity (the "Commission").

2. Plaintiff IDP is a political party recognized by Idaho law I.C. § 34-501. The IDP is the Idaho organization of the national Democratic Party and is the duly authorized statewide organization representing Democratic candidates and voters throughout the State of Idaho. Thousands of Idahoans are registered Democrats, and many other Idahoans support Democratic nominees. The IDP engages in vitally important and lawfully protected activities, including supporting the Democratic Party candidates in national, state, and local elections, protecting the legal rights of voters, registering Idaho voters from all political parties, and ensuring that all voters have a meaningful ability to participate in our nation's democratic process. The IDP also works to protect the rights of all voters in the State of Idaho, including the rights of all Idahoans to participate in the electoral process without being subjected to a violation of their privacy.

3. Defendant Lawrence Denney ("Defendant") is the Secretary of State for the State of Idaho and is joined in his official capacity only as a party to this action. Under Idaho Code § 34-201, Defendant is the chief election officer of the State of Idaho. On June 28, 2017, Defendant was sent a letter from the Vice-Chair of the Commission Kris Kobach ("Mr. Kobach"), on behalf of the Commission (the "Letter"), which requested certain information that is in Defendant's custody and/or control, pursuant to Idaho Code § 34-437A. Defendant has the ultimate authority

as to whether or not, and to what degree, the State of Idaho responds to the Commission's request. At all times mentioned in this complaint, Defendant acted under color of state law.

II. NATURE OF ACTION, JURISDICTION, AND VENUE

4. This is an action seeking an emergency temporary restraining order and injunctive relief pursuant to I.R.C.P. Rule 65.

5. This is also an action, in the alternative, for a writ of prohibition, pursuant to Idaho Code § 7-402.

6. This Court has personal jurisdiction over Defendant, and subject matter jurisdiction over this action as the matter is grounded in state law, and meets all other jurisdictional requirements.

7. Venue is proper in the Fourth Judicial District of Idaho in and for the County of Ada, pursuant to and by virtue of Idaho Code § 5-402.

III. STATEMENT OF FACTS

Background

8. On May 11, 2017, President Donald Trump established the Commission by executive order (the "Order"). Exec. Order No. 13,799, 82 Fed. Reg. 22,389 (May 11, 2017). Attached hereto is a true and correct copy of the Order, marked as Exhibit 1. Vice President Mike Pence is the Chair of the Commission. *Id.* Vice President Pence named Mr. Kobach to serve as Vice Chair of the Commission. The purpose of the Commission is to "study the registration and voting processes used in Federal elections." *Id.* (emphasis added).

9. The Order seeks to classify the Commission as a "Presidential Advisory Committee." *See* Exhibit 1. In fact, the Commission may constitute a federal agency. Either way, the Commission is certainly an entity of the federal government within the Executive Branch.

10. The Order did not expressly grant the Commission any authorization to (1) request both public and private personally identifying information from the states on behalf of the Executive Branch of the federal government, (2) establish (unsecure) methods of data transfer for the requested information, (3) store the requested information, or (4) release to the public the collected public and personal information. Rather, the Order merely authorized the Commission to *study* the electoral process and advise President Trump on its findings.

11. On Wednesday, June 28, 2017, Mr. Kobach, on behalf of the Commission, sent the Letter to the Secretaries of State or similar electoral authorities for all 50 states and the District of Columbia. The Letter requested a list of all registered voters, and the following information pertaining to each voter if publicly available: their full names, the last four digits of their social security numbers, their dates of birth, their political party affiliation, their voting history, their addresses and phone numbers, their information regarding felony convictions if applicable, their military status if applicable, their overseas voting records if applicable, and information related to their registration in another state if applicable. *Id.* Each letter was identical, except in regards to whom it was addressed. While a copy of the letter sent to Defendant is unavailable to Plaintiffs at this time, an identical letter (with the exception of to whom the letter is addressed) was sent to North Carolina Secretary of State Elaine Marshall.¹ Attached hereto is a true and correct copy of the letter sent to Secretary Marshall, marked as **Exhibit 2**.

