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VOTER REGISTRATION AND LIST MAINTENANCE

HEARING

BEFORE THE

SUBCOMMITTEE ON ELECTIONS

COMMITTEE ON HOUSE ADMINISTRATION

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, OCTOBER 23, 2007

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VOTER REGISTRATION AND LIST MAINTENANCE

TUESDAY, OCTOBER 23, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELECTIONS,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The subcommittee met, pursuant to call, at 2:03 p.m., in Room 1310, Longworth House Office Building, Hon. Zoe Lofgren [chairwoman of the subcommittee] Presiding.

Present: Representatives Lofgren, Gonzalez, Davis of California, McCarthy and Ehlers.

Staff Present: Liz Birnbaum, Staff Director; Thomas Hicks, Senior Election Counsel; Janelle Hu, Election Counsel; Jennifer Daehn, Election Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Daniel Favarulo, Staff Assistant, Elections; Matthew DeFreitas, Staff Assistant; Fred Hay, Minority General Counsel; Gineen Beach, Minority Election Counsel; and Roman Buhler, Minority Election Counsel.

The CHAIRWOMAN. Good afternoon and welcome to the Subcommittee on Elections and our hearing on Voter Registration and List Maintenance.

Throughout the year, this subcommittee has made an effort to examine our electoral process, from how voters vote; their experience at the polling place; and, finally, how that vote is counted. All are very important, but today we turn our attention to the role of the States in ensuring that eligible voters are allowed to vote.

Section 8 of the National Voter Registration Act created requirements for how States maintain voter registration lists for Federal elections. The act requires States to keep voter registration lists accurate and current. The act also requires list maintenance programs to incorporate specific safeguards, that they be uniform, nondiscriminatory, in compliance with the Voting Rights Act. HAVA reinforced this requirement.

Since 2005, the Justice Department has been aggressively enforcing NVRA's requirement that States clean their voter registration rolls. To date, the Department has filed suit against four States and questioned others. While it is the role of the DOJ to enforce NVRA and HAVA, the zealous manner in which this provision has been enforced may have an adverse impact, leading to the disenfranchisement of eligible voters. There is also increased concern that the agency charged to protect voters has become politicized, with party activists such as Hans Von Spakovksy heading the DOJ's purge efforts.

The EAC has issued a guidance report on implementing HAVA; however, it does not provide specific recommendations and procedures for developing database matches and conducting list maintenance. There is a lack of clear and specific standards for States to follow in performing list maintenance. This has resulted in inconsistent standards between States and within States for Federal elections.

The transition to a central, uniform, and computerized statewide voter registration database has caused significant problems. The exact matching data requirement from registration forms to data on other State and Federal databases may be overly strict and does not take into account even simple data entry errors.

Beyond matching, statewide voter lists are also subject to periodic removal of ineligible voters. This process is supposed to be transparent and nondiscriminatory. Unfortunately, States such as Florida have purged thousands of legal voters. Other States still do not notify voters who have been removed from voter rolls, denying them the right to contest these erroneous purges.

In her testimony before the Committee on the Judiciary, where I also serve, Monica Goodling, the former director of public affairs for the Department of Justice, introduced many to the concept of vote caging. This practice is used to challenge voters' eligibility to vote at the polls, arguing that voters could not be reached at the address, and thus the registration is fraudulent. It sounds simple. However, more often than not there are other factors, such as the voter not being home or refusing to sign for a mailing, that caused the mail to return. Caging places an undue burden on the voter to prove his or her registration is valid.

HAVA created a delicate balance between preventing fraud and allowing voters access to the ballot. That balance must be preserved. We cannot set up barriers to the electoral process for eligible voters. Removal of voters from voter registration lists has historically disenfranchised minorities and hurt the confidence in the election system. The quality of voter registration lists must be improved, and safeguards to protect eligible voters must be put in place.

I thank the witnesses for testifying before this committee today, and I am interested in the testimony from both panels. I think it is important that we hear not only from election administrators, but also election advocates. And at this point I would like to recognize the Ranking Member of the subcommittee, Mr. McCarthy, for his opening statement.

[The statement of Chairwoman Lofgren follows:]

Committee on House Administration
Subcommittee on Elections

Hearing
"Voter Registration and List Maintenance"

Chairwoman Zoe Lofgren

Good afternoon and welcome to the Subcommittee on Elections hearing on Voter Registration and List Maintenance

Throughout the year, this subcommittee has made a concerted effort to examine our electoral process, from how voters vote; their experience at the polling place and finally to how that vote is counted. All are very important, but today we turn our attention to the roll of the states to ensure that eligible voters are allowed to vote.

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Mr. MCCARTHY. Well, thank you, Madam Chair. I am excited about having hearings. I always come to hearings being able to gather greater information, especially when it comes to voter registration, the polls, the rolls that we have. We need to be diverse. We need to make sure across America that we have a fair, honest, and transparent system. So that is why I am looking forward to today's hearing.

I am disappointed, though, in today's hearing. As we look for transparency, as we look for honesty, especially when it comes to voters, voters' rights, voters' rolls, the panel will not have transparency today. Of the eight witnesses we will have, there will be six on the majority side, two on the minority side. I am disappointed this subcommittee's partisanship changed. And that is unfortunate when it comes to election rules. I do agree with Speaker Pelosi that it should be partnership, not partisanship.

So today there will be a lot of questions. Some may not be able to be answered, some may have to go on further. And we may have to dwell beyond what we are able to hear today. But I thank you for coming. I appreciate the opportunity that we do have.

And. Madam Chair, I ask unanimous consent that the written testimony from Mr. Ed O'Neal, Mr. Scott Leiendecker, and the exhibits of Mrs. Willard Helander be included in the record of today's proceedings.

[The statement of Mr. McCarthy follows:]

Opening Statement:
Voter Registration and List Maintenance
October 23, 2007
Congressman Kevin McCarthy

Thank you for recognizing me, Chairwoman Lofgren.

First, I would express my appreciation for having the Rule 11 hearing yesterday. That opportunity allowed this Subcommittee to hear additional views on absentee and vote-by-mail that we otherwise would not have heard. In order for this subcommittee to get the best information, we need to get diverse viewpoints and perspectives on election issues that ultimately affect both parties.

Today's hearing continues this subcommittee's study of the administration of elections, specifically examining voter registration and voter list maintenance.

Our current voting laws on the books must ensure voter registration records are maintained to protect the integrity and accuracy of our voting process, and preserve the right of eligible voters to cast their votes. Additionally, American voters want to be assured that only eligible voters are casting ballots, so that their votes are not cancelled out by fraud.

To examine these critical voting issues, this subcommittee will hear from eight witnesses today -- six from the Majority and two from the Minority. Unfortunately, the Minority's request for two additional witnesses to provide a more complete perspectives was denied.

This Subcommittee will once again be denied the opportunity to hear from a wide range of experts with diverse perspectives. As we know, this denial of hearing both sides contradicts this committee's historical bipartisan precedents. I implore the Chair to turn away from the partisan direction this subcommittee is heading. Partisanship and

gridlock are qualities we should leave at the door when examining issues under this subcommittee's jurisdiction.

Before a bill is written and then debated with equal time between both parties on the House floor, it is best for both parties to work together in Committee. Remember, both parties compete in our elections. So when one party unilaterally tries to move a bill through committee, that proposal must be seriously questioned.

The CHAIRWOMAN. Without objection, that testimony is entered into the record.

[The information follows:]

My name is Ed O'Neal and I was privileged to serve on the Norfolk, Virginia Electoral Board from 1998 to 2006.

An essential part of the foundation of our republic is the opportunity for all qualified citizens to elect their representatives through a secret ballot in an atmosphere free from intimidation, that is, in a public place. In order to ensure that only qualified persons vote, election officials must maintain an accurate database; and that requires positive identification of potential voters at the time of registration. Illegal votes dilute the legitimate votes of all voters, regardless of political persuasion.

The National Voter Registration Act has made it easier to register but, unfortunately, it has also made it easier to register without adequate identification. Because of this it is even more imperative that voters be accurately identified at the polls. In simpler times, citizens voted close to their homes with their neighbors manning the polls. It was readily apparent when an interloper attempted to vote. In our mobile society, that is no longer true. Positive identification is absolutely necessary to protect the votes of legitimate voters.

In 2005, the City of Norfolk experienced a massive surge of applications, the vast majority of which were submitted by a third party organization. Of some 5,000 applications. Many of these applications were questionable, some were simply mistakes on the part of the applicant and approximately 1,000 were denied. Of those denied, 213 applications contained Social Security Numbers which the Social Security Administration reported did not belong to the named applicant. Some numbers were those of deceased

persons. Seven hundred and sixty one felons denied having been convicted of a felony. The Commonwealth of Virginia keeps a database of all felons whose rights have been restored and none of those had had their rights restored. Signatures on some applications did not match signatures already on file or on applications subsequently received from those persons. An employee of the third party organization admitted to having completed 14 applications, and having obtained the names from a local telephone book.

As you can see, there are forces at work, regardless of their good intentions, which have the potential to degrade the integrity of voter registration rolls. Investigating questionable applications is tedious and expensive, yet critical. The provision of the Help America Vote Act which requires statewide registration systems is a very positive step, however, as the 2008 presidential election approaches, there is growing concern about the ability of registrars to maintain database integrity due to questionable tactics on the part of third party registration organizations. The legal process against registration fraud moves slowly and is difficult to prosecute because of the necessity to prove that a fraudulent action was willful.

Many election officials believe that there is a crisis looming, however, it is not in the electronic voting equipment that has occupied the attention of the nation. The validity of an election can not rise above the quality and accuracy of registration records. In the short run, positive identification at the polls will go a long way toward resolution of this problem. The future of our nation and of our form of government hinges on our system of elections. I urge you to take immediate action to ensure that the votes of legitimate

voters are not diluted by fraud by requiring positive identification at registration and at the polls.

Further, we need to be able to clean up our lists of registered voters expeditiously. The National Voter Registration Act forbids prompt removal of voters who miss two federal elections and fail to respond to two notices from the registrar. Currently we must wait FOUR YEARS before removing these people. It's simply bad business to clutter our lists with extraneous names. It increases the chances for error and it costs money. Voters whose names have been purged can always cast a provisional ballot and we will accommodate them.

BOARD OF ELECTION COMMISSIONERS
✤ FOR THE CITY OF ST. LOUIS ✤
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Mary Wheeler-Jones, Director

Matt Blunt, Governor

October 23, 2007

Written Statement by:
Scott Leiendecker
Director of the St. Louis City Election Board, Republican
Matthew Potter
Deputy Director of the St. Louis City Election Board, Democrat

The Committee on House Administration
Subcommittee on List Maintenance

The City of St. Louis Board of Election Commissioners (the "Board") has been asked by your Committee to provide a statement on voter registration, voter registration rolls, keeping said rolls updated, and the potential fraud that occurs with the manipulation of said rolls. We are honored with the opportunity to present to you our thoughts on these matters. Within the last two years, this Board has been transformed from a mediocre organization (see *Mandate for Reform: Election Turmoil in St. Louis, November 7, 2000*, report by Secretary of State Matt Blunt, July 24, 2001) into an efficient and effective governmental entity that proactively confronts challenges and devises creative and thoughtful solutions to potential problems.

Part one of this statement discusses the background of the Board. Part two discusses the importance of keeping voter registration rolls up-to-date and accurate. Part three examines Missouri statutes designed to ensure the accuracy of voter registration rolls. Part four details potential obstacles in keeping voter registration rolls updated. Finally, part five lays out proactive devices the Board has implemented to keep voter registration rolls as up-to-date and accurate as possible.

I. Background of the St. Louis City Board of Election Commissioners

Until recently, the Board has always been under a cloud of controversy. This controversy was the very reason the Board of Election Commissions was formed by the Missouri legislature. In 1894, according to the *St Louis Post Dispatch*, Henry Youngman, the City of St. Louis Recorder of Voters, was receiving "no respect." The public was fed up with the ongoing charges of voter fraud, election judge tampering, fixed elections and general all-around election problems. The fraud and election abuse was at all levels and involved both major political parties. Candidates and election workers were involved in said fraud as well as both Democrats and Republicans.

The law creating the Board for the City of St. Louis was the first law of its kind in the State of Missouri. The model for the Missouri law was first seen in Chicago, Illinois where an election board was created a decade earlier in 1886. Not surprisingly, the Chicago Board was conceived following a "public outcry" for a new election code. The Illinois model was a court-appointed board, while the Missouri model involved appointments by the Governor.

The bill establishing the Board was approved by the Missouri General Assembly on May 31, 1895 in a special session of the legislature called an "extraordinary session" by Governor William J. Stone. The session was deemed "extraordinary" because of the pervasive election problems in both St. Louis and Kansas City, Missouri. Governor Stone noted in his opening message to the General Assembly the severity of the election problems, indicating that "not a few consummate and dastardly outrages have been perpetrated."

The current Board was appointed by Governor Matt Blunt, who was elected in 2004. The Election Board consists of a four person Commission, two Republicans and two Democrats, all appointed to four year terms, serving at the pleasure of the Governor. The board hires the management, which consists of a bi-partisan six-member team: two directors, two deputy

directors and two assistant deputy directors. Working with the management is 25 full time employees. During an election cycle the full time and temporary workforce can reach 50 employees depending on the size and type of the election.

II. Why is it so important to keep voter rolls clean?

In light of the election-related abuses detailed above and as a matter of common sense, a jurisdiction must consistently labor, both during election cycles and during off-peak seasons, to keep its voter rolls updated and complete. As an obvious beginning, when a jurisdiction's voter registration rolls are correct, the voters will receive proper notification of elections and their appropriate polling places. This efficiency encourages participation in the civic process, allows citizens to be active in their government, and consequently provides for a more informed, stable community. When voters receive proper notification of an election and their concomitant polling place, the odds of a voter traveling to the incorrect polling place are minimized, thus resulting in less time poll workers must spend filling out paper work for that confused voter and speedier lines at the polling place.

However, other pernicious results occur from tainted voter rolls, in particular, illegally manipulated and tainted voter registration rolls. Many have argued that the benefit of laws requiring voters to produce photo identification at the polling places is outweighed by the societal costs of such laws. Generally, the primary argument cited against such laws is that fraud rarely occurs at polling places and that such a law would do nothing to curtail election fraud. Without considering the efficacy or suitability of such photo identification laws, we believe that the roots of fraud begin far in advance of election day; most fraud initially stems from malfeasants who either illegally register hundreds of voters, either real individuals without their knowledge or fictional individuals, or illegally register themselves at multiple inter-jurisdictional addresses. At the Board, we have deemed this destructive form of fraud as **"registration fraud."** Incidents have occurred in the St. Louis metropolitan area where fictional or deceased

individuals have voted in elections and real individuals have voted in multiple jurisdictions during one election. For this reason, voter rolls must be kept accurate and up-to-date at all times, thus minimizing election day shenanigans.

When registration fraud occurs, everyone suffers. Every bad registration is a potential bad vote that, in effect, cancels the vote of an honest voter. In the past, numerous fraudulent registrations have been traced to "drop sites", or residences housing a far less number of individuals than the voter registration rolls and voting records would suggest. The taxpayers must pay for the data entry involved to input illegal registrants, often including the overtime and temporary staff employed therein; the taxpayers must pay for the mailing of information to non-existent and fictional individuals. These costs also include training, employing, and paying more poll workers than needed to work in certain precincts because the voter numbers are artificially and illegally inflated and an election authority may be required to provide a certain number of poll workers, by law, for the number of registered voters in that precinct.

Moreover, a jurisdiction's voter rolls often serve as the benchmark for certain other legal requirements, for example, the number of petition signatures required for a recall, referendum, or initiative petition to be successful. As an illustration, the Charter for the City of St. Louis requires twenty percent of the registered voters in a Ward to sign a petition in order to force a recall vote for that Ward's Alderperson. Charter for the City of St. Louis, Article III, §2 (1914). If a jurisdiction's voter rolls are filled with fraudulent, non-existent, duplicative and deceased persons, the number of signatures required to initiate these civic actions are increased and more difficult to obtain because of the number of non-existent voters on the rolls. Finally, charitable, non-profit, governmental, and other organizations that depend upon access to a jurisdiction's voter rolls are slighted because of their attempt to distribute goods, information or services to non-existent and fictional individuals.

III. Procedures in Missouri for ensuring the accuracy of voter registration records

Under the Help America Vote Act, each chief State election official is required to implement, "in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State..." 42 U.S.C. 15483(a)(1)(A). Moreover, "[t]he computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the State." 42 U.S.C. 15483(a)(1)(A)(i). Missouri, by and through Secretary of State Robin Carnahan, has successfully launched and currently administers an effective statewide voter registration database to which the individual election authorities input their respective voter registrations. Consonant with federal law, Missouri law provides that "[e]ach election authority shall use the Missouri voter registration system...to prepare a list of legally registered voters for each precinct." §115.163 RSMo (2004). Thus, the precinct register provided by each election authority to the various polling places is generated from the statewide voter registration list administered by the Secretary of State to which the individual election authorities input their respective voter registrations.

Missouri law also provides for a "canvass" to take place every two years wherein each election authority must mail to all registered voters within its jurisdiction a "voter notification card" containing the voters' name, address, precinct, and other salient election related information. §115.163.3 RSMo (2004). The voter may cut out the attached card, sign the card, and utilize the card as a form of identification on election day. As helpful as this information may be to the voters, the canvass also allows the election authority to identify those voters who addresses have changed by monitoring those voter notification cards that are returned "undeliverable" by the U.S. Postal Service to the election authority. After this voter notification mailing is sent to all voters, the election authority must send a second mailing *only* to individuals

whose cards were returned "undeliverable" to the election authority. §§115.193.1(2), 115.193.5 RSMo (2004). This second forwardable mailing must contain a postage prepaid and preaddressed return card on which the voter shall state his or her current address. §115.193.2 RSMo (2004). If the individuals to whom this second mailing was sent do not contact the election authority to confirm their proper address "not later than the fourth Wednesday prior to the next election," the individuals will be placed on an "inactive" list. Despite the often-misinterpreted title, those voters on the "inactive" list are not automatically eliminated from the voter rolls. Rather, their names remain on a list that is provided to all precincts within the election authority's jurisdiction and they are permitted to cast a ballot provided they show up on election day and "affirm" their correct address at any election "during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice." §115.193.5 RSMo (2004). If said voter does not vote by the second general election following the second mailing, *then and only then* will the voter be excluded from the voter registration rolls.

The Board recently began its canvass for 2007. A canvass card was professionally designed that contained the information required by law, i.e. voters' names, addresses, precincts; however, the card also contained information about 2008 elections, becoming a poll worker, and bright and colorful graphics. The card was designed to attract the voters' attention and separate the mail piece from sales and marketing pieces that may be immediately discarded by recipients. See Exhibit "A", Voter Notification Card. In addition, the Board initiated an aggressive media campaign, appearing on the internet, multiple local newspapers, television stations, and radio stations, in an attempt to educate voters about what they should do with their cards, what they should do if they do not receive a card, and, very importantly, what they should do to initiate a change of address. Through this proactive, friendly, yet intense campaign, the Board has been able to initiate name changes and changes of addresses for hundreds of City of St. Louis voters.

This purification of the information for hundreds of voters will lead to shorter lines, less manpower expended, and more efficient polling places for the 2008 elections.

Moreover, the Board is currently embarking upon the second mailing mentioned above. This mailing will be sent to the voters whose first mailing was returned to the Board by the U.S. Postal Service as "undeliverable". The second mailing explains that the first mailing sent to the voter was returned, and that the Board is attempting to confirm the address of the voter. See Exhibit "B", Second Mailing. The second mailing also explains that if the voter has moved out of the City of St. Louis, he or she must register within his or her new election jurisdiction; the name and telephone number of one neighboring jurisdiction is provided on the card. Finally, the second mailing explains that the voter *must* send back and sign the attached postage pre-paid postcard to remain on the rolls. The voter is informed that if he or she fails to send back and sign said postcard, he or she will be placed on the inactive list until the second general election following the mailing, at which time he or she may be permanently removed from the voter registration rolls.

Going above and beyond what is required by the law, the Board plans a third mailing to voters for whom the Board has a potential new address but whose new address has not been confirmed in writing by the voter. Recognizing that these voters may have received limited information about the canvass, the Board plans to mail information to their potential new address about the need for the voter to confirm his or her address in writing to prevent the voter from going on the inactive list. This third mailing is planned for early 2008.

