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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION, FRANKFORT

JUDICIAL WATCH, INC. )  
Plaintiff )  
UNITED STATES OF AMERICA )  
Plaintiff Intervenor )  
v. ) Civil No. 3:17-cv-00094-GFVT  
ALISON LUNDERGAN GRIMES, et al )  
Defendants )

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**RESPONSE TO DEFENDANT ADAMS’ MOTION FOR CLARIFICATION OF THE  
CONSENT JUDGMENT**

\* \* \* \* \*

Comes the undersigned, counsel for the Kentucky Democratic Party in this action, and in RESPONSE to the Defendant’s Motion to “clarify” the consent judgment, states as follows:

The Court’s Consent Decree requires that the parties utilize ERIC (the well established and bipartisan Electronic Registration Information Center, Inc.) as part of its election compliance to utilize when appropriately purging voter rolls. See: Consent Judgment, para. 34(b)(5). ERIC’s mission is to improve the accuracy of America’s voter rolls. Bipartisan support shows that ERIC is the most effective tool for doing that as well as detecting possible illegal voting, and assisting states in reaching out to potentially eligible but not yet registered individuals with information on how to register to vote. <https://ericstates.org/>

There is a national Republican movement by some of the more aggressively right wing states to leave ERIC and create their own partisan and conservative system for evaluating whether voters, including Democratic voters, should be purged. Several of the more aggressively partisan and conservatively Republican states like West Virginia and Florida, and soon to be Texas, have abandoned ERIC, presumably so that they aren't governed by its measured and bipartisan guidance. See: Defendant Adams' Motion, p. 2, fn. 1; Twitter @DemocracyDocket, May 19, 2023, "Oklahoma Legislature Sends anti-ERIC Bill to Governor" noting that the Oklahoma bill followed "an increase in right-wing conspiracies" about ERIC. The Brennan Center wrote an extensive analysis of the reasons that right wing leaders were encouraging rejection of ERIC. See: <https://www.brennancenter.org/our-work/analysis-opinion/states-cave-conspiracy-theories-and-leave-voter-data-cooperative-eric>. As the Brennan Center noted, ERIC has wide bi-partisan support and was created to improve the accuracy of voter rolls. Once former President Trump turned against it, however, certain states began catering to the disinformation he put out and started complaining about ERIC. Id. The Brennan Center noted that former Kentucky Secretary of State Trey Grayson, a strong supporter of ERIC, has said that he is "deeply troubled to see politics and disinformation get in the way of best practices." Id.

Virginia just became the eighth GOP-led state to leave ERIC. Top Democrats in that state expressed concern over the arguments supporting this exit, stating that the Republican Governor and election officials were "succumbing to disinformation." See: <https://whro.org/news/local-news/38548-virginia-in-talks-with-other-states-for-alternative-to-bipartisan-voter-collab-eric>. There appears to be no valid reason to leave ERIC, as the "cost" complaint used by Defendant Adams is that if states leave ERIC, the price of membership goes up. His proposed solution to

that concern? Leave the organization, driving up the cost of membership to the bipartisan states which continue to follow best practices.

Defendant Adams admits to conferring “with other states” regarding these alleged means of “maintaining voter rolls.” Motion, p. 2. This Court must assume that those states are the right wing GOP led states referenced by the news, who have adopted the former President’s attack on bipartisanship. Adams claims that absent these partisan Republican states’ membership in ERIC, he “questions” its continued usefulness. Motion, p. 3. It is clear that Adams is seeking this Court’s imprimatur on his blatant attempt to leave the bipartisan means of determining how to remove ineligible voters from the rolls and wishes to join the untested methods used other fiercely partisan and right wing states. This Court should deny the request and affirm that Kentucky needs to remain under bipartisan review of its elections process.

Respectfully submitted by:

/s/ Anna Stewart Whites /s/  
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CERTIFICATE OF SERVICE:

I hereby certify that on May 30<sup>th</sup>, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of the electronic filing to all counsel of record.

/s/ Anna Stewart Whites /s/  
Attorney for Intervenor