12. The Letter offered two methods for Defendant to transmit the collected voter data to the Commission: the data can be sent through email to ElectionIntegrityStaff@ovp.eop.gov or by utilizing the Safe Access File Exchange ("SAFE") system. *See* Exhibit 2. The SAFE system

¹ The letter from the Commission to Defendant was not made public or released by Defendant's office to Plaintiffs' knowledge, so Plaintiffs were unable to provide the Idaho specific letter to the Court.

is run by the Department of Defense, and it allows for unclassified documents to be uploaded to the SAFE server and for the receiving party to access it through the SAFE system. Both methods of data transmittal are not sufficiently secure considering the nature of the information requested. An attempt to access the SAFE website resulted in a security warning popup. Attached hereto is a true and correct copy of a screenshot of this security warning when counsel for Plaintiffs attempted to access the SAFE site on July 8, 2017, marked as Exhibit 3. The Commission has not provided the public or Defendant with any information related to the email account which will be receiving the data from Defendant.

13. The Letter stated in part: "Please be aware that any documents that are submitted to the full commission will also be made available to the public." See Exhibit 2.

14. The Letter requested a response from Defendant by July 14, 2017 through one of the unsecured methods of sending the information.

15. On July 3, 2017, the Idaho Secretary of State's Office released a press release (the "Release") pertaining to the Letter and the Commission's request. Attached hereto is a true and correct copy of the Release, marked as Exhibit 4.

16. In the Release, Defendant stated that he would treat the Letter as if it were a public records request: "We are interpreting this as a public records request from the Commission." *Id.*

17. Defendant went on to state that he would provide any information to the Commission that was deemed a public record under Idaho law, according to his office's interpretation, by July 14, 2017. See Exhibit 4. In regards to requested information that was not defined as "public" under to Idaho law, Defendant stated that he would "review what the appropriate and legally required response is, in coordination with the office of both the Governor, and the Idaho Attorney General." *Id.*

18. At least 44 states have refused to comply with the Commission's request to a certain degree, with some of those opting not to comply with the request in its entirety. *See Liz Stark and Grace Hauck, Forty-four states and DC have refused to give certain voter information to Trump commission*, CNN (July 4, 2017), available at <http://www.cnn.com/2017/07/03/politics/kris-kobach-letter-voter-fraud-commission-information/index.html> ("Forty-four states and the District of Columbia have refused to provide certain types of voter information to the Trump administration's election integrity commission, according to a CNN inquiry to all 50 states.").

19. The Commission's request has already produced a chilling effect on voter registration. Even in states that have only provided the Commission public information according to state law, many electors are opting to withdraw their registration to protect their privacy. *See Alicia Cohn, Hundreds of voters un-register after Trump voter fraud panel demands info*, THE HILL (July 8, 2017), available at <http://thehill.com/homenews/state-watch/341107-hundreds-of-voters-un-register-after-trump-voter-fraud-panel-demands> ("Hundreds of voters are responding to the possibility their information will be shared with President Trump's election integrity panel by withdrawing their voter registration, according to a Friday report.").

20. At least one member of the Commission has publicly admitted that the Commission's request for information was problematic, and needed to be "refined".²

21. On July 3, 2017, the Electronic Privacy Information Center ("EPIC"), a Washington D.C. based organization focused on data and information privacy civil liberty, filed a Complaint for Injunctive Relief (the "Federal Complaint") in the United States District Court for the District of Columbia against the Commission (the "Federal Case").³ *EPIC v. The Commission*,

² <http://www.cnn.com/2017/07/07/politics/matthew-dunlap-voting-commission-cnnv/index.html>

³ <https://www.epic.org/epic/about.html>

No. 1:17-cv-01320-CKK (D.D.C. filed July 3, 2017). Contemporaneous to the filing of the Federal Complaint, EPIC also filed an Emergency Motion for a Temporary Restraining Order (the "TRO").
Id.