This method of voter registration roll housekeeping maintains a healthy balance between keeping properly registered voters on the rolls, updating voter information, and eliminating voters who have moved, died or do not exist. Nevertheless, we believe that this legally mandated plan must involve a significant amount of media and publicity to reach voters of all socioeconomic classes and inform all voters of the purpose and reason for the canvass. In

addition, the language on the mailings must be clear, uncluttered, and succinct. Individuals are sent two mailings, no less than one forwardable, to their last known address to inform them about the canvass. If the first mailing does not come back marked "undeliverable" to the election authority, the voter remains intact on the voter rolls. Even if the first mailing is returned to the election authority and the voter never responds to the second mailing or the second mailing is also returned to the election authority, the voter remains eligible to vote for at least "two general elections" following the second mailing. This time period usually equates to at least 2 years that a voter will remain on the inactive list. Nevertheless, the intent of the jurisdiction wide canvass appears to be that voters who do not respond to two mailings and do not vote during the inactive period presumably no longer live in the jurisdiction and should be left off the rolls.

IV. Nevertheless, problems remain with **registration fraud**

Despite the effectiveness of Missouri's procedures for keeping voter registration rolls updated, registration fraud remains a challenge to detect and combat. As discussed above, registration fraud remains the seed which germinates into other forms of election fraud which often remain undetected, including polling place fraud and absentee voting fraud. In addition, many do not appreciate the perniciousness of such fraud; election fraud convictions are often seen as less significant crimes and often go unpunished. Until society seriously accepts the destructive nature of such crimes, malfeasants will continue to wreak havoc upon voter registration rolls, often with impunity.

A. Registration fraud perpetrated by voter solicitors

A classic example of attempted registration fraud occurred within the City of St. Louis prior to the November 7, 2006 election. At that time, the Board was the subject of much consternation concerning alleged fraudulent voter registration applications submitted by various organizations. Among these 5,000+ alleged fraudulent applications were multiple applications that appeared to have been signed by the same person and applications with invalid residential

addresses. In addition, many of the individuals listed on the applications were contacted and explained to the Board that they had never completed the registration form at issue; among those fraudulently registered were deceased individuals and individuals well under the voting age. Most perniciously, many of the fraudulent applications transferred the address of an unwitting voter to a bogus or incorrect address. A number of these allegedly fraudulent voter registration applications were subpoenaed by the United States Attorney's Office for the Eastern District of Missouri, and our investigation and their investigation remains ongoing. Moreover, regional leaders from at least one community activist group, namely ACORN, have admitted that potentially thousands of voter registration cards submitted were fraudulent. (St. Louis Post-Dispatch, *St. Louis ACORN in Disarray, Under Reconstruction*, November 20, 2006). In the final days before the election, erring on the side of caution, the Board did its best to sort out the few real registrations of qualified voters from the far greater numbers of non-existing, dead or fraudulently registered persons.

Not only does this put the election authority in a time constraint on the eve before a major election, but it also leads to the disenfranchisement of legal voters. These shenanigans could have created a potential election scenario reminiscent of the 2000 above-referenced election turmoil if the Board had not sprung into action. We had potential fraudulent registrations numbering over 5000, mainly presented to us the weekend before the close of registration, a few weeks before the November General Election. All legitimate voters were permitted to vote, however, the fraudulent voter registration applications were flagged and turned over to the proper authorities pursuant to subpoena.

This incident was eerily reminiscent of a 2003 registration drive prior to a contested mayoral primary in the City of St. Louis. At that time, the Board faced the inundation of registration rolls by thousands of manifestly bogus registrations filed at the very last minute by an organization whose operatives were later prosecuted in the City of St. Louis Circuit Court for

registration irregularity. These above two incidents represent the cancerous nature of registration fraud and how laws must be strengthened and fine-tuned to defeat the malfeasants.

B. Registration fraud as detailed by the Missouri State Auditor

In 2004, then State Auditor Claire McCaskill, now United States Senator, conducted an audit of the Board. Although the current Board, in particular, the Commissioners and a significant number of directors and employees, are different from the Commissioners and Board from 2004, the findings are enlightening and deserve mention. Senator McCaskill's findings included the following:

> We obtained the statewide centralized voter registration data from the Secretary of State's office and the voter registration data from the Board of Election Commissioners of St. Louis County [as well as the City]. We matched the data of the city to both the statewide and the county data and noted that 9,097 voters are registered in both the city and St. Louis County with 7,922 voters having a later registration date in the county and therefore were listed in the poll registers in both places. This increases the risk that persons could vote in both the city and the county in the same election. We noted 12 instances in which a voter, according to the available data, did vote in both places. We also identified 318 instances in which a voter voted in the city after the date of registration in the county.
> We also noted that 4,500 voters were registered in the city and elsewhere in the state (but not in St. Louis County). Of the 4,500 voters, 2,317 were listed as active in both places while 3,038 had a registration date in the other county that was later than the registration date in the city. We noted 16 instances in which a voter may have voted in the same election in both places. We provided the results of our match to the BEC for further investigation.
> The BEC does not obtain voter registration data from nearby counties in Illinois. We requested the voter registration and available voting history of Madison and St. Clair counties in Illinois, including the city of East St. Louis, from the Illinois Board of Elections. We identified 2,366 voters who were listed in the registration data in both the city of St. Louis, Missouri and Illinois. Of those, 1,482 voters had a more recent registration date in Illinois than in the city. **The data indicated that 10 voters had voted in both Illinois and the city in the same election.** We provided our match results to the BEC for further investigation.
>
> Auditor Claire McCaskill, *Audit Report, Board of Election Commissioners, City of St. Louis*, Report No. 2004-40, May 26, 2004. (emphasis added).

Although the issue of individuals illegally maintaining dual registration in various Missouri jurisdictions has been significantly curtailed due to the Help America Vote Act and the concomitant Missouri statewide voter registration database, as successfully administered by

Secretary of State Robin Carnahan; the statewide database does not address illegal dual registrations in different states. As Senator McCaskill has shown, the issue is one that deserves attention.

C. Registration fraud fueled and revealed by recall process

On November 22, 2005, a petition for the recall of City of St. Louis 22nd Ward Alderman Jeffrey Boyd was submitted to the Board. On November 23, 2005, the Board's registration staff began to work the petition, which involved comparing names and signatures on the petitions with names and signatures on the voter registration rolls. During the work, the registration coordinator noticed multiple signatures that appeared to be signed by the same person. An example of this flagrancy included one member of a family apparently signing for other members of the family registered from the same address. The names and "signatures" of deceased voters were also discovered on the petition. See Exhibit "C", recall petition signature page; Exhibit "D", death certificate; Exhibit "E", Funeral Mass announcement.

The Board immediately further investigated the individuals that circulated and sought signatures for the petition. Meanwhile, newly received voter registration applications from the 22nd Ward proved to be questionable. For example, the Board reached out to one "registrant" by contacting the number listed on "her" registration form; the individual reached by telephone informed the Board that no one by that name dwelled at the address. As in the petition for the recall, some registrations submitted had different names, however the signatures had *identical* shape, contour, and form.

As the Board conducted its investigation and researched the petition, Jeffrey Boyd approached the Board with concerns of possible fraud. As provided by City recall procedure, Mr. Boyd was canvassing the 22nd Ward to speak with petition "signatories" in an attempt to convince them to withdraw their names from the petition. Mr. Boyd stated to the Board that, while canvassing, he learned that many "signatories" stated they did not actually sign the

petition. Consequently, the Board composed a phone script and began contacting all individuals whose names appeared on the petition. Numerous individuals indicated that they did not sign the petition or were mislead about the substance of the petition. The Board also dispatched field representatives to physically canvass and inspect addresses that were considered questionable from the registration cards. Some vacant lots and abandoned buildings were discovered as addresses for multiple registrants. See Exhibit "F", Fraudulent Registration Card/Photo of Vacant Lot. A letter was also sent to all petition signatories, and responses were mailed to the Board with personal statements. As a result of this investigation, the recall petition was rejected by the Board in full, and a number of signature gatherers were indicted for election related offenses in the City of St. Louis Circuit Court.

This petition travesty underscores the cavalier attitude that many individuals display toward registration fraud and how a heated race, candidacy, or recall attempt can fuel registration fraud. Had the Board not initiated a thorough investigation and followed up the investigation with the rejecting of the entire petition and informing the City of St. Louis Metropolitan Police Department, the signature gathers would have slighted the voice of the people and may been vindicated in their illegal attempt to recall an elected official.

V. St. Louis Board's recent attempts to maintain correct voter registration rolls

We believe that the City of St. Louis Board of Elections has developed numerous proactive methods to effectively correct and preserve its voter rolls. With the aid and assistance of a rapidly advancing technological frontier, numerous creative methods can be employed to make contact with voters and impart the importance of updating their voter information upon a move or a name change.

The Board is currently assembling a one-year calendar of "voter registration" outreach throughout the City of St. Louis. This calendar will involve setting up a station and a laptop computer at differing heavy trafficked locations with the city every two weeks. The laptop will

have the above mentioned statewide voter registration list, freshly updated, downloaded onto the hard drive. Upon presentation of any form of identification, an individual will be able to confirm, in real time, that his or her voter registration information is correct. If the voter registration information is not correct, the voter will have the opportunity to immediately fill out the paperwork, at the station, to correct his or her information. This technologically driven effort is different, and will be more effective, than a traditional paper and pencil voter drive. We believe that "bringing the Board directly to the people on the street" and giving them the instant opportunity to verify their information will lead to more participation, more accuracy, and shorter lines on election days.

The Board is working with City of St. Louis Collector of Revenue Gregory F.X. Daly to track all new residents to the City by monitoring newly created water accounts billed within the City of St. Louis. The Board plans to send voter registration cards and important voter registration information, directly to all individuals who have recently begun receiving a water bill within St. Louis. In this way, the Board anticipates it will effectively target new City residents and permit them to register without first having to request a registration card. Again, the proper and correct registration of voters earlier rather than later will result in less frustration, more accuracy in voter rolls, and shorter lines on election days.

To deter individuals either working for an organization or working on their own who illegally submit false or fraudulent voter registration cards, the Board has proposed a number of legislative changes to the Missouri legislature. Missouri law currently requires any person "who is paid...for soliciting more than ten voter registration applications...[to be] registered with the secretary of state as a voter registration solicitor." §115.205 RSMo (2004). Although this is a good start, we believe that any individual who solicits and/or submits a voter registration card on behalf of a voter should be required to print his or her full name, date of birth, and last four digits of his or her social security number on the back of the application. Moreover, if the solicitor was

working and receiving money on behalf of or for any organization while accepting or receiving said application he or she should be required to print the full name of the organization on the rear of the application. Only by requiring full disclosure will would be malfeasants be deterred from submitting fraudulent and illegal voter registration cards and concomitantly tainting the voter rolls. In addition, this requirement will make it easier to identify individual perpetrators of registration fraud.

Finally, the Board has been proactive in working with neighboring jurisdictions, including Illinois jurisdictions East St. Louis, Madison County, Monroe County, and St. Clair County, jurisdictions not within the purview of the statewide voter database, in attempting to identify individuals who have voted in more than one jurisdiction during the same election. The St. Louis metropolitan area County Clerks and election officials have met previously to discuss this problem, other meetings are anticipated. Only through working together and cooperation will election jurisdictions keep their voter registration rolls accurate and up-to-date.

VI. Conclusion

This Board respects, welcomes, and appreciates the efforts by all concerned citizens and interest groups to conduct voter registration drives to ensure that all qualified individuals are secure in the utmost right, the right to vote. However, sloppy and careless efforts to register voters, coupled with ineffective oversight of agents, can lead to bloated voter registration rolls and the abuses detailed above. Moreover, the malfeasant who consciously conducts registration fraud hoists a number of irreversible problems upon the community as a whole. Registration fraud, as a whole, affects communities more deeply than the traditional idea of polling place fraud, which carries with it the antiquated vision of a perpetrator physically stuffing a ballot box full of a handful of fraudulent ballots in an attempt to sway one race in one election. Registration fraud results in skewed statistics, wasted taxpayer dollars, wasted effort on the part of civically minded individuals, and voter disenfranchisement over a term of many years.

Utilizing creativity and technological advances as the Board has done **and** passing laws to give teeth to election related offenses should deter malfeasants from such fraud, or at least make such fraud more easily detectable.

Exhibit A

YOUR OFFICIAL ELECTION MATERIALS FROM THE ST. LOUIS CITY BOARD OF ELECTIONS

Dear City Voter:

Here is your new permanent voter ID card. It contains important registration information, including your name, address, current ward and precinct. If your name or address is incorrect, or if you move after receiving your ID card, please notify the St. Louis City Election Board at once.

In an effort to serve the City by keeping the voter rolls updated and accurate, this card is being mailed to you as part of a citywide canvass. If any other voter ID card is delivered to your address for someone who does not live there, please mark "**RETURN TO SENDER**" and place back in your mailbox or telephone the St. Louis City Election Board.

Carol Ann Wilson, Chairman

HERE IS YOUR NEW PERMANENT VOTER ID CARD.
Cut out card, sign it below, bring it with you next time you vote

CITY OF ST. LOUIS
BOARD OF ELECTION COMMISSIONERS
300 N. Tucker Blvd. St. Louis, MO 63101-1914 • 622-4336
PERMANENT VOTER ID CARD

SIGNATURE

Please sign

MARK YOUR CALENDAR – 2008 ELECTION CYCLE

Presidential Preference Primary
Absentee Balloting Begins – December 26, 2007
Election Day - Tuesday, February 5, 2008

Primary Election
Absentee Balloting Begins – June 24, 2008
Election Day – Tuesday, August 5, 2008

Presidential General Election
Absentee Balloting Begins - September 23, 2008
Election Day - Tuesday, November 4, 2008

PRESORTED
AUTO
FIRST-CLASS MAIL
U.S. POSTAGE PAID
ST. LOUIS, MO
PERMIT 1213

AS A MISSOURI VOTER
you may present any of the following forms of personal identification:

(1) Identification issued by the **State of Missouri**, a **state agency**, or a **local election authority**, OR
(2) identification issued by the **U.S. Government** or a **federal agency**, OR
(3) identification issued by an **institution of higher education located in Missouri**, OR
(4) a copy of a current **utility bill**, **bank statement**, **government check**, **paycheck** or **other government document** that contains the voter's name and current address, OR
(5) **a driver's license** or **state identification card** issued by **another state**, OR
(6) other **Secretary of State** ID.

If a voter does not have identification but is **personally known by both a Republican and Democratic Manager** at a polling place, an **affidavit may be filled out** at the polling place permitting the voter to cast a ballot.

CONTACT INFORMATION
St. Louis City Board of Election Commissioners
300 N. Tucker Blvd, St. Louis Missouri, 63101
(314) 622-4336
www.stlelections.com

BECOME AN ELECTION JUDGE TODAY!

JOIN UP

TODAY!
WE NEED YOU.

Help the Election Board for the City of St. Louis ensure a quality election.

Must be 18 years of age and a registered voter.

Serve and Earn
Poll Managers **$114**
Election Judges **$89**

Ask about being a Technical Specialist at the polls.

Democrats call (314) 622-3546
Republicans call (314) 622-4327
or visit us on the Web at
www.stlelections.com

TRANSFER OF REGISTRATION

IF YOU MOVE TO A NEW ADDRESS WITHIN THE CITY OF ST. LOUIS, LIST YOUR NEW ADDRESS BELOW, SIGN YOUR NAME IN INK AND MAIL TO

BOARD OF ELECTION COMMISSIONERS
300 N. TUCKER BLVD.
ST. LOUIS, MO 63101-1914

NAME_____

NEW ADDRESS_____

_____

SIGNATURE_____

Exhibit B

voter reg mailer.qxd 10/18/07 9:29 AM Page 1

FIRST CLASS MAIL
U.S. POSTAGE
PAID
ST. LOUIS, MO
PERMIT NO. 1213

Board of Election Commissioners
for the City of St. Louis
300 N. Tucker Blvd.
St. Louis, MO 63101

FORWARDING SERVICE REQUESTED

OFFICIAL ELECTION MATERIAL

Matthew W. Potter
1313 Missouri Unit E
St. Louis, MO 63104

VOTER REGISTRATION UPDATE

PLEASE CHECK ONE OF THE FOLLOWING BOXES AND PROVIDE NEW ADDRESS IF NEEDED. SIGN, DATE, AND PROVIDE YOUR DATE AND PLACE OF BIRTH BELOW:

☐ The above address accurately reflects my current and correct address.

☐ My address has changed. My new City of St. Louis address is as follows:

(No.) (Street) (Apt. No., if applicable)

(City) (State) (Zip Code)

Also, if you receive mail at a different address than above, please fill out the following:

(No.) (Street) (Apt. No., if applicable)

(City) (State) (Zip Code)

Signature **(Required of all)**

Current Date **(Required of all)**

Date of Birth **(Required of all)**

Place of Birth **(Required of all)**

If you have moved outside the City of St. Louis, you must register with the election authority in your new jurisdiction.
Filling out this form **does not** register you in your new jurisdiction. Contact us at 314-622-4336 if you have any questions.

voter reg mailer.qxd 10/18/07 9:29 AM Page 2

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT 8789 ST. LOUIS MO

POSTAGE WILL BE PAID BY ADDRESSEE

CITY OF ST LOUIS
BOARD OF ELECTION COMM'RS
300 NORTH TUCKER BLVD
ST. LOUIS MO 63101-9887

IMPORTANT NOTICE
Concerning Your Voter Registration

Dear Voter:

Recently, the City of St. Louis Board of Election Commissioners conducted a **City Wide Voter Canvass** during which we mailed a voter identification card to all registered voters in the City of St. Louis. **Your card was returned to us by the U.S. Postal Service.** It is important that you keep your voter registration information current. Accordingly, we are asking you to confirm your current address for us. **To remain an active voter on the City of St. Louis voter rolls, you must complete the attached postcard and return it to us.** Please provide the information required on the front of the postcard, including your date and place of birth, **sign** and date the postcard, and drop the postcard in the mail. You do not need to place postage on the postcard; the postage has been prepaid by us.

If you have moved outside the City of St. Louis, you must register with the election authority in your new jurisdiction. If you have moved into St. Louis County, you must register with the St. Louis County Board of Election Commissioners (314-615-1800). If you have moved within the City of St. Louis, you will be sent information about your new polling place prior to the next election.

If you do not return this card and do not vote by the second general election after the date of this notice, you may be removed from the City of St. Louis' voter rolls.

Please contact us at 314-622-4336 with any questions.

Section 115.193.3 of the Missouri Revised Statutes states:

"(1) Any voter who has not changed his or her residence, or has changed residence but remained in the same election authority's jurisdiction, shall return the card not later than the fourth Wednesday prior to the next election. If the card is not returned by this date, oral or written affirmation of the voter's address may be required at the polling place before the voter will be permitted to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election that occurs after the date of the notice. Any voter who does not vote in an election during that period will have his or her name removed from the list of eligible voters."

"(2) For additional information on registering to vote, contact the election authority located in the county of your current residence. If you reside in the City of St. Louis, contact the St. Louis City Election Board."

Exhibit C

WE THE UNDERSIGNED, BEING REGISTERED VOTERS IN THE TWENTY-SECOND (22ND) WARD IN THE CITY OF ST. LOUIS, MISSOURI ASK FOR THE RECALL OF JEFFERY BOYD ALDERMAN OF THE TWENTY-SECOND (22ND) WARD, IN THE CITY OF ST. LOUIS, MISSOURI

	SIGNATURE	PRINTED NAME	ADDRESS
NR	Daniel Lewis	Daniel Lewis	1417 Montclair Ave
R	Leadora Jackson	Leadora Jackson	5638 Terry
WS	Debra Thomas	Debra Thomas	5632 Terry
NR	Clifton Owens	Clifton Owens	5656 Roosevelt
R	Annie Chandler	Annie Chandler	5700 Roosevelt
R	Ernestine Gray	Ernestine Gray	5708 Roosevelt
NR	Shantey Sanders	Shantey Sanders	5230 Roosevelt
TR	Jerry Brown	Jerry Brown	5814 Roosevelt
R	Virginia Harden	VIRGINIA HARDEN	5879 Roosevelt

I Michael MALONE BEING DULY SWORN, UPON MY OATH, STATE THAT EACH OF THE SIGNATURES WAS MADE IN MY PRESENCE BY, AS I VERILY BELIEVE, THE PERSON WHOSE NAME IT PURPORTS TO BE.

