

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

ELECTRONIC PRIVACY INFORMATION CENTER

Plaintiff,

v.

PRESIDENTIAL ADVISORY COMMISSION ON
ELECTION INTEGRITY, *et al.*,

Defendants.

Civ. Action No. 17-1320 (CKK)

PLAINTIFF’S NOTICE OF APPEAL

Notice is given this 25th day of July, 2017, that Plaintiff Electronic Privacy Information Center (“EPIC”) hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the order of this Court denying Plaintiff’s Motion for a Temporary Restraining Order and Preliminary Injunction, entered on the 24th day of July, 2017. Order, Ex. 1. EPIC brings this appeal pursuant to 28 U.S.C. § 1292 (“[T]he courts of appeals shall have jurisdiction of appeals from . . . [i]nterlocutory orders of the district courts . . . refusing . . . injunctions[.]”).

EPIC seeks expedited review of the district court’s Order, to which EPIC is entitled under 28 U.S.C. § 1657(a) (“[E]ach court of the United States shall expedite the consideration of any action . . . for temporary or preliminary injunctive relief.”). EPIC is also entitled to expedited review because “good cause” exists for such treatment. *Id.* This case presents the type of extraordinary circumstances that justify expedited consideration. EPIC sought a TRO and preliminary injunction to block the Presidential Advisory Commission on Election Integrity (“the Commission”) from collecting and aggregating state voter data from across the country (1) prior to completing and publishing a Privacy Impact Assessment as required by the E-Government Act

of 2002, 44 U.S.C. § 3501 note, and the Federal Advisory Committee Act, 5 U.S.C. app. 2; and (2) prior to the resolution of EPIC's constitutional privacy claims. The District Court denied EPIC's motion, concluding that "Defendants' collection of voter roll information does not currently involve *agency* action" as necessary for judicial review under the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.* Memorandum Opinion 1 (emphasis added), ECF No. 40. Absent expedited review of the District Court's order by the Court of Appeals, the Commission will be allowed to systematically amass the sensitive, personal information of the nation's voters without establishing any procedures to protect voter privacy or the security and integrity of the data.

EPIC therefore respectfully requests that the Court of Appeals accord expedited treatment to this case.

/s/ Marc Rotenberg
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** Pro hac vice motion pending*

Dated: July 25, 2017