22. In the Federal Case, EPIC seeks to prevent the Commission from collecting information until certain federal privacy laws are complied with. The Commission filed its response on July 5, 2017. EPIC filed its reply on July 9, 2017. The court held a hearing on the motion for the TRO on July 9, 2017. As of the filing of the case at hand, no decision has yet been issued in the DC Case.

23. The Federal Case is grounded solely in federal law.

24. On July 10, 2017, Mr. Kobach submitted his Third Declaration of Kris W. Kobach in the Federal Case (the "Third Declaration"). Attached hereto is a true and correct copy of the Third Declaration, marked as Exhibit 5. In it, Mr. Kobach stated in relevant part that: 1) the Commission no longer will use the SAFE site for transmitting data from the states, and instead intends on repurposing an existing data system within the White House Technology enterprise which is now ready for use, and 2) that the Commission had instructed the states not to submit any data until the Court (in the Federal Case) had ruled on the motion for temporary restraining order.

Id.

25. A ruling is expected at any time on the motion for temporary restraining order in the Federal Case, at which point the Defendant could immediately send the information requested by the Commission.

26. Defendant is not a party to the Federal Case. Even if EPIC is successful in obtaining a temporary restraining order to prevent the Commission from gathering voter information, such an order would not prevent Defendant from sending the requested information through one of the

provided data transmission methods. Furthermore, even if Defendant does not send the List until at such point that a temporary restraining order or a preliminary injunction is lifted by the court in the Federal Case, Defendant could immediately send the Commission Idaho voter information without Plaintiffs having the opportunity to file an action seeking injunctive relief. Finally, even if EPIC is not successful in obtaining the TRO, Defendant must be enjoined from sending Idaho voter data to the Commission because doing so would be in violation of Idaho state law, as discussed below.

Only "Persons" Have A Right to Public Record in Idaho

27. Idaho defines a "public record" as follows: "'Public Record' includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics." I.C. § 74-102(1).

28. The Idaho Statewide List of Registered Voters (the "List") is a public record under Idaho law. I.C. § 34-437A. Defendant has publicly stated that, at a minimum, he will provide the Commission with the List by July 14, 2017. *See* Exhibit 4. The List contains the following information about every registered voter in Idaho: Full name, street address, mailing address, county, gender, age (not DOB), party affiliation if declared, and voting history. *Id.*

29. Idaho law only allows a "person" to demand public records. I.C. § 74-102(1). A "person" is defined in the Idaho Public Records Act as "any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity." I.C. § 74-101(9).

30. The federal government or an agency or commission within the federal government is not listed within the definition of "person." I.C. § 74-101(9). However, requests from state and local government are within the definition of "person." *Id.* Based on rules of statutory interpretation, the inclusion of state and local government in the definition of a "person" and the exclusion of the federal government should be deemed a purposeful exclusion: "It is a universally recognized rule of the construction that, where a constitution or statute specifies certain things, the designation of such things excludes all others," a maxim commonly known as *expressio unius est exclusio alterius.*" *KGF Dev., LLC v. City of Ketchum*, 149 Idaho 524, 528, 236 P.3d 1284, 1288 (2010) (quoting *Peck v. State*, 63 Idaho 375, 380, 120 P.2d 820, 822 (1941)).

31. Because the Commission does not qualify as a "person" under Idaho law I.C. § 74-101(9), Defendant has no statutory authority to release any information to it pursuant to a public records request. To be clear, while Mr. Kobach's name was on the Letter, it was sent in his official capacity as the Vice-Chair of the Commission and on behalf of the Commission. Further, the Letter does not instruct the states (and district) to send the requested information to Mr. Kobach but instead to the Commission.

32. Every relevant provision of the Public Records Act outlines the procedures for how to deal with public record requests from a "person." There is no provision in the Public Records Act that allows for compliance with public records requests from anything not qualifying as a "person" as defined in the statute.

Idaho Public Record Law and the Commercial Use Prohibition

33. Idaho law prohibits the use of public records for the purposes of "mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything

of value. Provided however, that any such list and label may be used for any political purpose.”
I.C. § 34-437A(3).