Michael Malone	2518 Clara and	1-21-05
SIGNATURE OF AFFIANT	ADDRESS OF AFFIANT	DATE

SUBSCRIBED TO AND SWORN BEFORE ME THIS 31st DAY OF November IN THE YEAR OF OUR LORD, TWO THOUSAND AND 5

NOTARY Barbara C. Jones

"NOTARY SEAL"
Barbara C. Jones, Notary Public
St. Louis City, State of Missouri
My Commission Expires 4/21/2006

NOTARY SEAL

MY COMMISSION EXPIRES ON _____

Exhibit D

R/Deceased 12/18/05
0011907

STATE OF OKLAHOMA
CERTIFICATE OF DEATH

LOCAL FILE NUMBER | STATE FILE NUMBER

1. DECEDENT'S NAME (First, Middle, Last): LEODORA FREDONIA JACKSON
2. SEX: Female
3a. DATE OF DEATH (M. D. Y): 5/31/01
3b. TIME OF DEATH: 0403
4a. PLACE OF DEATH (Check only one): NOSPITAL: Inpatient ER/Outpatient DOA OTHER: Nursing Home Residence Other (Specify) XXX
4b. FACILITY NAME (If not institution, give street and number): 502 N. SEVERS
4c. CITY, TOWN, OR LOCATION OF DEATH: OKMULGEE
4d. INSIDE CITY LIMITS: Yes
4e. COUNTY OF DEATH: OKMULGEE
5. MARRIED NEVER MARRIED WIDOWED DIVORCED
6. SURVIVING SPOUSE (If wife, give maiden name): n/a
7. SOCIAL SECURITY NO.: 578/36/0983
8a. Age Last Birthday (Years): 82
8b. UNDER 1 YEAR: Months Days
8c. UNDER 1 DAY: Hours Minutes
9. DATE OF BIRTH (Month, Day, Year): 6/16/1918
10. BIRTHPLACE (City, and State or Foreign Country): Okmulgee Oklahoma
11a. DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life): Police Officer
11b. KIND OF BUSINESS/INDUSTRY: City of St. Louis
12a. RESIDENCE - STATE: Oklahoma
12b. COUNTY: Okmulgee
12c. CITY, TOWN, OR LOCATION: Okmulgee
12d. STREET AND NUMBER: 502 N. Severs
12e. INSIDE CITY LIMITS ? Yes No
12f. ZIP CODE: 74447
13. WAS DECEDENT OF HISPANIC ORIGIN? (If Yes, specify Cuban, Mexican, puerto rican, etc.): Yes XXX No
14. RACE—American Indian, Black, White, etc.: Black
15. DECEDENT'S EDUCATION (Specify only highest grade completed): Elementary/Secondary (0-12): 12 College (1-4 or 5+): 4
16. FATHER'S NAME (First, Middle, Last): Steven Frederick Davis
17. MOTHER'S NAME (First, Middle, Maiden, Surname): Emma Simmons
18a. INFORMANT'S NAME (Type/Print): Lillian Harris
18b. MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code): 5047 North Land St. Louis, MO 63113
19a. METHOD OF DISPOSITION: Burial Cremation Donation Removal from State Other (Specify)
19b. PLACE OF DISPOSITION (Name of cemetery, crematory or other place): Woodlawn Cemetery
19c. DATE OF DISPOSITION: 6/8/2001
19d. LOCATION—City or Town, State: Okmulgee, Oklahoma
19e. FUNERAL HOME-HOME AND ADDRESS (Street or R.F.D. No., City or Town, State, Zip): Keith D.Biglow F.D.Inc. 1601 N.Wood Dr.Okmulgee74447
20b. FUNERAL DIRECTOR: Keith Dwight Biglow
20c. SIGNATURE: Keith D. Biglow

21a. PART I. Enter the diseases, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, List only one cause on each line.

Approximate interval between onset and death

IMMEDIATE CAUSE (Final disease or condition resulting in death): a. ACUTE CORONARY INSUFFICIENCY
Due to (or as a consequence of):
Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST
b.
Due to (or as a consequence of):
c.
Due to (or as a consequence of):
d.

PART II. OTHER SIGNIFICANT MEDICAL CONDITIONS (not directly contributing to death.)

21b. WAS AN AUTOPSY PERFORMED? Yes No XX
21c. AUTOPSY AUTHORIZED BY:
21d. WAS BODY EMBALMED? Yes No
Yes By MLE

22. MANNER OF DEATH: XX Natural Accident Suicide Homicide Pending Investigation Could not be determined
23a. DATE OF INJURY (Month, Day, Year)
23b. TIME OF INJURY
23c. INJURY AT WORK? Yes No
23d. DESCRIBE HOW INJURY OCCURRED
23e. PLACE OF INJURY—At home, farm, street, factory, office, building, etc. (specify)
23f. LOCATION (Street and Number or Rural Route Number, City or Town, State)

24a. CERTIFIER (Check only one): ATTENDING PHYSICIAN
To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.

Notice to attending physician: Do not sign this certificate unless you are the physician who attended the deceased for a natural illness—unrelated to injury or poisoning—to which the patient has apparently succumbed, provided that death did not occur while deceased was in penal incarceration or during a therapeutic procedure in which death was not reasonably medically expected. For enumeration of deaths subject to investigation and certification by Medical Examiner, refer to O.S. 63, Sec. 938, or contact office of Chief Medical Examiner in Oklahoma City.

XX MEDICAL EXAMINER
On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.

24b. SIGNATURE AND TITLE OF CERTIFIER: MM McLester DO
24c. DATE SIGNED (Month, Day, Year): 06/03/01
25. NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (ITEM 27) (Type/Print): MONTE McLESTER, D.O. RT 2 BX 186 Wilburton Ok 74578
26. REGISTRAR'S SIGNATURE: [illegible]
27. DATE RECEIVED BY LOCAL REGISTRAR: JUN 12 2001
28. DATE RECEIVED BY STATE REGISTRAR

State Department of Health
State of Oklahoma
OKLAHOMA CITY, OKLAHOMA 73117

CERTIFIED COPY MUST BE VALIDATED IN THIS OFFICE

I hereby certify the foregoing to be a true and correct copy, original of which is on file in this office. In testimony whereof, I have hereunto subscribed my name and caused the official seal to be affixed, at Oklahoma City, Oklahoma, this date.

June 11, 2001

C. Burks
STATE REGISTRAR OF VITAL STATISTICS

Exhibit E

Mrs. Leodora F. Davis-Jackson

June 16, 1918~ ~ ~ ~ ~ ~May 31, 2001

Funeral Mass

Friday
The Eighth day of June
In the year Two-thousand, One
At the Eleventh hour of the morning

UGANDA MARTYR'S CATHOLIC CHURCH
Third and Choctaw Streets
Okmulgee, Oklahoma

Father James McGlinchey
Celebrant

Professional services by:

Keith D. Biglow
FUNERAL DIRECTORS
549 SOUTH SIXTH
MUSKOGEE, OKLAHOMA
(918) 687-8510

1601 NORTH WOOD DRIVE
OKMULGEE, OKLAHOMA
(918) 758-2233

Exhibit F

MISSOURI VOTER REGISTRATION APPLICATION 2431675

USE PEN - PLEASE PRINT CLEARLY PC

1 ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA? ☑ YES ☐ NO 2 WILL YOU BE 18 YEARS OF AGE ON OR BEFORE ELECTION DAY? ☑ YES ☐ NO

If you checked no in response to either of the questions, do not complete this form.

3 ☑ NEW REGISTRATION ☐ ADDRESS CHANGE ☐ NAME CHANGE — FOR OFFICE USE ONLY REGISTRATION NO.

4 LAST NAME: Word — FIRST NAME: Samuel — MIDDLE NAME: — SUFFIX (CIRCLE): JR. SR. II III IV — ☐ MALE ☐ FEMALE

5 ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO. OR RURAL ROUTE AND BOX - NO PO BOX(ES)): 1423 Clara — CITY: — COUNTY: — ZIP CODE:

6 ADDRESS WHERE YOU GET YOUR MAIL (IF DIFFERENT FROM #5 ABOVE): — CITY: St. Louis — STATE: MO — ZIP CODE: 63112

7 LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER*: 5016 — 8 DRIVER'S LICENSE NUMBER:

9 DATE OF BIRTH (MM/DD/YY): 11/25/72 — 10 PLACE OF BIRTH (OPTIONAL): — 11 DAYTIME PHONE NO. (OPTIONAL): 314 533-4246

12 NAME AND ADDRESS ON LAST VOTER REGISTRATION**
NAME
ADDRESS
CITY STATE
COUNTY
**If currently registered in another state please complete this box.

13 I hereby certify that I am a citizen of the United States and a resident of Missouri. I am at least seventeen and one half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief.

Date: 11/9/05 Signature: Samuel Word

14 RURAL VOTERS: COMPLETE THIS SECTION IF YOU LIVE OUTSIDE THE CITY LIMITS OF ANY CITY.
I live ____ miles NORTH SOUTH EAST WEST of ____ (nearest town)
Section, Township and range
My neighbors are

☐ Check here if you are interested in working as an Election Judge. Warning: Conviction for making a false statement may result in imprisonment for up to five years and/or a fine up to $10,000.

MO 231-0169 (8-04) *Required for registration pursuant to §115.155 RSMo and will be used only by authorized officials to combat voter fraud and facilitate orderly elections.

MISSOURI VOTER REGISTRATION APPLICATION

USE PEN - PLEASE PRINT CLEARLY

PC 2431668

1 ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA? ☑ YES ☐ NO

2 WILL YOU BE 18 YEARS OF AGE ON OR BEFORE ELECTION DAY? ☑ YES ☐ NO

If you checked no in response to either of the questions, do not complete this form.

3 ☑ NEW REGISTRATION ☐ ADDRESS CHANGE ☐ NAME CHANGE

FOR OFFICE USE ONLY REGISTRATION NO.

4 LAST NAME: DAVIS | FIRST NAME: Sharon | MIDDLE NAME: | SUFFIX (CIRCLE) JR. SR. II III IV | ☐ MALE ☐ FEMALE

5 ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO. OR RURAL ROUTE AND BOX - NO PO BOXES): 916 Bert | CITY: | COUNTY: | ZIP CODE:

6 ADDRESS WHERE YOU GET YOUR MAIL (IF DIFFERENT FROM #5 ABOVE): | CITY: St. Louis | STATE: Mo | ZIP CODE: 63112

7 LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER*: 5657

8 DRIVER'S LICENSE NUMBER:

9 DATE OF BIRTH (MM/DD/YY): 9 / 10 / 64

10 PLACE OF BIRTH (OPTIONAL):

11 DAYTIME PHONE NO. (OPTIONAL): (314) 832-6044

12 NAME AND ADDRESS ON LAST VOTER REGISTRATION**

NAME

ADDRESS

CITY STATE

COUNTY

**If currently registered in another state please complete this section.

13 I hereby certify that I am a citizen of the United States and a resident of Missouri. I am at least seventeen and one half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief.

Date: 11-9-05 Signature: Sharon Davis

14 RURAL VOTERS: COMPLETE THIS SECTION IF YOU LIVE OUTSIDE THE CITY LIMITS OF ANY CITY.

I live

Section, Township and range

My neighbors are

☐ Check here if you are interested in working as an Election Judge

Warning: Conviction for making a false statement may result in imprisonment for up to five years and/or a fine up to $10,000.

MO 231-0189 (9-04) *Required for registration pursuant to §115.155 RSMo and will be used only by authorized officials to combat voter fraud and facilitate voter registration.

MISSOURI VOTER REGISTRATION APPLICATION 2431669

USE PEN - PLEASE PRINT CLEARLY PC

1 ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA? ☑ YES ☐ NO 2 WILL YOU BE 18 YEARS OF AGE ON OR BEFORE ELECTION DAY? ☑ YES ☐ NO

If you checked no in response to either of the questions, do not complete this form.

3 ☑ NEW REGISTRATION ☐ ADDRESS CHANGE ☐ NAME CHANGE — FOR OFFICE USE ONLY REGISTRATION NO.

4 LAST NAME: Brown — FIRST NAME: Michael — MIDDLE NAME: — SUFFIX (CIRCLE) JR. SR. II III IV — ☐ MALE ☐ FEMALE

5 ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO. OR RURAL ROUTE AND BOX - NO PO BOXES): 2810 Belt — CITY: — COUNTY: — ZIP CODE:

6 ADDRESS WHERE YOU GET YOUR MAIL (IF DIFFERENT FROM #5 ABOVE): ~~3216~~ — CITY: St. Louis — STATE: MO — ZIP CODE: 63112

7 LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER*: 5760 — 8 DRIVER'S LICENSE NUMBER:

9 DATE OF BIRTH (MM/DD/YY): 7/15/70 — 10 PLACE OF BIRTH (OPTIONAL): — 11 DAYTIME PHONE NO. (OPTIONAL): 531-1971

12 NAME AND ADDRESS ON LAST VOTER REGISTRATION**:
NAME
ADDRESS
CITY STATE
COUNTY
**If currently registered in another state please complete this section.

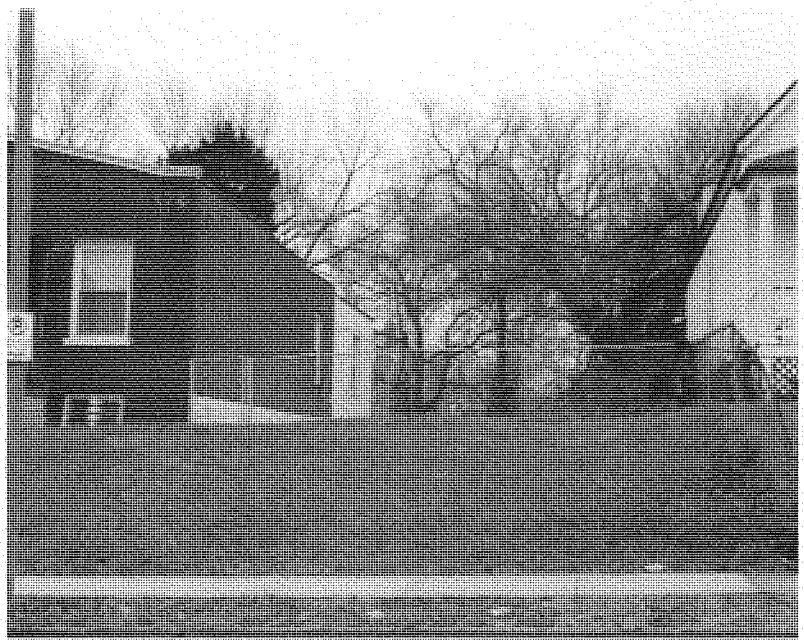
13 I hereby certify that I am a citizen of the United States and a resident of Missouri. I am at least seventeen and one half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief.

11-9-05 — Date — Michael Brown — Signature

14 RURAL VOTERS: COMPLETE THIS SECTION IF YOU LIVE OUTSIDE THE CITY LIMITS OF ANY CITY.
I live
(Township or Junction)
Section, Township and range
My neighbors are

☐ Check Here if you are interested in working as an Election Judge — Warning: Conviction for making a false statement may result in imprisonment for up to five years and/or a fine up to $10,000.

MO 231-0199 (8-04) *Required for registration pursuant to §115.155 RSMo and will be used only by authorized officials to combat voter fraud and facilitate orderly elections.



Willard Helander

Voter Registration and Voting Integrity Samples
Lake County, IL

Lake County, IL has a population of 644,00 voters and approximately 440,000 registered voters. A suburban Chicago county, Lake County has a diverse population with a mix of urban communities, small to medium villages, and rural communities. Lake County has a mix of highly educated citizenry and areas with poverty and high levels of secondary school dropout. The elections administration in Lake County is in the forefront of using technology to reach voters and ensure accuracy in the voting process. The elected County Clerk is a licensed attorney. Note: Prior to the 2006 General Elections, our staff spent many hours with attorneys from the Voter Integrity Project who reviewed our voting procedures and systems. Voter Integrity Project touted our voting process as a model of sound practices.

Registration Synopsis

Most states have a **dual process for voter registration:**

1. A trained **Deputy Registrar**, who is commissioned and familiar with legal requirements for completion of the registration form, **prevents errors or incomplete applications. Deputy Registrars offer protection and integrity** of the voting process by **viewing a voter's current identification bearing the address of residency.**
2. **The National Voter Registration Act** of 1992 provided for **registration at government agencies and by mail-in form** completed by the voter. **The mail-in registration form is "self-certifying," eliminating the requirement to show identification** bearing the voter's name and address. **NVRA essentially creates an "honor system" for adding voters to the registration rolls.**

Agency based registration impact – A significant number of registrations take place at driver's license offices. Non-citizens obtain driver's licenses (legally and illegally). A growing number of persons have registered, voted for many years and then attempted to be naturalized. At the time of applying for citizenship, these individuals request their voting history be removed. (See Exhibit F).

Self-certifying registration impact - While an honor system for counting votes has never been acceptable, registration without any verification safeguards can impinge the voting process long before a single ballot is counted. While the mail-in process makes access to registration easier for political parties, voters and individual campaigns, unverified registrations alter who is entitled to a ballot and consequently, who is deemed the winning candidate. A handful of improper registrations may change an election outcome, and serve to nullify votes of properly registered voters. When improper registrations occur and election challenges are made, voter confidence in the integrity of the voting process is compromised. If a voter *perceives* the process to be unfair, then the voter's participation is impacted – one's belief and hope that his vote will be counted and will matter.

Deputy Registrars safeguards not perfect - Deputy Registrars who are not truthful compromise the voting process and the accuracy of elections. (See Exhibits A, B, C and D). Registrars who forge signatures, create addresses that do not exist, list non-citizens as naturalized, or list voters at a different address (a different congressional or representative

district) impact voting tallies. In Exhibit B registrar registered non-citizens, those not meeting age minimum, and persons at addresses that were found not to exist. In Exhibit C, a voter registered in Lake County while registered in DuPage and applied to be a Deputy Registrar to outreach for a campaign. Voter did not reside in Lake County and had no valid ID for a Lake County address. Interestingly, the Deputy Registrar was subsequently elected to the state legislature and serves today. So how safe is the voting process?

Auditing voter registry lists (purging) - The National Voter Registration Act (NVRA) and the Help America Voter Act (HAVA) control the process for removal of voters from the registration lists. Given an accurate intake process, there primary sources for list maintenance:

1. **National Change of Address (NCOA)** from US Postal Service. Annually, our office runs the list of voters against the file from the post office. If a voter is flagged as not living at an address, a confirmation mailing is sent to the voter's last address or registration. The mail piece is marked "forwardable" so that the notice can reach any voters who have actually moved. Voters must confirm with county before the prior registration is cancelled. If no response, the record remains inactive for two full federal election cycles and then may be cancelled. Many voters (or their families) do not confirm the status of a family member who has moved. These voters remain on the registration list as Inactive Voters who may vote by showing current ID at the old address and signing an oath.
2. **Voter registering at new address within jurisdiction** or in a jurisdiction that supplies notice. When a voter moves to another jurisdiction and registers, the jurisdiction should ask the voter for the place of prior registration. Very few jurisdictions do this and many voters register at the driver's facilities where past registration is not sought.
3. **Voter or voter's family gives notice** voter has moved.
4. **Statewide voter registration system**. Illinois has a system that is not fully implemented. Our office does not receive a flag to prevent duplicate registrations, but may check as often as practicable. Voters have voted in Lake County and other IL jurisdictions (See Exhibit G). The statute of limitations has run in some cases, and in others, the election materials have been disposed of according to timeframes established by law, so no prosecution occurred.
5. Death records for persons registered to vote in Lake County who died in the county.

Note: Word of mouth or election worker comment that voter moved or died are not basis for removal, but must be substantiated by official source or family. Undeliverable political mailings are not a basis for removal and cannot be the basis of a second confirmation mailing as the mailing could be targeting a certain profile or age of voters.

Voting more than one time – Exhibits E and F document persons voting multiple times in one election cycle. The closing date for absentee (by mail) and early voting do not permit records to be packed and in polls at opening on Election Day. List arrived after voters voted second time.

SUMMARY OF EXHIBITS

A - Examples of voters with registration records with questionable signatures. Registration with suspected forgery on top and voter's actual signature on prior registration copied on bottom of page. Deputy registrar forged signature and according to some of the voters changed registration address to non-existent addresses (alley ways, forest preserve meadows, missing buildings, etc). Exhibit contains letter of removal of Deputy Registrar taking improper registrations after two warnings to complete records accurately.

B - Voter registrations referred to State's Attorney for investigation after addresses could not be confirmed (did not exist), applicant was under the age of registration, or applicant acknowledged was not a US citizen.

C - Individual who gave false information on voter registration form and on oath card required to become a commissioned Deputy Registrar. Individual named in record requested registration record be removed when detected; applicant was active registered voter in Du Page County, IL at time of registration, but failed to disclose address of registration which would have led to cancellation of Du Page record. Voter was a paid political staffer who was assigned to a campaign staff position while attorneys met with party attorneys. State political party attorneys requested Lake County record be turned over to them. Public records of registration are not expunged, but cancelled.

D - Registration addresses are undeliverable indicating no such address exists. Our staff visited some sites in an attempt to assist voters who might have mailing problems. Some addresses were "between garages" on vacant utility easements, in commercial office buildings and one was in a forest preserve where trees were only occupants. Examples of Deputy Registrar who did not see ID as required.

E - Voters who voted twice in Lake County. Registrations of voters were accurate, but voters gave false oath that were fully qualified to vote when voting early (prior to Election Day) and again on Election Day. Turned over to State's Attorney.

F - Voters registered at driver's license facility. Persons voted multiple times and then requested that County Clerk remove registration so that person could qualify to be naturalized. Admitted that voted illegally for years. State officials indicate that a person presenting false ID at the driver's facility may be denied an IL driver's license, but must be offered the opportunity to vote. How many more are not yet applying to be citizens, but are voting?

G - Voters who voted twice in multiple counties as detected through statewide voter registration system. Unfortunately, the system and process did not alert any official in a timely manner to prevent voting twice. The statute of limitations has run.

LATINX ... Code:

1 Last Name: JAMES | First Name: Cathy | Middle Initial | Sr Jr | Township/Ward: 10 | Precinct: 205

Address: House No. & Street Name: 1824 S. Jackson | Apt. No.: 2N | City or Village: N Chg | Zip: 60604 | Telephone No.: N/A | SEC. TWP. RNG.

Date of Birth: Month 10 Day 20 Year 51 | Place of Birth: State or Country: Ill | Sex: M (F) | Social Security Number (for last four digits): 2420

Prior Registration: Address: 1836 S. JACKSON | Name (if changed):

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent / Naturalized | If Naturalized: Own Papers ☐ Parent's Papers ☐ | Court | City | State | Date

3 If unable to sign name complete this section: Father's First Name | Mother's First Name | Height | Color of Eyes | Reason for Inability to Sign Name: Physical Disability ☐ Describe: Unable to Write ☐ | Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote; and that the above statements are true. Subscribed and sworn to before me on 3-25-68 (Month/Day/Year). This is my signature or mark in the space below.

Signature of Registration Officer | Signature or Mark of Applicant for Registration

To Election Judges: For Primary, mark D for Democrat, R for Republican or as instructed. For all other elections, mark V.

Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Primary																																			
General																																			
Consolidated																																			
Special																																			

Wrong Bday 5/B 10-26-57 | Township/Ward | Precinct

R-INC REV. 7/99 VR-425 GOVERNMENTAL BUSINESS SYSTEMS, INC. - JOB #5508 10 LCS 5/4-5, 5-7, 5-35 PRINT HARD - USE BALL POINT PEN

Code

1 Last Name: James | First Name: Catherine | Middle Initial: L | Sr Jr | Township/Ward: 10 | Precinct: 205

Address: House No. & Street Name: 1826 S. Jackson | Apt. No.: 51 | City or Village: No. Chicago | Zip: 60064 | Telephone No. | Unincorporated Area ☐ Yes ☐ No

Date of Birth: Month 10 Day 26 Year 57 | Place of Birth: State or Country: Ill | Sex: M (F) | Social Security Number: [redacted]-2420

Prior Registration: Address: 2132 Winter N.C. | Name (if changed): CATHY 04CN 4-3-99 20

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent / Naturalized | If Naturalized: Own Papers ☐ Parent's Papers ☐ | Court | City | State | Date

3 If unable to sign name complete this section: Father's First Name | Mother's First Name | Height | Color of Eyes | Reason for Inability to Sign Name: Physical Disability ☐ Describe: Unable to Write ☐ | Distinguishing Marks

4 STATE OF ILLINOIS COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States, that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence, that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me this 26 day of January 19 97

Signature of Registration Officer | Signature or Mark of Applicant for Registration

To Election Judges: For Primary mark D for Democrat, R for Republican or as instructed. For all other elections mark X

Voting Record	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	20
Primary																	
General																	
Non-partisan																	
Special																	

JAN 23 1997

JAMES , CATHERINE L
10/26/57
SH 205
04603497

Township/Ward | Precinct

EXHIBIT A

Code:

1 Last Name: McKelvy | First Name: Latasha | Middle Initial: M | Sr / Jr | Township/Ward: 10 | Precinct: 208

Address: House No. & Street Name: 2151 Grove (Ave) (PL) | Lot/Apt. No.: | City or Village: N. Chicago | Zip: 60064 | Telephone No. | SEC. TWP. RNG.

Date of Birth: Month 11 Day 28 Year 78 | Place of Birth: State or Country: Waukegan Ill. | Sex: M (F) | Social Security Number (or last four digits): 3490.

Prior Registration: Address: N/A | Name (if changed)

2 If born outside the United States, complete this section:

Citizenship		If Naturalized: Own Papers ☐ Parent's Papers ☐			
Born of U.S. Parent		Court	City	State	Date
Naturalized					

3 If unable to sign name complete this section:

Father's First Name	Mother's First Name	Height	Color of Eyes	Reason for Inability to Sign Name
				Physical Disability ☐ Describe
Distinguishing Marks				Unable to Write ☐

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside for 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true.
Subscribed and sworn to before me on (insert month, day, year)
Signature of Registration Officer

This is my signature or mark in the space below

To Election Judges: For Primary, mark: D for Democrat R for Republican or as instructed. For all other elections, mark V.

Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Primary																																			
General																																			
Consolidated																																			
Special																																			

Township/Ward | Precinct

PRINT HARD - USE BALL POINT PEN

LAKE COUNTY CLERK RECEIVED
97 MAY 22 PM 2:49

ILLINOIS VOTER REGISTRATION APPLICATION

00008 00015

1. Applicant Name (Last,First, Middle): MCKELVY, LATASHA, M

2. Voting Address: 2150 BARRETT PLACE (Apt. 850-B) NORTH CHICAGO, 60064 | County: LAKE | Township: 09/338

3. Previous Registration (Address, City, State, ZIP) | County | Previous Name

4. Date of Birth	5. Sex	6. Telephone Number	7. Application ID
11-28-78	F	847-689-2672	2771997051700213990

8. Voter Affidavit:
- I swear or affirm that I am a citizen of the United States.
- I will be at least 18 years old on or before the next election.
- I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election.
- All of the information contained on this application is true. I understand that if it is not true I can be convicted of perjury and fined up to $5,000 and/or jailed for 2-5 years.

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW:

Latasha McKelvy

Date: 5/17/97

MC KELVY, LATASHA M
11/28/78
SH 205
04612547

EXHIBIT A

DARNELLA P. | Code: J

1	Last Name	First Name	Middle Initial	Sr	Township/Ward	Precinct
	BROWN	DARNELLA		*	09	337

Address: House No. & Street Name: 2423 Dugdale Apt 1103 | Lot/Apt. No.: | City or Village: Wheeling | Zip: 60090 | Telephone No.: N/A | SEC. TWP. RNG.

Date of Birth (Month Day Year): 06/18/81 | Place of Birth: State or Country: IL | Sex: M (F) | Social Security Number (for last four digits): 2083

Prior Registration: Address: N/A | Name (if changed):

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent ☐ Naturalized ☐ | If Naturalized: Own Papers ☐ Parent's Papers ☐ | Court | City | State | Date

3 If unable to sign name complete this section: Father's First Name | Mother's First Name | Height | Color of Eyes | Reason for Inability to Sign Name: Physical Disability ☐ Describe: Unable to Write ☐ | Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am/(by qualified to vote, and that the above statements are true. Subscribed and sworn to before me on 8-30-00 (month, day, year). Signature of Registration Officer. This is my signature or mark in the space below: X Darnella Brown

To Election Judges: For Primary, mark D for Democrat R for Republican or as instructed. For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	Primary																																			
	General																																			
	Consolidated																																			
	Special																																			

337 1st name incorrect | Township/Ward | Precinct

PRINT HARD - USE BALL POINT PEN

R-19C REV. 7/99 VR-025 GOVERNMENTAL BUSINESS SYSTEMS, INC. - JOB 95509 10 LCS 5/4-3, 5-7, 8-35

Mandated, July 1995
SBE No. R-19A

TO VOTE [redacted]

Office Use: 00111

1. Last Name: BROWN | First Name: DARNELLA | Middle Name or Initial: | Suffix (Circle One) Jr. Sr. II III IV

99 NOV 17 PM 2:11

2. Address where you live (do not give P.O. address) House No. Street Name: 2423 Dugdale Ct #302 | City/Village/Town: Wheeling, IL | Apt. No./P.O. Box: #302 | Township | County | Zip Code: 60086

3. Former Registration Address: (Include City and State) | County | Former Name: (If changed)

4. Date of Birth: Month Day Year: 6-18-81 | 5. Sex (Circle One) M (F) | 6. Telephone Number (optional): (847) 596-2096 | 7. Full Social Security No. Or last 4 digits only: [redacted]-2083

BROWN, DARNELLA L
06/18/81
WK 337

04682020

within the box

ffore the next

in my election

precinct 30 days as of the date of the next election.

- All of the above information is true. I understand that if it is not true, I can be convicted of perjury and fined up to $5,000 and/or jailed for 2 to 5 years.

- This is my signature or mark in the space below.

Darnella Brown

Date: 11-10-99

9. If you cannot sign your name, ask the person who helped you fill in this form to print their name, address and telephone number.

Name: DARNELLA BROWN | Full Address: 2423 Dugdale Ct | Telephone No.: 596-2096

EXHIBIT A 3

BROWN, VIRGIL | Code: 555

1 Last Name: Brown | First Name: Virgil | Middle Initial | Sr | Township/Ward: 09 | Precinct: 337

Address: House No. & Street Name: 1312 Greenfield Apt 11 | Lot/Apt. No. | City/Village: Waukegan | Zip Code | Telephone No. | SEC. | TWP. | RNG.

Date of Birth: 12/14/73 | Place of Birth: State or Country | Sex: M | Social Security Number (or last four digits): 5638

Prior Registration: Address | Name (if changed)

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent | Naturalized | If Naturalized: Own Papers ☐ Parent's Papers ☐ | Court | City | State | Date

3 If unable to sign name complete this section: Father's First Name | Mother's First Name | Height | Color of Eyes | Reason for Inability to Sign Name: Physical Disability ☐ Describe | Unable to Write ☐ | Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I have made this place my permanent residence; that I am fully qualified to vote, and that the above statement is true. Subscribed and sworn to before me (date: month, day, year)

Signature of Registration Officer

This is my signature or mark in the space below

To Election Judges: For Primary, mark D for Democrat R for Republican or as instructed. For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	Primary																																			
	General																																			
	Consolidated																																			
	Special																																			

Township/Ward | Precinct

PRINT HARD - USE BALL POINT PEN

IL-19C REV. 7/89 VR-02S GOVERNMENTAL BUSINESS SYSTEMS, INC. - JOB 93508 10 ILCS 5/4-5, 5-7, 6-35

ILLINOIS VOTER REGISTRATION APPLICATION LAKE COUNTY

97 OCT 22 PM 1:18 00009 00018

1. Applicant Name (Last, First, Middle): BROWN, VIRGIL, R

2. Voting Address (Address, City, ZIP): 1312 GREENFIELD AVE WAUKEGAN, 60086 | County: LAKE | Township: 09/337

3. Previous Registration (Address, City, State, ZIP) | County | Previous Name

4. Date of Birth: 12-14-73 | 5. Sex: M | 6. Telephone Number: 847-360-1612 | 7. Application ID: 2771997101400225638

8. Voter Affidavit:
- I swear or affirm that I am a citizen of the United States.
- I will be at least 18 years old on or before the next election.
- I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election.
- All of the information contained on this application is true. I understand that if it is not true I can be convicted of perjury and fined up to $5,000 and/or jailed for 2-5 years.

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW:

Virgil R. Brown

Date: 10-14-97

BROWN, VIRGIL R
12/14/73
WK 337
04624362

EXHIBIT A4

Code:

1 Last Name: James | First Name: Tamara | Middle Initial | Sr Jr | Township/Ward: 10 | Precinct: 205

Address: House No. & Street Name: 1824 W. Jackson St. | Lot/Apt. No. | City or Village: No. Chicago Ill. | Zip: 60064 | Telephone No. | SEC. TWP. RNG.

Date of Birth: Month 5 Day 6 Year 79 | Place of Birth: State or Country: IL | Sex: M ○ F ● | Social Security Number (for last four digits): [redacted] 3232

*Prior Registration: Address: 1834 W. Jackson No. Chicago Ill. | Name (if changed)

2 If born outside the United States, complete this section:

Citizenship		If Naturalized: Own Papers ☐ Parent's Papers ☐			
Born of U.S. Parent		Court	City	State	Date
Naturalized					

3 If unable to sign name complete this section:

Father's First Name	Mother's First Name	Height	Color of Eyes	Reason for Inability to Sign Name
				Physical Disability ☐ Describe
Distinguishing Marks				Unable to Write ☐

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me on (Month, Day, Year)

Signature of Registration Officer

This is my signature or mark in the space below: Tamara James

To Election Judges: For Primary, mark D for Democrat R for Republican or as Instructed. For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	Primary																																			
	General																																			
	Consolidated																																			
	Special																																			

205 Township/Ward | Precinct

G-NC REV. 7/99 VIRAGES GOVERNMENTAL BUSINESS SYSTEMS, INC. - JOB 85508 PRINT HARD - USE BALL POINT PEN

LAKE COUNTY CLERK RECEIVED

ILLINOIS VOTER REGISTRATION APPLICATION

00 MAY 10 PM 1:33 00014-00004

1. Applicant Name (Last, First, Middle): JAMES, TAMARA, C.

2. Voting Address (Address, City, ZIP): 1824 JACKSON ST NORTH CHICAGO, 60064 | County: LAKE | Township: 10/205

3. Previous Registration (Address, City, State, ZIP) | County | Previous Name

4. Date of Birth: 05-06-79 | 5. Sex: F | 6. Telephone Number | 7. Application ID: 27720000506000432 32

8. Voter Affidavit:
- I swear or affirm that I am a citizen of the United States.
- I will be at least 18 years old on or before the next election.
- I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election.
- All of the information contained on this application is true. I understand that if it is not true I can be convicted of perjury and fined up to $5,000 and/or jailed for 2-5 years.

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW:

Tamara James

Date: 05-06-00

JAMES, TAMARA C
05/06/79
SH 205
04697801

A

EXHIBIT A 5

ILLINOIS VOTER REGISTRATION APPLICATION

1. Applicant Name (Last,First, Middle)			
JAMES, JEWEL, H			
2. Voting Address (Address, City, ZIP)	County	Township	
1836 W JACKSON ST NORTH CHICAGO, 60064	LAKE	10/205	
3. Previous Registration (Address, City, State, ZIP)	County	Previous Name	
4. Date of Birth	5. Sex	6. Telephone Number	7. Application ID
02-23-76	M	847-689-1061	2771999010800067037

8. Voter Affidavit:
- I swear or affirm that I am a citizen of the United States.
- I will be at least 18 years old on or before the next election.
- I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election.
- All of the information contained on this application is true. I understand that if it is not true I can be convicted of perjury and fined up to $5,000 and/or jailed for 2-5 years.

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW:

JAMES, JEWEL H
02/23/76
SH 205
04658929

Date: 1-8-99

A

JAMES P

1 Last Name: James; First Name: Jewel; Middle Initial; Sr Jr; Township/Ward: 10; Precinct: 205

Address: 1824 So. Jackson No. Chg Ill; House No. & Street Name; Lot/Apt. No.; City or Village; Telephone No.; SEC. TWP. RNG.

Date of Birth: 2-23-76; Place of Birth: State or Country: Illinois; Sex; Social Security Number (or last four digits): 7905

Prior Registration: Address: 1836 So. Jackson No. Chgo Ill; Name (if changed)

2 If born outside the United States, complete this section: Citizenship; Born of U.S. Parent; Naturalized; If Naturalized: Own Papers ☐ Parent's Papers ☐; Court; City; State; Date

3 If unable to sign name complete this section: Father's First Name; Mother's First Name; Height; Color of Eyes; Reason for Inability to Sign Name; Physical Disability ☐ Describe; Unable to Write ☐; Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; and that I consider that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me on 8/30/99 (month, day, year)

Signature of Registration Officer

This is my signature or mark in the space below

To Election Judges	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
For Primary, mark D for Democrat R for Republican or as Instructed. For all other elections, mark V.	Primary																																			
	General																																			
	Consolidated																																			
	Special																																			

Township/Ward | Precinct

PRINT HARD - USE BALL POINT PEN

REV. 1/99 YH-025 GOVERNMENTAL BUSINESS SYSTEMS, INC. - JOB 90509 1-3448, 5-7, 8-35

EXHIBIT A 6

Code: 3 5

1 Last Name: Cunningham | First Name: Peggy | Middle Initial: A | Sr Jr | Township/Ward: 01 | Precinct: 057

Address: House No. & Street Name: 10225 W. Bonner Apt. No. | Town or Village: Zip Code: Beach Park | Telephone No.: 360-0474 | SEC. SUBD. RYG.

Date of Birth: Month 02 Day 16 Year 50 | Place of Birth: State or Country: Ohio | Sex: M F | Social Security Number (or last four digits): 2688

Prior Registration: Address: 2300 Barrett St. | Name (if changed): N/A

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent / Naturalized | If Naturalized: Own Papers ☐ Parent's Papers ☐ | Court | City | State | Date

3 If unable to sign name complete this section: Father's First Name | Mother's First Name | Height | Color of Eyes | Reason for Inability to Sign Name: Physical Disability ☐ Describe | Unable to Write ☐ | Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me on (Month, day, year) 8-25 Signature of Registration Officer | This may appear as a mark in the space below. Signature or Mark of Applicant for Registration

To Election Judges: For Primary, mark D for Democrat R for Republican or as instructed. For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	Primary																																			
	General																																			
	Consolidated																																			
	Special																																			

340 Bdmy. 1B 2/12/50 3 | Township/Ward | Precinct

Name: | Code:

1 Last Name: Cunningham | First Name: Peggy | Middle Initial: A. | Sr Jr | Township/Ward: WKgN 04 | Precinct: 340

Address: (including number, direction, street name; apt., or lot no. for township, range, and section) 1745 Greenfield Ave. North Chicago, Ill. 60064

Date of Birth: Month 2 Day 16 Year 50 | Place of Birth: State or Country: Cleveland, Ohio | Sex: M F | Social Security or Driver's License No.: [redacted] 2688

Prior Registration: Address 1711B Barrett Ct., North Chicago | Name (if Changed)

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent / Naturalized | If Naturalized: Court

CUNNINGHAM , PEGGY A
02/16/50
WK 338

04192404

3 If unable to sign name, complete this section: Father's First Name | Mother's First Name | Hei | Distinguishing Marks | Unable to Write ☐

4 STATE OF ILLINOIS COUNTY OF LAKE I hereby swear (or affirm) that I am a citizen of the United States, that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence, that I am fully qualified to vote, and that the above statements are true.

Subscribed and sworn to before me this 19th day of JAN 19 87

340 Source Code | Signature of Registration Officer | Signature or Mark of Applicant for Registration

To Election Judges: For Primary, mark D for Democrat R for Republican as instructed. For all other elections mark V.	Voting Record	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15
	Primary							D						D																		
	General						X																									
	Non-partisan			R				X																								
	Special					X																										
	Special																															

Township/Ward | Precinct

JAN 20 1987

PRINT HARD - USE BALL POINT PEN

VR-005 GOVERNMENTAL BUSINESS SYSTEMS, INC. - JOB 95059

EXHIBIT A 7

TERRY Code: 5

1 Last Name: TERRY First Name: SHANNON Middle Initial: Sr Jr: Township/Ward: 09 Precinct: 319

Address: House No. & Street Name: 3075 KATIE LN. Lot/Apt. No.: APT 8 City or Village: WAUK Zip: 60085 Telephone No.: 623-1303 SEC. TWP. RNG.