34. The Letter was clear in that all information gathered by the Commission would be made available to the public. When the Commission releases the information to the public after collection, which at a minimum includes the information in the List, neither the Commission, nor Idaho, will be able to ensure that the Idaho data submitted won't be used for commercial purposes. The inevitable use of Idaho's public information for commercial purposes is clearly prohibited under I.C. § 34-437A(3). The Commission's request will lead to the unlawful use of the information it seeks. As such, Defendant cannot comply with the request. I.C. § 74-121(1).

Idaho Public Record Law Requires Secure Methods of Data Transfer

35. Idaho law requires that the transfer of any public records be secure. I.C. § 74-121(1). Therefore, Defendant, as the custodian of the requested information, is required to make an inquiry with the requesting person to ensure that the transfer of information pursuant to a public records request is conducted in a manner that is proper and that protects personal information from disclosure under Idaho and federal law. I.C. § 74-102(5)(c).

36. There is serious and well-grounded cause for concern that the SAFE site utilized by the Commission is insecure. The Commission has not provided the public or, to Plaintiffs' knowledge, the Defendant with any information related to the email account, the alternative method of data transfer, showing that the email address is secure.

Defendant is Required to Assess the Commission a Fee for the List

37. Defendant gave no indication that he would charge the Commission a fee for providing the List. See Exhibit 4. Defendant is required to assess a fee whenever a copy of the List is requested and a copy is made. I.C. § 34-437A(3).

38. Defendant also did not indicate in the Release whether the Commission would be charged for their request more generally, outside of the required fee for the List. *See Exhibit 4.* Defendant admitted in the Release that he and staff in his office have spent time considering the request, and are continuing to do so. *See Exhibit 4.* Defendant is required to charge and collect fees for his office's services related to any public records request. I.C. § 67-910(1), (3).

39. Beyond the Office of the Secretary of State, Defendant stated that the Office of the Attorney General and the Office of the Governor are involved in the state's review of the Commission's request. *See Exhibit 4.* Any agency of the state of Idaho can charge for certain expenses incurred when responding to and complying with a public record request. I.C. § 74-102.

40. The exact costs of this response may never be fully discovered. However, considering the high-profile nature of the Commission's request, and the clearly massive response effort undertaken by numerous state officials and employees, it is certain that Idahoans will be paying for thousands of dollars in state expenses if Defendant and/or other state offices do not assess the Commission these expenses.

IV. CAUSES OF ACTION

Count I

First Violation of Idaho Code § 74-121(1)

41. Plaintiffs reallege the allegations set forth in paragraphs 1 through X above and incorporates the same by reference as though fully set forth herein.

42. Idaho law only allows a "person" to demand public records. I.C. § 74-102(1). The Commission does not qualify as a "person". I.C. § 74-101(9). Defendant has no statutory authority to release any information pursuant to a public records request when the Commission does not qualify as a "person" under Idaho law. The Commission is not entitled to unwritten exemptions

in the Public Records Act. Therefore, compliance with the Commission's request would be improper, and in violation of I.C. § 74-121(1).

43. Because Defendant has stated that he will comply at least in part with the Commission's request by July 14, 2017, in violation of state law, Petitioners seek an emergency temporary restraining order and injunctive relief preventing Defendant from producing any voter information to the Commission. Without such an emergency temporary restraining order, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as their right to have their voting information only conveyed consistent with Idaho law will be incurably violated. In addition, the IDP will be harmed because the Commission's unlawful collection of data has a chilling effect on voter registration, a core activity of the IDP.

44. Petitioners have no adequate alternative remedy at law if they are denied the requested relief.

45. In the alternative as an extraordinary remedy, because Defendant has stated that he will comply at least in part with the Commission's request by July 14, 2017, in violation of state law, Petitioners seek a writ of prohibition, or any other appropriate writ pursuant to Idaho law, preventing Defendant from producing any voter information to the Commission. Without such a writ, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as their right to have their voting information only conveyed consistent with Idaho law will be incurably violated. In addition, the IDP will be harmed because the Commission's unlawful collection of data has a chilling effect on voter registration, a core activity of the IDP.