Date of Birth: Month 01 Day 21 Year 78 Place of Birth: State or Country: IL Sex: M F Social Security Number (or last four digits): 5832

Prior Registration: Address: N/A Name (if changed):

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent ☐ Naturalized ☐ If Naturalized: Own Papers ☐ Parent's Papers ☐ Court City State Date

3 If unable to sign name complete this section: Father's First Name Mother's First Name Height Color of Eyes Reason for Inability to Sign Name: Physical Disability ☐ Describe Unable to Write ☐ Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I legally that the location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me on 8-2-88 (Month, day, year) Signature of Registration Officer. This is my signature or mark in the space below: Shannon Terry

To Election Judges: For Primary, mark D for Democrat, R for Republican or as instructed. For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	Primary																																			
	General																																			
	Consolidated																																			
	Special																																			

105 SS# SB 5834 Township/Ward Precinct

R-1SC REV. 7/89 VR-UDS GOVERNMENTAL BUSINESS SYSTEMS, INC. - JOB 50508 10 ECS 544-8, 5-7, 6-35 PRINT HARD - USE BALL POINT PEN

LAKE COUNTY CLERK RECEIVED 95 MAY -1 AM 10:47 00003-00002

TO VOTE FOR FEDERAL OFFICES ONLY

1. Applicant Name (Last, First, Middle): TERRY, SHANNON, ELIJAH

2. Voting Address (Address, City, ZIP): 1301 BROADWAY (APT D) NORTH CHICAGO, 60064 County: LAKE Township: 10/205

3. Previous Registration (Address, City, State, ZIP) County: Previous Name:

4. Date of Birth: 01-21-78 5. Sex: M 6. Telephone Number (optional): 847-473-9625 7. Application ID: 27719960426000025834

8. Voter Affidavit: • I swear or affirm that I am a citizen of the United States. • I will be at least 18 years old on or before the next election. • I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election. • All of the information contained on this application is true. I understand that if it is not true I can be convicted of perjury and fined up to $5,000 and/or jailed for 2-5 years.

OFFICE OF THE COUNTY CLERK
18 N COUNTY
WAUKEGAN 60085

This is my signature or mark in the space below: Shannon Terry

Date: 4-26-96

X

EXHIBIT A6

Code:

1 Last Name: DUFFIE | First Name: VENICE | Middle Initial | Sr Jr | Township/Ward: 02 | Precinct: 378

Address: 3304 LEBANON | Apt. No. | City or Village: ZION | Zip | Telephone No.: 731-0500 | SEC. TWP. RNG.

Date of Birth: 11 01 64 | Place of Birth: State or Country | Sex: M F | Social Security Number (or last four digits): 3327

Prior Registration: Address | Name (if changed): N/A

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent / Naturalized | If Naturalized: Own Papers ☐ Parent's Papers ☐ | Court | City | State | Date

3 If unable to sign name complete this section: Father's First Name | Mother's First Name | Height | Color of Eyes | Reason for Inability to Sign Name: Physical Disability ☐ Describe | Unable to Write ☐ | Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I will have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me on 1-22-97 (Month, Day, Year)

Signature of Registration Officer | This is my signature or mark in the space below: Venice Duffie

To Election Judges For Primary, mark, D for Democrat R for Republican or as instructed. For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	Primary																																			
	General																																			
	Consolidated																																			
	Special																																			

Township/Ward | Precinct

ILLINOIS VOTER REGISTRATION APPLICATION

1. Applicant Name (Last, First, Middle): DUFFIE, VENICE, E

97 JAN 29 PM 2:49 00075

2. Voting Address (Address, City, ZIP): 2216 GIDEON Ave ZION, 60099 | County: LAKE | Township: 02/378

3. Previous Registration (Address, City, State, ZIP) | County | Previous Name

4. Date of Birth: 11-01-64 | 5. Sex: F | 6. Telephone Number (optional): 847-746-9104 | 7. Application ID: 2771997012200463527

8. Voter Affidavit: • I swear or affirm that I am a citizen of the United States. • I will be at least 18 years old on or before the next election. • I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election. • All of the information contained on this application is true. I understand that if it is not true I can be convicted of perjury and fined up to $5,000 and/or jailed for 2-5 years.

DUFFIE , VENICE E
11/01/84
ZN 378
04603682

This is my signature or mark in the space below: Venice Duffie

Date: 1-22-97

EXHIBIT A 9

NEORA Code:

1 Last Name: MANNING First Name: NEORA Middle Initial: Sr Jr Township/Ward: 09 Precinct: 340

Address: House No. & Street Name: 1230 VICTORIA Lot/Apt. No. City or Village: WKGN Zip: 60084 Telephone No.: 473-2801 SEC. TWP. RNG.

Date of Birth: Month 02 Day 23 Year 70 Place of Birth: State or Country: IL Sex: M F Social Security Number (or last four digits): 7936

Prior Registration: Address: N/A Name (if changed):

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent / Naturalized. If Naturalized: Own Papers ☐ Parent's Papers ☐ Court / City / State / Date

3 If unable to sign name complete this section: Father's First Name / Mother's First Name / Height / Color of Eyes / Reason for Inability to Sign Name: Physical Disability ☐ Describe / Unable to Write ☐ Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me on 2/3/00 (month, day, year) Signature of Registration Officer. This is my signature or mark to be placed below: Neora Manning

To Election Judges For Primary, mark D for Democrat R for Republican or as instructed. For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
	Primary																																			
	General																																			
	Consolidated																																			
	Special																																			

Township/Ward: Precinct:

Code: 336

1 Last Name: MANNING First Name: NEDRA Middle Initial: A Sr Jr Township/Ward: 09 Precinct: 335

Address: House No. & Street Name: 575 S. VICTORIA Lot/Apt. No.: #6 WKGN City or Village: WKGN Zip: 60085 Telephone No.: SEC. TWP. RNG.

Date of Birth: Month 2 Day 23 Year 70 Place of Birth: State or Country: ILLINOIS Sex: M F Social Security or Driver's License No.: [redacted]-7936

Prior Registration: Address: Name (if changed):

2 If born outside the United States, complete this section: Citizenship: Born of U.S. Parent / Naturalized. If Naturalized: Own Papers ☐ Parent's Papers ☐ Court / City / State / Date

3 If unable to sign name complete this section: Father's First Name / Mother's First Name / Height / Color of Eyes / Reason for Inability to Sign Name: Physical Disability ☐ Describe / Unable to Write ☐ Distinguishing Marks

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me this 5 day of December 1998. Signature of Registration Officer: Jack E. Essens. Signature or Mark of Applicant for Registration: Nedra Manning

To Election Judges For Primary, mark D for Democrat R for Republican or as instructed. For all other elections, mark V.	Voting Record	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15
	Primary																		
	General																		
	Nonpartisan																		
	Special																		

MANNING, NEORA A
02/23/70
WK 340
04653874

DEC 08 1998

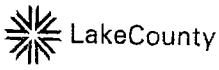
PRINT HARD - USE BALL POINT PEN

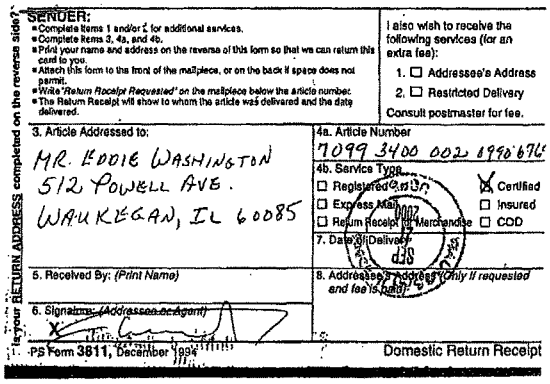
VR-105 REV. 7/99 VR-025 GOVERNMENTAL BUSINESS SYSTEMS, INC. - JOB 98528

10 ILCS 5/4-8, 5-7, 5-35

EXHIBIT A

10





SENDER:
- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):
1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
MR. EDDIE WASHINGTON
512 POWELL AVE.
WAUKEGAN, IL 60085

4a. Article Number
7099 3400 0022 6990 676[illegible]

4b. Service Type
☐ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
SEP 20 2000

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 — Domestic Return Receipt

September 18, 2000

Mr. Eddie Washington
512 Powell Avenue
Waukegan, IL 60085

Dear Mr. Washington:

In the routine processing of voter registration applications, our office has discovered an inordinate number of voter registration applications recorded and attested to by you as a Deputy Registrar that contain inaccurate, incomplete and unverifiable information. As you know Judie Blohm from our Voter Registration Department made a courtesy call to you previously to review the procedures and required elements for taking registrations, specifically compliance with the requirements of the Illinois Election Code. The irregularities have continued. Accordingly, pursuant to Section 5-16(b) of the Illinois Election Code, I hereby remove you as a Deputy Registrar effective immediately.

Sincerely,

Willard R. Helander

Willard R. Helander
Lake County Clerk

Administration
County Clerk
360 6867
Chief Deputy
360 6689
County Board &
Public Records
360 3815
E-mail
cntyclk@co.lake.il.us

Elections
Voter Registration &
Election Results
360 6628
Absentee Voting
360 5912
Election Judges
360 6632
Polling Places
360 6928

Public Filings
Assumed Business
Names
360 5681
Notaries
360 6686
Economic Interest
360 6630
Campaign Disclosure
360 7314

Tax Extension
Department
360 6657
Real Estate Tax
Redemptions
360 6639
Extensions & Levies
360 6657
Mobile Home Taxes
360 6657

Vital Records
Certified Birth, Marriage
& Death Records
Marriage Licenses
360 6670
Recorded Information
Vital Records
360 3609
Marriage License
360 6568

EXHIBIT A 11

October 19, 2000

To: Dan Jasica
Fr: M. Hansen
Re: Voter Registration Investigation

All of the questioned voter registrations we were requested to investigate by the Clerk's Office, except the following list of names, at this time, do not meet the criteria for further investigation.

1) Hildago, Miguel
3120 Mini Dr.
Wadsworth, Illinois
non - citizen

2) Rivera, Norma
3000 Gilboa
Zion
non - citizen

3) Bueno, Jose
318 South Ave.
Waukegan, Il
non - citizen

4) Dominguez, Claudia
574 Caroline Place
Waukegan, Ill
non - citizen

Camargo, Leonela
2128 Indian
Waukegan, Ill
could be spelling error on first name
non-citizen

5) Vasquez, Basgoo
555 Mc Alister
Waukegan, Ill
non - citizen

6) Montoya, Miguel •
2035 Honore Ave.
North Chicago
non - citizen false info. says naturalized in Cook Co. in '92.

7) Gonzales, Karina •
1102 Wadsworth
North Chicago, Ill
non - citizen. false info. checks box saying naturalized

EXHIBIT B

9 Dean, Stephanie •
1802Horeb
Zion

10 Johnson, Mark •
415 Cummings
Wauukegan

11 Swopes, Justin •
115 N. Lewis
Waukegan

12 Taylor, Leon •
6004 Grand Oaks
Gurnee

13 Smith, James •
546 Lincoln
Waukegan

14 Miller, Roland •
1432 Seymour
North Chicago

15 Hoffman, Shelly
2200 14th St.
North Chicago

16 Williams, Aaron •
1128 Greenfield
North Chicago

17 Sprott, Chris •
1632 Dickey
North Chicago

18 Kromah, Brian •
2115 Hervey
North Chicago

Redmon, Cornlius •
612 Sourth Ave
Waukegan

non-existent

EXHIBIT B
2

non-existent

Tillis, Nicole •
3099 Ezekiel
Zion

Clinton, Ashley •
2902 Hermon
Zion

Hudson, Eugene
1502 Broadway
North Chicago

Wilson, Calvin •
2221 Jackson
North Chicago

Bryant, Anthony
1305 12th
Zion

King, Noren •
21156 Hebron
Zion

Anthony, Edwin
"Unknown Street"

Edwards, Cheree
595 S. Utica, Apt 5
Waukegan

Allen, Michael
320 Keller
Waukegan

Moore, Hazel
1713 20th St.
North Chicago

undelivered

EXHIBIT B 3

I wish to withdraw my voter registration in Lake County. I wish to remain registered in DuPage County.

Sean Tenner

Sean Tenner

6-23-2000

P

Code: 33

Last Name	First Name	Middle Initial	Sr Jr	Township/Ward	Precinct
TENNER	SEAN	C.		10	214

Address: House No. & Street Name	Lot/Apt. No.	City or Village	Zip	847 Telephone No.	SEC. TWP. RNG.
77 Rockland Ave.		Lake Bluff	60044	295-5252	

Date of Birth (Day, Year)	Place of Birth: State or Country	Sex	Social Security Number (or last four digits)
12/13/77	Rockford, Illinois	(M) F	[redacted] - [redacted] - 2001

Address

Name (if changed)

Prior Registration: N/A

If born outside the United States, complete this section:	Citizenship		If Naturalized: Own Papers ☐ Parent's Papers ☐			
	Born of U.S. Parent	✓	Court	City	State	Date
	Naturalized					

If unable to sign name complete this section:	Father's First Name	Mother's First Name	Height	Color of Eyes	Reason for Inability to Sign Name
					Physical Disability ☐ Describe
	Distinguishing Marks				Unable to Write ☐

STATE OF ILLINOIS, COUNTY OF LAKE I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn before me on 6/14/00 (Month, Day, Year)

Signature of Registration Officer

This is my signature or mark to the oath above

x Sean Tenner

Judges: To vote for Democrat or Republican as instructed, mark Y. For all other, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17
	Primary																		
	General																		
	Consolidated																		
	Special																		

TENNER, SEAN C
12/13/77
SH 214

04700408

EXHIBIT C

Deputy Registrar Oath and Index Card
(CIVIC.ORGANIZATION)

NAME: Sean C. Tenner SOURCE: G31

CIVIC ORGANIZATION: Lake County Democratic Central Committee
(As Certified by the State Board of Elections)

COMMISSION PERIOD: June 22, 2000 to November 30, 2000

BUSINESS PHONE: EXTENSION:

HOME ADDRESS: 517 Rockland Ave.
Lake Bluff, IL 60048

HOME PHONE: (847) 295-5252

PLEASE READ AND SIGN ON REVERSE SIDE

DEPUTY REGISTRAR

Name: **Sean C. Tenner**
Representing:
Lake County Democratic Central Committee

Commission Period:
June 22, 2000 to November 30, 2000

Source Code
G31

Lake County Clerk

EXHIBIT C 2

DEPUTY REGISTRAR OATH or AFFIRMATION

STATE OF ILLINOIS }
COUNTY OF LAKE } ss

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of Deputy Registrar to the best of my ability, and that I will register no person, nor cause the registration of any person, except upon his/her personal application before me.

I also hereby affirm that I have received training and registration supplies from the Lake County Clerk's Office and that I understand my duties and responsibilities as a Deputy Registrar for Lake County, Illinois.

Signature of Deputy Registrar

Subscribed and sworn to (or affirmed)
before me this 22nd day of June, 20 00.

Signature of Notary Public

I hereby affirm that I have received training from the Lake County Clerk's Office and that I understand my duties and responsibilities as a Deputy Registrar for Lake County, Illinois.

Signature

June 22 2000
Date

EXHIBIT C 3

Code:

1 Last Name: KISER | First Name: Leonard | Middle Initial | Sr/Jr | Township/Ward: 77 | Precinct: 339

Address: House No. & Street Name: 1502 Seymour | Apt. No.: Apt 2 | City or Village: North Chicago | Zip: | Telephone No.: 773-898-702 | SEC. TWP. RG.

Date of Birth: 04/21/77 | Place of Birth: State or Country: Ill. | Sex: M | Social Security Number (for last four digits): 5442

Prior Registration: Address: N/A | Name (if changed)

2 If born outside the United States, complete this section:

Citizenship		If Naturalized: Own Papers ☐ Parent's Papers ☐			
Born of U.S. Parent		Court	City	State	Date
Naturalized					

3 If unable to sign name complete this section:

Father's First Name	Mother's First Name	Height	Color of Eyes	Reason for Inability to Sign Name
				Physical Disability ☐ Describe
Distinguishing Marks				Unable to Write ☐

4 STATE OF ILLINOIS, COUNTY OF LAKE I hereby swear (or affirm) that I am a citizen of the United States; that on the date of this election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; and that I have not the location shall be for permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me on _____ (month, day, year)

This is my signature or mark in the space below: + Leonard Kiser

Signature of Registration Officer

To Election Judges For Primary, mark D for Democrat R for Republican or as instructed. For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17
	Primary																		
	General																		
	Consolidated																		
	Special																		

KISER, LEONARD
04/21/77
WK 338

04713123

Willard Rooks-Helander
Lake County Clerk

LakeCounty

18 North County Street - Room 101
Waukegan, Illinois 60085-4304

RETURN SERVICE REQUESTED

ATTEMPTED NOT KNOWN

OFFICIAL ELECTION MAIL
Approved by the U.S. Postal Service

2.0.01 Wsm N

Unknown Deceased Dire Here

339

10.2.00

LEONARD KISER
1502 SEYMOUR AVE.APT.2
NORTH CHICAGO, IL 60064

339

"You are always welcome at the County Clerk's Office!"

JAN 13 2000

USPS 60064

EXHIBIT D

WILLARD R. HELDNINDER
Lake County Clerk
18 N. County St.
Waukegan, IL 60085

RETURN SERVICE REQUESTED
NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
Waukegan, IL
PERMIT NO. 1

LEONARD KISER
1502 SEYMOUR AVE APT 2
NORTH CHICAGO, IL 60064

MAR 1 9 2000

0.01

NOT DELIVERABLE

Last Name: KARASKIEWICZ | First Name: DEANNA | Middle Initial: E | Suffix: | Precinct: 0177

Address: 9990 W HENDEE RD | Apt. No. & Street Name: | Zip: 60087 | Telephone No: 623-221-2

Place of Birth: State or Country: | Sex: F | Social Security Number (or last six digits): [redacted]

Prior Registration: Address: | Name (if changed): | Date of Birth: 8-14-55

If born outside the United States, complete this section: Naturalized U.S. Citizen: | Court: | If Naturalized, Own Papers ☐ Parent's Papers ☐ | City: | State: | Date:

If unable to sign name complete this section: Mother's First Name: | Father's First Name: | Distinguishing Marks: | Height: | Color of Eyes: | Usual Place of Residence: | Physical Disability ☐ Describe: | Reason for Inability to Sign Name:

STATE OF ILLINOIS, COUNTY OF LAKE: I hereby swear (or affirm) that I am a citizen of the United States and that the above statements are true to the best of my knowledge and belief. I hereby swear (or affirm) that I am a resident of the election precinct in which I shall vote at the above address for a period of 30 days preceding this election. I hereby swear (or affirm) that I am the person named above. Subscribed and sworn to before me on ___ Signature of Election Judge: [signature] | Signature of Applicant: Deanna E Karaskiewicz

To Election Judges For Primary, Mark D if ballot issued or as requested For all other elections, mark V.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17
	Primary																		
	General																		
	Consolidated																		
	Special																		

KARASKIEWICZ, DEANNA E
12/23/77
WK 289

04711676

SEP 8 5 2000

WILLARD R. HELANDER
Lake County Clerk
18 N County St
Waukegan IL 60085

FORWARDING SERVICE REQUESTED

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
Waukegan, IL
PERMIT NO. 31

09299

DEANNA E KARASKIEWICZ
9990 W HENDEE RD
BEACH PARK IL 60087

FEB 1 5 2001

Willard Rooks Helander
Lake County Clerk

LakeCounty
18 North County Street - Room 101
Waukegan, Illinois 60085-4364

RETURN SERVICE REQUESTED

NONPROFIT ORG
U.S. POSTAGE
PAID
Waukegan, IL
Permit No. 31

RECEIVED
DEC 1 0 2000
LAKE COUNTY
WILLARD R HELANDER

EXHIBIT D2

DEANNA E KARASKIEWICZ
9990 W HENDEE RD
BEACH PARK IL 60087

299

KAHAVVO 60087/2063 SEQ 44 10/16/00
FWD TIME EXP RTN TO SEND POST DUE
KARASKIEWICZ
1004 LORCHIEZ DR
ZION IL 60099-1308

RETURN TO SENDER POST DUE = $ .33

60087-2103 02
60087/4280

Code: G-12

1	Last Name	First Name	Middle Initial	Sr Jr	Township/Ward	Precinct
	De la Fuente	Peter	F		09	329

Address: House No. & Street Name: 107 E. Madison #202 Apt. No: Lot/Apt. No: City or Village: Waukegan Zip: 60085 Telephone No.: 336-2012 SEC. TWP. RGE.

Date of Birth: Month 1 Day 1 Year 63 Place of Birth: State or Country: El Salvador Sex: (M) F Social Security Number (for last four digits): 9691

Prior Registration: Address: Name (if changed)

OCT 1 6 2000

2 If born outside the United States, complete this section:

Citizenship: Born of U.S. Parent	Naturalized	If Naturalized: Own Papers ☒ Parent's Papers ☐ Court	City	State	Date
	X	U.S. District Court	Chicago	Illinois	8/24/00

3 If unable to sign name complete this section:

Father's First Name	Mother's First Name	Height	Color of Eyes	Reason for Inability to Sign Name
				Physical Disability ☐ Describe
Distinguishing Marks				Unable to Write ☐

4 STATE OF ILLINOIS, COUNTY OF LAKE, I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true. Subscribed and sworn to before me on 10/16/2000 (month, day, year)

Signature of Registration Officer: Linda K. Wende

This is my signature or mark in the space below: Peter F De la Fuente

To Election Judges For Primary, mark D for Democrat R for Republican or as instructed. For all other elections, mark Y.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17
	Primary																		
	General																		
	Consolidated																		
	Special																		

DE LA FUENTE, PETER F
01/01/63
WK 329

04719535

AKD

WILLARD R. HELANDER
Lake County Clerk
18 N County St
Waukegan IL 60085

FORWARDING SERVICE REQUESTED

PRESORTED FIRST-CLASS MAIL U.S. POSTAGE PAID Waukegan, IL PERMIT NO. 31

FEB 15 2001

PETER F DE LA FUENTE
107 MADISON ST #202
WAUKEGAN, IL 60085

09329

Willard Rooks Helander
Lake County Clerk

LakeCounty
18 North County Street - Room 101
Waukegan, Illinois 60085-4364

RETURN SERVICE REQUESTED

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

RECEIVED OCT 29 2000 WILLARD R. HELANDER

SM 2/7/01 EO

PETER F DE LA FUENTE
107 MADISON ST #202
WAUKEGAN, IL 60085

329

"You are always welcome at the County Clerk's Office!"

672 10/15/00

EXHIBIT D3

Code

1.	Last Name	First Name	Middle Initial	Township/Ward	Precinct
	BOTTENFIELD	ERIC	K	Waukegan/2	343

Address: House No. & Street Name	Last Apt. No.	City or Village	Zip	Telephone No.	Unincorporated Area
1610 SHERIDAN (RD)	(APT 101)	NORTH CHICAGO	60064	(847) 785-0035	☐ Yes ☒ No

Date of Birth: Month	Day	Year	Place of Birth: State or Country	Sex	Social Security Number
6	22	77	WAUKEGAN, IL (LAKE)	M F	[redacted] 4140

Prior Registration: Address: NA Name (if Changed)

2. If born outside the United States, complete this section:

Citizenship		If Naturalized: Own Papers ☐ Parent's Papers ☐			
		Court	City	State	Date
Born of U.S. Parent	X				
Naturalized					

3. If unable to sign name complete this section:

Father's First Name	Mother's First Name	Height	Color of Eyes	Reason for Inability to Sign Name
				Physical Disability ☐ Deceased ☐ Unable to Write ☐
Distinguishing Marks				

4. STATE OF ILLINOIS COUNTY OF LAKE I hereby swear (or affirm) that I am a citizen of the United States, that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence, that I am fully qualified to vote, and that the above statements are true.

Subscribed and sworn to before me this 5 day of Sept A.D. 2000

Samuel F. Merritt — Signature of Registration Officer

Eric K Bottenfield — Signature of Mark of Applicant for Registration

To Election Judges: For Primary mark D for Democrat, R for Republican or as Instructed. For all other elections mark X	Voting Record	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	20
	Primary																	
	General																	
	Non-partisan																	
	Special																	

BOTTENFIELD, ERIC K
08/22/77
WK 343

04720274

Township/Ward | Precinct

WILLARD R. HELANDER
Lake County, Clerk
18 N County St
Waukegan IL 60085

FORWARDING SERVICE REQUESTED

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
Waukegan, IL
PERMIT NO. 31

NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD

ERIC K BOTTENFIELD
1610 SHERIDAN RD APT 101
NORTH CHICAGO, IL 60064

09343

FEB 2 2 2001

Willard Rooks Helander
Lake County Clerk
LakeCounty
18 North County Street • Room 101
Waukegan, Illinois 60085-4304

RETURN SERVICE REQUESTED

RETURNED TO SENDER
Postage Due
NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

Alder Sm Ct

ERIC K BOTTENFIELD
1610 SHERIDAN RD APT 101
NORTH CHICAGO, IL 60064

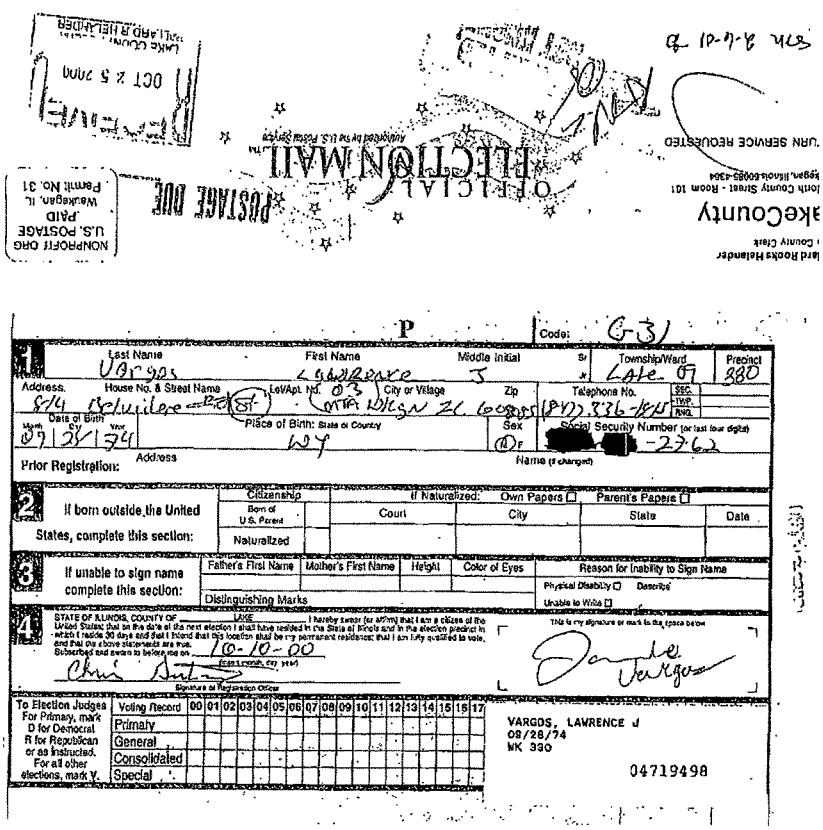
343

"You are always welcome at the County Clerk's Office!"

C.30" 10/15/08

[redacted]

EXHIBIT. D4



NONPROFIT ORG
U.S. POSTAGE
PAID
Waukegan, IL
Permit No. 31

POSTAGE DUE

OFFICIAL ELECTION MAIL
Authorized by the U.S. Postal Service

RECEIVED
OCT 2 5 2000
Lake County
Jail Adp Bureau

"You are always welcome at
the County Clerk's Office"

330

LAWRENCE J VARGOS
814 BELVIDERE ST, #3
WAUKEGAN, IL 60085

60085-5364 03

31 10/05/00

Lake County
John County Street - Room 101
Waukegan, Illinois 60085-4304

URN SERVICE REQUESTED

Lard Rooks Helander
County Clerk

P

Code: G-3

1	Last Name	First Name	Middle Initial	Sr	Township/Ward	Precinct
	VARGOS	LAWRENCE	J		LAKE 07	280

Address. House No. & Street Name: 814 Belvidere Rd St — Apt. No.: 03 — City or Village: Waukegan — Zip: IL 60085 — Telephone No.: (847) 336-1415 — SEC. / TWP. / RNG.

Date of Birth: Mon. 09 Day 25 Year 74 — Place of Birth: State or Country: WY — Sex: (M) F — Social Security Number (or last four digits): [redacted]-2762

Prior Registration: Address — Name (if changed)

2	If born outside the United States, complete this section:	Citizenship		If Naturalized: Own Papers ☐ Parent's Papers ☐			
		Born of U.S. Parent		Court	City	State	Date
		Naturalized					

3	If unable to sign name complete this section:	Father's First Name	Mother's First Name	Height	Color of Eyes	Reason for Inability to Sign Name
		Distinguishing Marks				Physical Disability ☐ Describe: Unable to Write ☐

4 STATE OF ILLINOIS, COUNTY OF LAKE. I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my permanent residence; that I am fully qualified to vote, and that the above statements are true.
Subscribed and sworn to before me on 10-10-00 (month, day, year)
Chris Anderson
Signature of Registration Officer

This is my signature or mark in the space below
Lawrence Vargos

To Election Judges For Primary, mark D for Democrat R for Republican or as instructed. For all other elections, mark Y.	Voting Record	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17
	Primary																		
	General																		
	Consolidated																		
	Special																		

VARGOS, LAWRENCE J
09/25/74
WK 330

04719498

EXHIBIT D5

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS
APPLICATION TO VOTE
CONSOLIDATED - April 17, 2007

TOWNSHIP PRECINCT: Waukegan 364

BALLOT STYLE 934

Theisen, Clement L
2007 Little Fort Rd
Waukegan, IL 60087

JUDGE USE ONLY
No. 6
in voting order

VOTER INFORMATION
3/01/1930 M 9992
00861579

CERTIFICATE OF REGISTERED VOTER
I certify I am registered to vote from the address shown on this application and that I am qualifed to vote. Sign on the line below:
x Clement L. Theisen

UNITS OF GOVERNMENT
City of Waukegan-Ward 8
College of Lake County District #532
Waukegan Community Unit School Dist #60
Waukegan Park District

CONG	LEG	REP	C.B.

VOTER'S FACSIMILE SIGNATURE
I certify that I am registered to vote from the address shown above, and that I am qualified to vote. Voter: Sign in box below.
Clement L. Theisen

Voter signatures verified by: LJS

Judges mark box(es) applicable:
☐ Assisted Voter
☐ Challenged Primary Voter
☐ Federal Ballot
☐ Requires Verification
☐ Spoiled Ballot

Willard R. Helander
WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS

EARLY VOTER APPLICATION

April 17, 2007 - Consolidated

Election Official Use Only
No. 253
(# in voting order)

DL Number: T 250-1123-0063
State ID Number: _____
Other: _____

Clement L Theisen
2007 Little Fort Rd
Waukegan IL 60087

By choosing to apply for a ballot during the period of 22 days through 5 days prior to the election, I understand that **I cannot vote at the polling place on election day.**

I am a resident in the township and precinct at the address and city in Lake County, Illinois listed above. I have lived at this address for 40 years and _____ months, and I am lawfully entitled to vote in this precinct at this election.

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of:

_____ (individual rendering assistance) _____ (address)

I have provided the required valid identification showing my address and photograph. Under penalties as provided by law pursuant to 10 ILCS 5/29-10, I certify the statements set forth in this application are true and correct.

Election Official Use Only
Voter signature verified by:

Dated: 4/6/07, 2007

Clement L Theisen
Signature of Applicant

EXHIBIT E

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS
APPLICATION TO VOTE
GENERAL - November 7, 2006

YOO, TAEK Y
181 Minthaven Ct Apt 6B21
Gurnee, IL 60031

CERTIFICATE OF REGISTERED VOTER

I certify I am registered to vote from the address shown on this application and that I am qualifed to vote. Sign on the line below:

x Taek Young Yoo

VOTER'S FACSIMILE SIGNATURE

This is my signature or mark in the space below

Taek Young Yoo

FOR JUDGE USE ONLY	BALLOT STYLE 422
No. 159 # in voting order	

VOTER INFORMATION

7/28/1936	M	9095

TOWNSHIP	PRECINCT
Warren	320

04777075

UNITS OF GOVERNMENT

CONG	LEG	REP	C.B.
08	31	62	07

YOO
BALLOT STYLE
422

TO ENSURE YOUR BALLOT IS CORRECT, VERIFY THAT THE STYLE NUMBER ABOVE APPEARS ON YOUR BALLOT.

I HEREBY CERTIFY THAT THE FOLLOWING NAMED INDIVIDUAL VOTED IN THE GENERAL ON NOVEMBER 7, 2006.

Willard R. Helander
WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS

Voter signatures verified by: MM

Judges mark box(es) applicable:

- ☐ Assisted Voter
- ☐ Challenged Primary Voter
- ☐ Federal Ballot
- ☐ Requires Verification
- ☐ Spoiled Ballot

Willard R. Helander
WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS

YOO, TAEK Y
181 Minthaven Ct Apt 6B21
Gurnee, IL 60031

E-2

Township: Warren Township
Precinct Number: 320
Ballot Style: 00~~42~~ Fed 8

EARLY VOTER APPLICATION

November 7, 2006 - General

Election Official Use Only
No. 832
(# in voting order)

DL Number: Y000 81936214

State ID Number: _____

Other: _____

Taek Y Yoo
181 Minthaven Ct Apt 6B21
Gurnee IL 60031

By choosing to apply for a ballot during the period of 22 days through 5 days prior to the election, I understand that **I cannot vote at the polling place on election day.**

I am a resident in the township and precinct at the address and city in Lake County, Illinois listed above. I have lived at this address for 1 years and _____ months, and I am lawfully entitled to vote in this precinct at this election.

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of:

_____ (individual rendering assistance) _____ (address)

I have provided the required valid identification showing my address and photograph. Under penalties as provided by law pursuant to 10 ILCS 5/29-10, I certify the statements set forth in this application are true and correct.

Election Official Use Only
Voter signature verified by: BH

Dated: Oct 30, 2006

Taek Yong Yoo
Signature of Applicant

F-3

VOTER AFFIDAVIT

C-3

STATE OF ILLINOIS } SS.
LAKE COUNTY

Township of Warren Precinct No. 320

I, Taek Y Yoo, do solemnly swear (or affirm) that I am a citizen of the United States; that I am 18 years of age or over; that I have resided in this State and in this election precinct 30 days next preceding this election; that I have not voted at this election; that I am a duly qualified voter in every respect; that I now reside at 124 Green haven. Lane town, city or village of Gurnee, in this election precinct.

MARK APPLICABLE STATEMENT AND FILL IN ANY BLANKS IN THAT STATEMENT

☐ 1. Verification Required — I am registered to vote from the above address in this precinct. (10 ILCS 5/17-10) Supporting affidavit or two forms of I.D. required **(must complete #1 or #4 on reverse side)**.

☐ 2. Moved within the precinct within 27 days — I have moved in the past 27 days within this precinct from _____ to the address listed above (10 ILCS 5/5-23, 5/6-53). Supporting affidavit or two forms of I.D. required **(must complete #1 or #4 on reverse side)**.

☐ 3. Moved outside precinct within 30 days — I moved from _____, and now reside at the address listed above in another precinct in Lake County or in another jurisdiction in Illinois (10 ILCS 5/17-10(b)). Supporting affidavit or two forms of I.D. required **(must complete #1 or #4 on reverse side)**.

☐ 4. Changed Name (in precinct) — I _____, do solemnly swear (or affirm) that I am the same person registered in the above precinct and township under the previous name of _____ and that I still reside in said precinct. (10 ILCS 5/5-24). Supporting affidavit or two forms of I.D. required (10 ILCS 5/4-16) **(must complete #1 or #4 on reverse side)**.

☐ 5. Assisted Voter — **Mark an "X" in the appropriate square**

A. ☐ I cannot read or write the English language and hereby request assistance (10 ILCS 5/7-48, 17-14). Supporting assisted voter affidavit required **(must complete #2 on reverse side)**.

B. ☐ By reason of physical disability of _____, I am unable to mark my ballot and hereby request assistance (10 ILCS 5/7-48, 17-14). Supporting assisted voter affidavit required **(must complete #2 on reverse side)**.

PRIMARY ELECTION ONLY

☐ 6. Challenged Primary Voter — I do solemnly swear (or affirm) that I am duly qualified to vote and I am a member of and affiliated with the _____ party; that I have not signed the petition for the nomination of a candidate of a political party with which I am not affiliated, and that I have not signed the nominating papers for any independent candidate for any office which candidates for nomination are voted for in this primary. (10 ILCS 5/7-43,7-45) Supporting affidavit or two forms of I.D. required **(must complete #1 or #4 on reverse side)**.

FEDERAL ELECTION ONLY

☒ 7. Address Correction for Fail-Safe Voter — I do solemnly swear (or affirm) that I am duly qualified to vote; that I have changed my address within Lake County within the last 4 years; and I am voting in my former precinct. Supporting affidavit required **(must complete #3 on reverse side)**.

So help me God, (or "this I do solemnly and sincerely affirm," as the case may be) Taek Yong Yoo
Signature of Voter

Signed and sworn to (or affirmed) by Taek Y Yoo (Print name of Voter) before me, on Oct 30, 2006 (Month, Day, Year)

Beth A Hupp
Signature of Election Judge

U:\Elections\forms\affadavit\2005\C-3aff.med

EXHIBIT E 4

SUPPORTING AFFIDAVITS

C-3

STATE OF ILLINOIS } ss.
LAKE COUNTY

Township of _____ Precinct No. _____

I do solemnly swear (or affirm) that I am a resident of this election precinct and entitled to vote at this election; and that I have been a resident of the State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he/she is an actual and bona fide resident of this election precinct and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

Subscribed and sworn to (or affirmed) by _____ on _____
Print Name of Registered Voter *Insert Month, Day, Year*

_____ _____
Signature of Election Judge *Signature of Registered Voter*

TO THE PERSON PROVIDING ASSISTANCE TO VOTERS

YOU HAVE BEEN SELECTED BY A VOTER TO PROVIDE VOTING ASSISTANCE. UNDER ILLINOIS LAW, **ONLY** VOTERS WHO ARE BLIND, PHYSICALLY DISABLED OR UNABLE TO READ OR WRITE THE ENGLISH LANGUAGE MAY BE ASSISTED BY A RELATIVE OR FRIEND. INDIVIDUALS WHO CANNOT ASSIST VOTERS INCLUDE THE VOTER'S EMPLOYER OR AGENT OF THAT EMPLOYER OR OFFICER OR AGENT OF THE VOTER'S UNION.

YOU MUST MARK THE BALLOT AS DIRECTED BY THE VOTER. INDIVIDUALS WHO MAKE ANY ATTEMPT TO INFLUENCE THE VOTER'S CHOICE OF CANDIDATES, PARTY OR VOTES IN RELATION TO A PUBLIC QUESTION, OR TO MARK THE BALLOT OTHER THAN AS DIRECTED BY THE VOTER MAY BE GUILTY OF A CLASS 3 FELONY. IF YOU CANNOT TELL THE VOTER'S INTENT, YOU MUST NOT MARK THE BALLOT IN ANY WAY. YOU MAY NOT SUBSEQUENTLY DIVULGE THE CANDIDATE(S) OR PUBLIC QUESTIONS FOR WHOM THE VOTER INSTRUCTED YOU TO CAST BALLOTS.

OATH OF ASSISTANCE

I state that I am/we are qualified and gave assistance to _____ whose sworn statement appears on the reverse side. I further state that I did not attempt to influence the voter's choice of candidates, party or votes in relation to any public question and have cast the ballot as directed by the voter. Under the penalties prescribed in Article 29 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

_____
Signature of Individual Rendering Assistance

OR

IF TWO JUDGES ASSIST, **BOTH** MUST SIGN BELOW:

_____ _____
Signature of Democratic Judge *Signature of Republican Judge*

_____
Election Judge Administering Oath

☒ **FEDERAL BALLOT ONLY**

Social Security Number (last four digits): 9095 Date of Birth: 7-28-36

Voter's Full Name (Please Print): Taek Yong Yoo

Current Lake County Address: 124 Greenhaven City/Village: Gurnee Zip Code 60031

Former Lake County Address: 181 Minthaven Ct City/Village: Gurnee Zip Code 60031

10-30-06 Taek Yong Yoo
Date Signature of Voter

SUPPORTING FORMS OF IDENTIFICATION: Both must show current residence address.

1. _____ 2. _____

U:ElectionForms\Affads\#2005\C-3aff.add

EXHIBIT E5

Township: Zion Township
Precinct Number: 407
Ballot Style: 00570

EARLY VOTER APPLICATION

November 7, 2006 - General

Election Official Use Only
No. 79
(# in voting order)

DL Number: M 200 10043339

State ID Number: _____

Other: _____

Curtis Massey
2210 Salem Blvd
Zion IL 60099

By choosing to apply for a ballot during the period of 22 days through 5 days prior to the election, I understand that **I cannot vote at the polling place on election day.**

I am a resident in the township and precinct at the address and city in Lake County, Illinois listed above. I have lived at this address for 29 years and_____months, and I am lawfully entitled to vote in this precinct at this election.