Count II

Second Violation of Idaho Code § 74-121(1)

46. Plaintiffs reallege the allegations set forth in paragraphs I through X above and incorporates the same by reference as though fully set forth herein.

47. The Letter states that all information sent to the Commission will be made available to the public. When the Commission makes public the names, phone numbers, addresses, and other information about of Idaho voters, it is a certainty that such information will be used for an impermissible commercial purpose as defined in I.C. § 34-437A(3). Defendant cannot comply with the Commission's request because it will lead to the inevitable unlawful use of the information. I.C. § 74-121(1).

48. Because Defendant has stated that he will comply at least in part with the Commission's request by July 14, 2017, in violation of state law, Petitioners seek an emergency temporary restraining order and injunctive relief preventing Defendant from producing any voter information to the Commission. Without such an emergency temporary restraining order, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as their right to have their voter information, including their telephone number and address among other information, protected from impermissible commercial use will be incurably violated.

49. Petitioners have no adequate alternative remedy at law if they are denied the requested relief.

50. In the alternative as an extraordinary remedy, because Defendant has stated that he will comply at least in part with the Commission's request by July 14, 2017, in violation of state law, Petitioners seek a writ of prohibition, or any other appropriate writ pursuant to Idaho law, preventing Defendant from producing any voter information to the Commission. Without such a

writ, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as their right to have their voting information only conveyed consistent with Idaho law will be incurably violated. In addition, the IDP will be harmed because the Commission's unlawful collection of data has a chilling effect on voter registration, a core activity of the IDP.

Count III

Third Violation of Idaho Code § 74-121(1)

51. Plaintiffs reallege the allegations set forth in paragraphs I through X above and incorporates the same by reference as though fully set forth herein.

52. Idaho law requires that the transfer of any public records be secure. I.C. § 74-121(1). Defendant, as the custodian of the requested information, is required to make an inquiry with the requesting person to ensure that the transfer of information pursuant to a public records request is conducted in a manner that is proper and which protects personal information from unlawful access and disclosure under Idaho and federal law. I.C. § 74-102(5)(c).

53. There is serious and well-grounded cause for concern that the Commission's methods of data transfer from the states are insecure. The Commission has already had to change one method of data transfer, namely the SAFE site. It hastily created a new apparatus to collect the information, a system about which there is little to no information about. Further, the Commission has not provided the public or Defendant with any information related to the email account it has provided. The chaos surrounding the method of data transfer illustrates the flawed methods employed by the Commission in this regard, and only strengthen Plaintiffs' argument for maintaining the status quo while these privacy and security concerns are addressed.

54. Based on information and belief, Defendant has failed to uphold his duty as the custodian of the requested records to ensure that ensuring that the transfer of public records is proper, as required by Idaho law.

55. Because Defendant has stated that he will comply at least in part with the Commission's request by July 14, 2017, in violation of state law, Petitioners seek an emergency temporary restraining order and injunctive relief preventing Defendant from producing any voter information to the Commission. Without such an emergency temporary restraining order, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as their right to have their voting information only conveyed consistent with Idaho law and in a secure and proper manner, will be irreparably violated.

56. In the alternative, Petitioners seek an emergency temporary restraining order and injunctive relief preventing Defendant from producing any public record to the Commission until Defendant has ensured that the Commission has a secure method of data transfer as required by Idaho law. Without such an emergency temporary restraining order, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as their right to have their voting information only conveyed consistent with Idaho law and in a secure and proper manner, will be incurably violated.