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of:

_____ (individual rendering assistance) _____ (address)

I have provided the required valid identification showing my address and photograph. Under penalties as provided by law pursuant to 10 ILCS 5/29-10, I certify the statements set forth in this application are true and correct.

Election Official Use Only
Voter signature verified by:

Dated: 110-20, 2006

X Curtis Massey
Signature of Applicant

EXHIBIT E 6

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS
APPLICATION TO VOTE
GENERAL - November 7, 2006

MASSEY, CURTIS
2210 Salem Blvd
Zion, IL 60099

CERTIFICATE OF REGISTERED VOTER

I certify I am registered to vote from the address shown on this application and that I am qualified to vote. Sign on the line below:

Curtis Early Voter

VOTER'S FACSIMILE SIGNATURE

Curtis Massey

Voter signature verified by:

Judges mark box(es) applicable:

- ☐ Assisted Voter
- ☐ Challenged Primary Voter
- ☐ Federal Ballot
- ☐ Requires Verification
- ☐ Spoiled Ballot

FOR JUDGE USE ONLY

No. 5
in voting order

BALLOT STYLE 570

VOTER INFORMATION

11/29/1943 M

TOWNSHIP	PRECINCT
Zion	437

00271674

UNITS OF GOVERNMENT

North Shore Sanitary District - Ward 1

CONG	LEG	REP	C.D.
08	31	61	04

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS

MAS
BALLOT STYLE
570

TO ENSURE YOUR BALLOT IS CORRECT, VERIFY THAT THE STYLE NUMBER ABOVE APPEARS ON YOUR BALLOT.

I HEREBY CERTIFY THAT THE FOLLOWING NAMED INDIVIDUAL VOTED IN THE GENERAL ON NOVEMBER 7, 2006.

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS

MASSEY, CURTIS
2210 Salem Blvd
Zion, IL 60099

Absent Voter Display

Application Information | Search

Voter's Name: Massey, Curtis
Reg Number: 00271674
Birthdate: 11/29/1943
App Sent Date: 10/20/2006
App Received Date: 10/20/2006

Mailing Address: 2210 Salem Blvd
Zion, IL 60099

Residence Address: 2210 Salem Blvd
Zion, IL 60099

Application Method: Zion Township
Application's Status: Good
Pending Reason:

☐ Request Permanent Absent Voter Status
☐ ID Received for First Time Federal Voter

Messages:

Signature:

Remarks:

Language: English
Ballot Type: 570
Party: N/A
Regular Precinct: 437
Voting Precinct: 437
Absentee Precinct: 8000437

Ballot Issue ID	BT	Issue Date	Return Status	Ret Date	Return Method	Ltr Sent	Call Date
007-0494-0005-1	570	10/20/2006	Good	10/20/2...	Zion EV		

Mailed To: 2210 Salem Blvd
Zion, IL 60099

Language:
Voting Precinct: 437
Absentee Precinct: 8000437

Return ID: 007-0494-005
Return Group: 494

Issue Type: Early Voting
Ballot Remarks:

EXHIBIT E 3

CERTIFICATION

STATE OF ILLINOIS
COUNTY OF LAKE } SS.

I, Willard R. Helander, Lake County Clerk, in the County and State aforesaid, and keeper of the records and files thereof, do hereby certify that the following is a true and correct certification of the registration record of:

THIS IS MY SIGNATURE ON FILE IN THE OFFICE BELOW:

Ncanela
8-24-01

Facsimile Signature of Voter

VOTER INFORMATION

Norma O Canela

Address:	1633 Partridge St Waukegan, IL 60087
Township:	Waukegan
Precinct:	358
Birth Date:	07/10/1956
Voter Status:	Canceled

Most Recent Date Registered: 12/16/2005
Original Date Registered: 08/29/2001

ELECTION INFORMATION - Most recent displayed -

Total Elections Voted: 5

02/22/2005 Consolidated Primary	Democratic
11/02/2004 General	N/A
02/25/2003 Consolidated Primary	Democratic
11/05/2002 General Election	
03/19/2002 General Primary	Republican

I do hereby certify the above to be a true and accurate copy of records on file in the office of the Lake County Clerk, Waukegan, Illinois. Certification is not valid unless the seal of Lake County, Illinois is affixed.

Willard R. Helander

Willard R. Helander
Lake County Clerk

_____
Date

EXHIBIT F

ILLINOIS VOTER REGISTRATION APPLICATION

1. Applicant Name (Last, First, Middle)			
CANELA, NORMA, O			
2. Voting Address (Address City ZIP) 1633 PARTRIDGE ST WAUKEGAN, 60087		County LAKE	Township
3. Previous Registration (Address, City, State, ZIP)		County	Previous Name
4. Date of Birth 07-10-56	5. Sex F	6. Telephone Number 847-625-9369	7. Application ID 27620010829000492

8. Voter Affidavit
- I swear or affirm that I am a citizen of the United States.
- I will be at least 18 years old on or before the next election.
- I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election.
- All of the information contained on this application is true. I understand that if it is not true, I can be convicted of perjury fined up to $5,000 and/or jailed for 2-5 years.

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW:

CANELA, NORMA O
07/10/56
WK 302

04745838

N Canela

Date: 8-24-01

EXHIBIT F 2

1. Last Name	First Name	Middle Name or Initial	Suffix
CEDILLO	OSCAR		AUG 25 2005

2. Voting Address	City/Village/Town	ZIP Code	County	Township
1215 PHEASANT RUN ZION 60099			LAKE	

3. Mailing Address (P.O. Box)	City/Village/Town/State	ZIP Code

4. Previous Voting Address	City, State, ZIP Code	County	5. Previous Name (if changed)

6. Date of Birth (MM/DD/YY)	7. Sex	8. Telephone Number with Area Code (optional)	9. Application Number
10/06/80	M	847-731-3044	C340-6408-0285 2772005082300369227

10. Voter Affidavit - Read all statements and sign within the box to the right. If you check "No" to either of these questions, do not complete this form.

I swear or affirm that: I am a citizen of the United States ☒ Yes ☐ No

I will be at least 18 years old on or before the next election ☒ Yes ☐ No

I will have lived in the State of Illinois and in my election precinct at least 30 days from the date of the next election. The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States.

PHONE: 847-377-2410
OFFICE OF THE COUNTY CLERK
18 N COUNTY ST
WAUKEGAN 60085

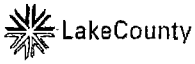
THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW

x Oscar Cedillo

Date: Aug 23, 2005

DSD X-144.5 • January 2005

EXHIBIT F
3



Willard Rooks Helander
Lake County Clerk

18 North County Street, Room 101
Waukegan, Illinois 60085-4364
Phone 847 377 2400
Fax 847 625 7029
http://www.co.lake.il.us/cntyclk

August 31, 2005

Oscar Cedillo
1215 Pheasant Run
Zion IL 60099

Dear Mr. Cedillo:

This letter is to confirm that you were registered to vote in Lake County effective the date reflected on the enclosed certificate of registration, at 1215 Pheasant Run., Zion, IL. Upon your request, your voter registration has been cancelled as of 08/31/05, and effective this date you are not a registered voter in Lake County Illinois.

Sincerely,

Willard R. Helander

Willard R. Helander
Lake County Clerk

WRH/dad
Enclosures

EXHIBIT F4

ter Display

Voter Lookup | Voter Information

Cancelled Voter (Request By Voter)

Voter ID:	Reg Number:	Current Reg Date:	Driver License ID:	State Voter ID:	Reg Location:
50062664	50062664	8/31/2005	C340640880285		D-DMV

Precinct:	Original Reg Date:	Soc Sec Number:	State Voter Status:
445-01 Zion 445	8/23/2005	9227	

Title/Name/Address: Cedillo, Oscar
1215 Pheasant Run
Zion, IL 60099

Phone: (847)731-3044

E-Mail Address:

Moved From:

Moved To:

Mailing Address:

Personal Data

Birth Date:	Birth City:	Birth Place:
10/6/1980		U

Citizenship Code:	Party:
Unknown	N/A

Occupation:	Gender:	Language:
	M	English

Flags

Show ID at 1st federal election? ☐

ID Provided Date?

User Codes

W

Special Flags

☐ Military
☐ Overseas
☐ Special AV

Absentee Status:

Expiration Date:

Loc Num: 2005-08-20435-0018

Remarks:

Oscar Cedillo

Last Update: Group, Date, Time, User, Workstation
20512, 8/31/2005 3:04:22 PM, RVDAD, RV24

EXHIBIT F
5

Illinois Voter Registration Application

I am applying to: ☒ Register to vote in the State of Illinois ☐ Change my present voting address ☐ Change my name (marriage, etc.) *(Check one)*

1. Last Name	First Name	Middle Name or Initial	Suffix
CEDILLO	OSCAR		

AUG 25 2005

2. Voting Address	City/Village/Town	ZIP Code	County	Township
1215 PHEASANT RUN ZION 60099			LAKE	

3. Mailing Address (P.O. Box)	City/Village/Town/State	ZIP Code

4. Previous Voting Address	City, State, ZIP Code	County	5. Previous Name (if changed)

6. Date of Birth (MM/DD/YY)	7. Sex	8. Telephone Number with Area Code (optional)	9. Application Number
10/06/80	M	847-731-3044	C340-6408-0285 2772005082300359227

10. Voter Affidavit - Read all statements and sign within the box to the right. If you check "No" to either of these questions, do not complete this form.

I swear or affirm that: I am a citizen of the United States ☒ Yes ☐ No

I will be at least 18 years old on or before the next election ☒ Yes ☐ No

I will have lived in the State of Illinois and in my election precinct at least 30 days from the date of the next election. The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States.

PHONE: 847-377-2410
OFFICE OF THE COUNTY CLERK
18 N COUNTY ST
WAUKEGAN 60085

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW

x Oscar Cedillo

Date: Aug 23, 2005

DSD X-144.5 • January 2005

EXHIBIT F6

CERTIFICATION

STATE OF ILLINOIS
COUNTY OF LAKE } SS.

I, Willard R. Helander, Lake County Clerk, in the County and State aforesaid, and keeper of the records and files thereof, do hereby certify that the following is a true and correct certification of the registration record of:

Oscar Cedillo

Facsimile Signature of Voter

VOTER INFORMATION

Oscar Cedillo
Address: 1215 Pheasant Run
Zion, IL 60099
Township: Zion
Precinct: 445
Birth Date: 10/06/1980
Voter Status: Canceled

Most Recent Date Registered: 08/31/2005
Original Date Registered: 08/23/2005

ELECTION INFORMATION - Most recent displayed -

Total Elections Voted:

I do hereby certify the above to be a true and accurate copy of records on file in the office of the Lake County Clerk, Waukegan Illinois . Certification is not valid unless the seal of Lake County, Illinois is affixed.

Willard R. Helander

Willard R. Helander
Lake County Clerk, Waukegan Illinois

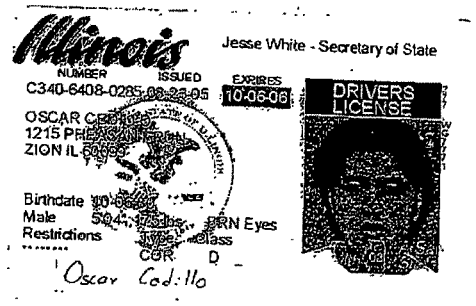
_____
Date

EXHIBIT F 1

This young man was registered to vote on 8/23/05- Came back on 8-31-05 and told us he is not a citizen - So he wants to be unregistered please -

EXHIBIT F 8

77



Illinois

Jesse White - Secretary of State

NUMBER ISSUED EXPIRES

C340-6408-0285-08-23-05 10-06-08

DRIVERS LICENSE

OSCAR CE[illegible]
1215 PRE[illegible]
ZION IL [illegible]

Birthdate [illegible]
Male 5'04" 175lbs BRN Eyes
Restrictions Type: Class
COR D

Oscar Cedillo

LakeCounty

Willard Rooks Helander
Lake County Clerk

18 North County Street, Room 101
Waukegan, Illinois 60085-4384
Phone 847 377 2400
Fax 847 625 7029
http://www.co.lake.il.us/cntyclk

December 8, 2006

Naila L Khan
1837 Arbor Ct
Gurnee IL 60031

Dear Ms. Khan:

This letter is to confirm that you were registered to vote in Lake County effective the date reflected on the enclosed certificate of registration, at 1837 Arbor Ct., Gurnee, Illinois. You had voted in the 11/07/2000 General Election. You requested to be removed as a registered voter 12/18/2002 and your voter registration was cancelled as of that date. Effective this date you are not a registered voter in Lake County Illinois.

Sincerely,

Willard R. Helander

Willard R. Helander
Lake County Clerk

WRH/dad
Enclosures

EXHIBIT F9

Voter Display

Voter Lookup | Voter Information

Cancelled Voter (Request By Voter)

Voter ID:	Reg Number:	Current Reg Date:	Driver License/ID:	State Voter ID:	Reg Location:
4597368	04597368	4/11/2003			Initial Load-Do Not Use

Precinct: 305 Warren 305
Original Reg Date: 10/22/1996
Soc Sec Number: XXX-XX-0307
State Voter Status:

Title/Name/Address: Khan, Latif A
1837 Arbor Ct
Gurnee, IL 60031
Phone: ( ) -
E-Mail Address:
Mailing Address:
Moved From:
Moved To:

Personal Data

Birth Date: 1/14/1947
Birth City:
Birth Place: U
Citizenship Code: Unknown
Party: N/A
Occupation:
Gender: M
Language: English

Flags

Show ID at 1st federal election? ☐
Absentee Status:
ID Provided Date:
Expiration Date:

User Codes

Loc Num: 0000-00-00000-0000

Remarks:
Call Log Entries

Last Update: Group, Date, Time, User, Workstation
28742, 12/7/2006 10:50:42 AM, rvdad, RV24

EXHIBIT F 10

CERTIFIC. TION

STATE OF ILLINOIS
COUNTY OF LAKE } SS.

I, Willard R. Helander, Lake County Clerk, in the County and State aforesaid, and keeper of the records and files thereof, do hereby certify that the following is a true and correct certification of the registration record of:

Facsimile Signature of Voter

VOTER INFORMATION
Latif A Khan
Address: 1837 Arbor Ct
Gurnee, IL 60031
Township: Warren
Precinct: 305
Birth Date: 01/14/1947
Voter Status: Canceled

Most Recent Date Registered: 04/11/2003
Original Date Registered: 10/22/1996

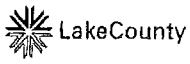
ELECTION INFORMATION - Most recent displayed -
Total Elections Voted: 2
11/07/2000 General Election
04/01/1997 Consolidated

I do hereby certify the above to be a true and accurate copy of records on file in the office of the Lake County Clerk, Waukegan, Illinois. Certification is not valid unless the seal of Lake County, Illinois is affixed.

Willard R. Helander
Lake County Clerk

Date

EXHIBIT F 11



Willard Rooks Helander
Lake County Clerk

18 North County Street, Room 101
Waukegan, Illinois 60085-4364
Phone 847 377 2400
Fax 847 625 7029
http://www.co.lake.il.us/cntyclk

December 7, 2006

Latif A Khan
1837 Arbor Ct
Gurnee IL 60031

Dear Mr. Khan:

This letter is to confirm that you were registered to vote in Lake County effective the date reflected on the enclosed certificate of registration, at 1837 Arbor Ct., Gurnee, Illinois. You had voted in the 04/01/1997 Consolidated Election and the 11/07/2000 General Election. You requested to be removed as a registered voter on 04/11/2003 and your voter registration was cancelled as of that date. Effective this date you are not a registered voter in Lake County Illinois.

Sincerely,

Willard R. Helander

Willard R. Helander
Lake County Clerk

WRH/dad
Enclosures

EXHIBIT F,Z

Voter Display

Voter Lookup | Voter Information

Cancelled Voter (Request By Voter)

Voter ID:	Reg Number:	Current Reg Date:	Driver License/ID:	State Voter ID:	Reg Location:
4597367	04597367	12/18/2002			Initial Load-Do Not Use

Precinct:	Original Reg Date:	Soc Sec Number:	State Voter Status:
305 Warren 305	10/22/1996	XXX-XX-0076	

Title/Name/Address: Khan, Naila L.
1837 Arbor Ct
Gurnee, IL 60031

Phone: ( ) -

E-Mail Address:

Mailing Address:

Moved From:

Moved To:

Personal Data

Birth Date:	Birth City:	Birth Place:
9/10/1960		U

Citizenship Code: Unknown
Party: N/A
Occupation:
Gender: F
Language: English

Flags

Show ID at 1st federal election? ☐
Absentee Status:
ID Provided Date:
Expiration Date:

User Codes

Loc Num: 0000-00-00000-0000

Remarks:

Naila Khan

Last Update: Group, Date, Time, User, Workstation
28774, 12/8/2006 9:45:11 AM, rvdad, RV13

EXHIBIT F 13

4

LAKE COUNTY CLERK
RECEIVED

[redacted]

96 OCT 30 PM12:34 00008 00010

1. Applicant Name (Last,First, Middle)			
KHAN, NAILA, L			
2. Voting Address (Address, City, ZIP) 1837 ARBOR CT GURNEE, 60031		County LAKE	Township 08/274
3. Previous Registration (Address, City, State, ZIP)		County	Previous Name
4. Date of Birth 09-10-60	5. Sex F	6. Telephone Number (optional)	7. Application ID 2771996102200220076

8. Voter Affidavit: • I swear or affirm that I am a citizen of the United States. • I will be at least 18 years old on or before the next election. • I will have lived in the State of Illinois and in my election precinct 30 days as of the date of the next election. • All of the information contained on this application is true. I understand that if it is not true I can be convicted of perjury and fined up to $5,000 and/or jailed for 2-5 years.

KHAN , NAILA L
09/10/60
WR 274
04597367

This is my signature or mark in the space below:

Naila Khan

Date: 10-22-96

EXHIBIT F14

I want to Remove my name from the voter Registration

12-18-02

Neil Schen.

EXHIBIT F 15

CERTIFICATION

STATE OF ILLINOIS
COUNTY OF LAKE } SS.

I, Willard R. Helander, Lake County Clerk, in the County and State aforesaid, and keeper of the records and files thereof, do hereby certify that the following is a true and correct certification of the registration record of:

Naila Khan

Facsimile Signature of Voter

VOTER INFORMATION
Naila L Khan
Address: 1837 Arbor Ct
Gurnee, IL 60031
Township: Warren
Precinct: 305
Birth Date: 09/10/1960
Voter Status: Canceled

Most Recent Date Registered: 12/18/2002
Original Date Registered: 10/22/1996

ELECTION INFORMATION - Most recent displayed -
Total Elections Voted: 1
11/07/2000 General Election

I do hereby certify the above to be a true and accurate copy of records on file in the office of the Lake County Clerk, Waukegan, Illinois. Certification is not valid unless the seal of Lake County, Illinois is affixed.

Willard R. Helander
Willard R. Helander
Lake County Clerk

Date

EXHIBIT F 16

Voter Lookup | Voter Information

Active Voter (Original Registration)

Voter ID:	Reg Number:	Current Reg Date:	Driver License ID:	State Voter ID:	Reg Location:
4596135	04596135	10/7/2000			Initial Load-Do Not Use

Precinct: 306-04 Warren-306 | Original Reg Date: 10/7/2000 | Soc Sec Number: XXX-XX-1894 | State Voter Status:

Title/Name/Address: Ghys, Alan J | Phone: (847)782-8523

1878 Beechwood Ave
Gurnee, IL 60031

Mailing Address | E-Mail Address: | Moved From: | Moved To:

Personal Data

Birth Date: 5/21/1971 | Birth City: | Birth Place: Z
Citizenship Code: Native Born | Party: N/A
Occupation: | Gender: M | Language: English

Flags: Show ID at 1st federal election? | Absentee Status: | ID Provided Date: | Expiration Date:

User Codes | Loc Num: 0000-00-00000-0000

Remarks:

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS
APPLICATION TO VOTE
GENERAL - NOVEMBER 02, 2004

GHYS, ALAN J
1878 Beechwood Ave
Gurnee, IL 60031

FOR JUDGE USE ONLY	BALLOT STYLE
No. 36 (Number in voting order)	077

VOTER INFORMATION

5/21/1971	M	1894

TOWNSHIP	PRECINCT
Warren	306

04596135

GHY
BALLOT STYLE
077
TO ENSURE YOUR BALLOT IS CORRECT, VERIFY THAT THE STYLE NUMBER ABOVE APPEARS ON YOUR BALLOT.