57. Petitioners have no adequate alternative remedy at law if they are denied the requested relief.

58. In the alternative as an extraordinary remedy, because Defendant has stated that he will comply at least in part with the Commission's request by July 14, 2017, in violation of state law, Petitioners seek a writ of prohibition, or any other appropriate writ pursuant to Idaho law, preventing Defendant from producing any voter information to the Commission. Without such a

writ, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as their right to have their voting information only conveyed consistent with Idaho law will be incurably violated. In addition, the IDP will be harmed because the Commission's unlawful collection of data has a chilling effect on voter registration, a core activity of the IDP.

Count IV

Violation of Idaho Code § 74-121(1)

59. Plaintiffs reallege the allegations set forth in paragraphs I through X above and incorporates the same by reference as though fully set forth herein.

60. Defendant is required by Idaho law to assess a fee whenever a copy of the List is requested and a copy is made. I.C. § 34-437A(3). In addition, Defendant is required to charge and collect fees for his office's services related to any public records request. I.C. § 67-910(1), (3).

61. Defendant admitted in the Release that staff in his office and himself have spent time considering the request and are continuing to do so. In addition, there will be labor and expense in copying the List and preparing it for transfer to the Commission.

62. Because Defendant has stated that he will comply at least in part with the Commission's request by July 14, 2017, and has not indicated that he will assess any fees to the Commission in violation of state law, Petitioners seek an emergency temporary restraining order and injunctive relief preventing Defendant from producing any voter information to the Commission without submitting to the Court an assessment to be charged to the Commission pursuant to Idaho law. Without such an emergency temporary restraining order, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as they will have

to pay thousands of dollars in state expenses that under state law are required to be assessed to the Commission.

63. Petitioners have no adequate alternative remedy at law if they are denied the requested relief.

64. In the alternative, because Defendant has stated that he will comply at least in part with the Commission's request by July 14, 2017, in violation of state law, Petitioners seek a writ of prohibition, or any other appropriate writ pursuant to Idaho law, Defendant from producing any voter information to the Commission without submitting to the Court an assessment to be charged to the Commission pursuant to Idaho law. Without such a writ, Idahoans including Mr. Marley and other members of the IDP will be irreparably harmed, as their right to have their voting information only conveyed consistent with Idaho law will be incurably violated. In addition, the IDP will be harmed because the Commission's unlawful collection of data has a chilling effect on voter registration, a core activity of the IDP.

V. PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that:


1. Pending a final hearing on this matter, the Court schedule an immediate hearing given the parties' need for an immediate resolution of the legal issues raised by Petitioners; and
2. Following an immediate hearing, in light of the irreparable harm to Petitioners caused by Defendant's decision to release voter information, and perhaps other personal information, by July 14, 2017, Petitioners' lack of an adequate remedy at law if Defendant produces this information by July 14, 2017, and the substantial likelihood that Petitioners will succeed on the merits of their case, the Court issue an Emergency Temporary Restraining Order barring,

for the duration of the case, Defendant from disclosing any voter information to the Commission; and

3. If the Defendant has already sent any data to the Commission, that the Court order Defendant to ensure that the sent data is surrendered by the Commission back into the custody of the state; or
4. In the alternative, the Court issue a writ of prohibition, or any other appropriate writ pursuant to Idaho law, barring, for the duration of the case, Defendant from disclosing any voter information to the Commission; or
5. In the alternative, the Court issue an Emergency Temporary Restraining Order barring, for the duration of the case, Defendant from disclosing any voter information to the Commission, until Defendant has submitted to the Court adequate proof that: 1) he has fulfilled his duty, as is required by Idaho law, to ensure that data sent to the Commission will not be used for any impermissible purpose as defined under Idaho law, 2) he has fulfilled his duty, as is required by Idaho law, to ensure that the data transmission methods requested by the Commission are in fact secure and proper as defined under Idaho law, and 3) he has assessed the Commission an appropriate fee as is required by and in conformity with Idaho law; and
6. The Court schedule an expedited final hearing on this matter; and
7. For such other relief as may be just and proper.

Respectfully submitted this 11 day of July, 2017

By:



Sam Dotters-Katz
Marcus Christian Hardee Davies, LLP.
Idaho State Bar Association No. 9709

By:



William A. Fuhrman
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