CERTIFICATE OF REGISTERED VOTER

I certify I am registered to vote from the address shown on this application and that I am qualified to vote. Sign on the line below:

x

VOTER'S FACSIMILE SIGNATURE

TO BE COMPLETED BY VOTER

I certify that I am registered to vote from the address shown above, and that I am qualified to vote. Voter Sign in box below.

UNITS OF GOVERNMENT

North Shore Sanitary District - Ward 2

CONG	LEG	REP	C.B.
08		62	

I HEREBY CERTIFY THAT THE FOLLOWING NAMED INDIVIDUAL VOTED IN THE GENERAL ON NOVEMBER 2, 2004.

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS

Voter Signature Verified By:

Judges mark box(es) applicable:
☐ Absentee Ballot
☐ Assisted Voter [C-5]
☐ Non-Registered Military [C-2]
☐ Requires Verification [C-3]

GHYS, ALAN J

EXHIBIT G

lec Abbr	Elec Description	Date	Type	Vot Pct	Voted?	Provisio
2004Gen	General	11/2/2004	General	306	Voted at Polling Place	
00 G	General Election	11/7/2000	General		Voted	
96 G	General Election	11/5/1996	General		Voted	

EXHIBIT 6 2

Sign Out Account

Lake County

SBE Website | About This Site | FAQ

- Welcome Page
- Voter Search
- Transfers out of Lake
- Transfers into Lake
- Deceased Voters
- Duplicate Registrations
- Name Change Duplicates
- Prov. Ballots
- Pre-Election Ballot Requests

Voter Detail

Need Help?

Name:	GHYS, ALAN J
Address:	9297 US HWY 6
	GENESEO, IL 61254
County:	Henry
ID:	037000000034690
Registration Date :	5/21/1971
Date of Birth :	5/21/1971
Sex:	M
Telephone:	
SSN:	1894
Updated at Jurisdiction:	12/13/2005
Updated at SBE:	10/2/2007 3:40:42 AM

Notify Henry of Transfer

Type	Name
County Board	1
Congressional District	14
CO	HENRY
Regional Board (Regional Office of Education)	28
Fire Protection	Geneseo Fire Protection District
HS	HAMMOND HENRY HOSPITAL
Appellate Judicial District	3
Library District	Geneseo Public Library District

EXHIBIT G

Multi-Township Assessor	EDFORD/OSCO/MUNSON MTA
Park District	Geneseo Park District
School District	GENESEO CUSD 228
Township	EDFORD TOWNSHIP
Community College	Black Hawk College 503
Judicial Circuit District	14
Sanitary District	36TH SENATORIAL DISTRICT
State Senate (Legislative) District	71
Precinct	EDFORD

Type	Date	Primary Party
GE	11/2/2004	

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EXHIBIT G

Voter Lookup | Voter Information

Active Voter (Original Registration)

Voter ID:	Reg Number:	Current Reg Date:	Driver License/ID:	State Voter ID:	Reg Location:
4345514	04345514	7/25/1986			Initial Load-Do Not Use

Precinct:	Original Reg Date:	Soc Sec Number:	State Voter Status:
214 Moraine 214	7/25/1986	XXX-XX-	

Title/Name/Address: Waldman, Henry J
1456 Glencoe Ave
Highland Park, IL 60035

Phone: (847)432-1474

E-Mail Address:

Mailing Address:

Moved From:

Moved To:

Personal Data

Birth Date:	Birth City:	Birth Place:
8/3/1950		Z

Citizenship Code:	Party:
Native Born	N/A

Occupation:	Gender:	Language:
	M	English

Flags

Show ID at 1st federal election?: | Absentee Status:
ID Provided Date: | Expiration Date:

User Codes:

Loc Num: 0000-00-00000-0000

Remarks:

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS
APPLICATION TO VOTE
GENERAL - NOVEMBER 02, 2004

WALDMAN, HENRY J
1456 Glencoe Ave
Highland Park, IL 60035

CERTIFICATE OF REGISTERED VOTER

I certify I am registered to vote from the address shown on this application and that I am qualifed to vote. Sign on the line below:

VOTER'S FACSIMILE SIGNATURE

I certify that I am registered to vote from the address shown above and that I am qualifed to vote.

FOR PRIMARY USE ONLY

FOR JUDGE USE ONLY	BALLOT STYLE
No. 257 (Number in voting order)	060

VOTER INFORMATION

8/03/1950 M

TOWNSHIP	PRECINCT
Moraine	214

04345514

UNITS OF GOVERNMENT

North Shore Sanitary District - Ward 5

CONG	LEG	REP	C.B.
10	29	58	

WAL

BALLOT STYLE

060

TO ENSURE YOUR BALLOT IS CORRECT, VERIFY THAT THE STYLE NUMBER ABOVE APPEARS ON YOUR BALLOT.

I HEREBY CERTIFY THAT THE FOLLOWING NAMED INDIVIDUAL VOTED IN THE GENERAL ON NOVEMBER 2, 2004.

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS

Voter signatures verified by:

Judges mark box(es) applicable:
☐ Absentee Ballot
☐ Assisted Voter [C-5]
☐ Non-Registered Military [C-2]
☐ Requires Verification [C-3]

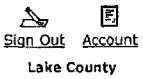
WALDMAN, HENRY J

EXHIBIT G5

Voting History for Voter: Waldmon, Henry J. (Voter ID: 1345514)

Elec Abbr	Elec Description	Date	Type	Vot Pct	Voted?	Provi
2006GEN	General	11/7/2006	General	214	Voted at Polling Place	
2006PRIM	General Primary	3/21/2006	Primary	214	Voted at Polling Place	
2004Gen	General	11/2/2004	General	214	Voted at Polling Place	
03 F	Consolidated	4/1/2003	Other		Voted	
03 C	Consolidated Prim...	2/25/2003	Consoli...	N	Voted	
02 G	General Election	11/5/2002	General		Voted	
02 P	General Primary	3/19/2002	Primary	D	Voted	
00 G	General Election	11/7/2000	General		Voted	
00 P	General Primary	3/21/2000	Primary	R	Voted	
99 F	Consolidated	4/13/1999	Other		Voted	

EXHIBIT G 6



Lake County

SBE Website | About This Site | FAQ

- Welcome Page
- Voter Search
- Transfers out of Lake
- Transfers into Lake
- Deceased Voters
- Duplicate Registrations
- Name Change Duplicates
- Prov. Ballots
- Pre-Election Ballot Requests

Voter Detail

Need Help?

Name:	WALDMAN, HENRY J
Address:	617 W DICKENS AVE CHICAGO, IL 60614
County:	City of Chicago
ID:	10500038684FI
Registration Date :	2/21/2004
Date of Birth :	8/3/1950
Sex:	M
Telephone:	(773) 771-1474
SSN:	
Updated at Jurisdiction:	2/21/2004
Updated at SBE:	7/31/2007 1:50:04 PM

Notify City of Chicago of Transfer

Type	Name
Precinct	7
Ward	43
Congressional District	5
State Senate (Legislative) District	6
State Representative District	11
JI	8
County Board	10
Board of Review	2
Community College	City Colleges of Chicago 508
Regional Board (Regional Office of Education)	City of Chicago

EXHIBIT 6 7

School District	Chicago Public Schools
Appellate Judicial District	1
Judicial Circuit District	Chicago
Park District	Chicago Park District

Type	Date	Primary Party
GE	11/2/2004	
GP	3/16/2004	DEMOCRAT

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EXHIBIT 68

Voter Lookup | Voter Information

Active Voter (Original Registration)

Voter ID:	Reg Number:	Current Reg Date:	Driver License ID:	State Voter ID:	Reg Location:
4754298	04754298	12/28/2001			Initial Load-Do Not Use

Precinct: 093-Ela 93 | Original Reg Date: 12/28/2001 | Soc Sec Number: XXX-XX-5287 | State Voter Status:

Title/Name/Address: Clarke, Lawrence D
710 Edelweiss Dr
Lake Zurich, IL 60047

Phone: ( )

Mailing Address:

E-Mail Address:

Moved From:

Moved To:

Personal Data
Birth Date: 3/24/1970 | Birth City: | Birth Place: U
Citizenship Code: Unknown | Party: N/A
Occupation: | Gender: M | Language: English

Flags
Show ID at 1st federal election? | Absentee Status:
ID Provided Date: | Expiration Date:

User Codes
Loc Num: 0000-00-00000-0000

Remarks:

THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW:

WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS
APPLICATION TO VOTE
GENERAL - NOVEMBER 02, 2004

CLARKE, LAWRENCE D
710 Edelweiss Dr
Lake Zurich, IL 60047

FOR JUDGE USE ONLY | BALLOT STYLE
No. 222 (Number in voting order) | 028

VOTER INFORMATION
3/24/1970 M 5287

TOWNSHIP | PRECINCT
Ela 093

04754298

CERTIFICATE OF REGISTERED VOTER
I certify I am registered to vote from the address shown on this application and that I am qualified to vote. Sign on the line below:

VOTER'S FACSIMILE SIGNATURE
THIS IS MY SIGNATURE OR MARK IN THE SPACE BELOW:

UNITS OF GOVERNMENT

CONG	LEG	REP	C.B.
08	26	51	

CLA
BALLOT STYLE
028

TO ENSURE YOUR BALLOT IS CORRECT, VERIFY THAT THE STYLE NUMBER ABOVE APPEARS ON YOUR BALLOT.

I HEREBY CERTIFY THAT THE FOLLOWING NAMED INDIVIDUAL VOTED IN THE GENERAL ON NOVEMBER 2, 2004.
WILLARD R. HELANDER, County Clerk
LAKE COUNTY, ILLINOIS

Voter signatures verified by:

Judges mark box(es) applicable:
☐ Absentee Ballot
☐ Assisted Voter (C-5)
☐ Challenged Primary Voter (C-1)
☐ Non-Registered Military (C-2)
☐ Requires Verification (C-3)

CLARKE, LAWRENCE D
EXHIBIT G 9

Voting History for Voter - Clarke, Lawrence D (Voter ID: 475 4290)

Elec Abbr	Elec Description	Date	Type	Vot Pct	Voted?	Provisio
2006GEN	General	11/7/2006	General	093	Voted at Polling Place	
2005CONS	Consolidated	4/5/2005	General	093	Voted at Polling Place	
2004Gen	General	11/2/2004	General	093	Voted at Polling Place	
03 F	Consolidated	4/1/2003	Other		Voted	
02 G	General Election	11/5/2002	General		Voted	
02 P	General Primary	3/19/2002	Primary	N	Voted	

EXHIBIT 6,0

Sign Out Account

Lake County

SBE Website | About This Site | FAQ

Welcome Page
Voter Search
Transfers out of Lake
Transfers into Lake
Deceased Voters
Duplicate Registrations
Name Change Duplicates
Prov. Ballots
Pre-Election Ballot Requests

Voter Detail

Need Help?

Name:	CLARKE, LAWRENCE D
Address:	705 W MAUDE AVE ARLINGTON HEIGHTS, IL 60004
County:	Cook
ID:	01600T0283724
Registration Date :	3/12/1997
Date of Birth :	3/24/1970
Sex:	M
Telephone:	
SSN:	5287
Updated at Jurisdiction:	10/22/2004
Updated at SBE:	7/9/2007 9:25:57 AM

Notify Cook of Transfer

Type	Name
Congressional District	10
State Representative District	53
Community College	William Rainey Harper College 512
State Senate (Legislative) District	27
Township	WHEELING TOWNSHIP
School District	ARLINGTON HEIGHTS SD 25
County Board	14
Judicial Subcircuit District	13

EXHIBIT G

School District	TOWNSHIP HSD 214
Park District	Arlington Heights Park District
City	VILLAGE OF ARLINGTON HEIGHTS
Sanitary District	METROPOLITAN WATER RECLAMATION DISTRICT
Board of Review	1
Precinct	9600040
Appellate Judicial District	1
Judicial Circuit District	COOK

Type	Date	Primary Party
GE	11/2/2004	

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EXHIBIT G 12

Voter Lookup | Voter Information

Active Voter (Original Registration)

Voter ID:	Reg Number:	Current Reg Date:	Driver License/ID:	State Voter ID:	Reg Location:
4758253	04758253	2/19/2002			Initial Load-Do Not Use

Precinct: 174-01 Libertyville 174 | Original Reg Date: 2/19/2002 | Soc Sec Number: XXX-XX-9786 | State Voter Status:

Title/Name/Address: Wilson, Robert S
705 W Park Ave
Libertyville, IL 60048

Phone: (847)367-9430

E-Mail Address:

Mailing Address:

Moved From:

Moved To:

Personal Data
Birth Date: 2/26/1964 | Birth City: | Birth Place: Z
Citizenship Code: Native Born | Party: N/A
Occupation: | Gender: M | Language: English
Remarks:

Flags
Show ID at 1st federal election?: | Absentee Status:
ID Provided Date: | Expiration Date:

User Codes
Loc Num: 0000-00-00000-0000

This is my signature or mark in the space below

AFFIDAVIT FOR EARLY VOTER

10 ILCS 5/17-9

Township: Libertyville Township — March 21, 2006 - General Primary — Ballot Style: 00259

Precinct Number: 174

DL Number: W425-7776-4057

State ID Number: _____

Other: _____

Robert S Wilson
705 W Park Ave
Libertyville IL 60048

By choosing to apply for a ballot during the period of 22 days through 5 days prior to the election, I understand that I **cannot vote at the polling place on election day.**

I request a ballot for the Republican party.

I am a resident in the township and precinct at the address and city in Lake County, Illinois listed above. I have lived at this address for 6 years and _____ months, and I am lawfully entitled to vote in this precinct at this election.

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of:

_____ (individual rendering assistance) _____ (address)

I have provided the required valid identification showing my address and photograph. Under penalties as provided by law pursuant to 10 ILCS 5/29-10, I certify the statements set forth in this application are true and correct.

Voter signature verified by: HDM AP

Dated: March 16, 2006

EXHIBIT G 13

Voting History for Voter: Wilson, Robert S (Voter ID: 4758253)

Elec Abbr	Elec Description	Date	Type	Vot Pct	Voted?	Provisio
2006GEN	General	11/7/2006	General	174	Voted at Polling Place	
2006PRIM	General Primary	9/21/2006	Primary	174	Voted at Polling Place	
2004Gen	General	11/2/2004	General	174	Voted at Polling Place	
PresPrim	General Primary El...	3/16/2004	Primary	174	Voted at Polling Place	
02 G	General Election	11/5/2002	General		Voted	
02 P	General Primary	3/19/2002	Primary	R	Voted	

EXHIBIT G14

Sign Out Account

Lake County

SBE Website | About This Site | FAQ

Welcome Page
Voter Search
Transfers out of Lake
Transfers into Lake
Deceased Voters
Duplicate Registrations
Name Change Duplicates
Prov. Ballots
Pre-Election Ballot Requests

Voter Detail

Need Help?

Name:	WILSON, ROBERT S
Address:	603 LINCOLN AVE A FOX RIVER GROVE, IL 60021
County:	McHenry
ID:	063L00598091988
Registration Date :	8/2/1988
Date of Birth :	2/26/1964
Sex:	M
Telephone:	
SSN:	
Updated at Jurisdiction:	2/15/2002
Updated at SBE:	10/3/2007 12:03:17 PM

Notify McHenry of Transfer

Type	Name
Precinct	4
Township	ALGONQUIN
School District	CHSD 155
School District	FOX RIVER GROVE CONS SD 3
Community College	McHenry County College 528
Fire Protection	Fox River Grove Fire Protection District
Library District	Fox River Grove Public Library District
Water District	WW

EXHIBIT G 15

Congressional District	16
State Senate (Legislative) District	26
State Representative District	52
County Board	1
Regional Board (Regional Office of Education)	44
Appellate Judicial District	2
Judicial Circuit District	19

Type	Date	Primary Party
GP	3/21/2006	REPUBLICAN
GE	11/7/2000	
GP	3/21/2000	REPUBLICAN
GE	11/3/1998	
GP	3/17/1998	REPUBLICAN
NE	11/4/1997	
GE	11/5/1996	
GP	3/19/1996	REPUBLICAN
GE	11/8/1994	
GP	3/15/1994	REPUBLICAN
CE	4/20/1993	
GE	11/3/1992	

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EXHIBIT G 16

The CHAIRWOMAN. Other members will have their statements entered into the record.

[The statement of Mr. Ehlers follows:]

Opening Statement

[After the Lofgren/McCarthy opening remarks]

I thank our witnesses for coming today to testify on the important issues surrounding voter registration and list maintenance.

Recently, this committee has focused on some of the mechanical and procedural aspects surrounding the administration of federal elections. We have examined audit processes, software protections, voting machine accessibility, poll worker practices, and most recently, the various aspects of state absentee voting programs.

Voter registration, much like these various other aspects of our voting process, requires cooperation from all interested parties. Voter registration list maintenance isn't the sole responsibility of state and local elections officials; nor is it the sole responsibility of the federal government. We shouldn't attempt to establish a national standard and assume that what works for South Dakota will work for North Carolina.

Rather than force a federal mandate upon election officials, states and localities are best served when we provide as much assistance as needed to keep the most accurate records possible. States must work with other various intrastate agencies to keep their records updated. And most importantly, voters must play an active role by providing their election officials with appropriate notification. Without the active participation and cooperation from all interested parties, we will never achieve an efficient system that has the necessary safeguards against voter fraud.

Another important component to the successful administration of federal elections is the ability to continuously re-examine and adjust the rules and policies that govern our evolving elections process. As I believe our witness, Ms. Clarke, will confirm in her testimony, it was not until after the careful examination of the existing voter registration procedures implemented by the 1965 Voting Rights Act that Congress enacted the 1993 National Voter Registration Act (NVRA).

Congress enacted NVRA with the intention of improving electoral participation. Unfortunately, as we learned yesterday

at our vote-by-mail hearing, the wrong legislation, even with the right intentions, can erect barriers to voting rather than remove them.

In fact, my home state of Michigan was the first to implement a motor voter program in 1975. In 1998, we implemented a statewide voter registration database called the Qualified Voter File (QVF). The QVF is closely integrated with the driver's-license files in order to track Michigan voters from community to community as they change their residence. When a driver changes an address, for example, the system automatically forwards an electronic voter registration transaction to the qualified voter file, and prints a new application for the voter to sign. Unfortunately, because of NVRA policies, Michigan still spends hundreds of thousands of dollars on mailings before they are able to remove inactive voters from the registration rolls.

It is time that we revisit the ineffective and outdated policies of NVRA. American voters have changed over the past decade, as have the challenges facing our nation's system of voting.

Again, I thank all of our witnesses for coming today to share their knowledge on this important matter, and I look forward to receiving their testimony.

The CHAIRWOMAN. And we will turn now to our witnesses.

We have on our first panel, first, Mr. Chris Nelson, the minority's witness. He is Secretary of State for South Dakota, and he has been serving in that capacity since his election in 2002. As Secretary of State, he has received the 2003 Excellence in South Dakota Municipal Government Award from the South Dakota Municipal League, and the 2004 Hazeltine/Taylor award from South Dakota Kids Voting, the group I used to be very involved in when I was in local government.

In 2005, he was appointed as a National Governors Association representative on the United States Election Assistance Commission Board of Advisors. Prior to becoming Secretary of State, he held the position of State elections supervisor in the Secretary of State's Office for 13 years, and was Uniform Commercial Code supervisor in the same office for 2 years. He graduated from South Dakota State University in 1987 with a bachelor's degree in animal science.

Next we have Larry Leake, the chairman of the North Carolina State Board of Elections. Mr. Leake serves as the chair, and he has been a member of the Board of Elections since 1993. In addition to his work on the State Board of Elections, Mr. Leake also is a partner at Leake & Scott, where he practices governmental law and civil defense. Prior to his membership on the board, he also served as State senator, attorney for the Madison County Board of Commissioners, and attorney for the Town of Hot Springs. He earned his bachelor's and his juris doctor at the University of North Carolina. And we welcome him.

Patricia Hollarn is our next witness. She has served as supervisor of elections in Okaloosa County, Florida since 1988. Her tenure in this office has been marked by great advances in technology, from the introduction of the first PC in the office to participating in pilot programs on Internet voting. Her introduction to Kids Voting, later revised to Kids Vote Too, has been very successful in training students to be voters for life.

Ms. Hollarn has been a member of the National Task Force on Election Reform since 2001, where she works closely with congressional staff as well as other election administrators on election laws. She testified on several issues in Governor Bush's Task Force on Election Reform in 2001, and in December of 2002 was appointed as one of four supervisors of elections in an advisory panel to the Governors Task Force II on Elections. Ms. Hollarn received her bachelor's degree from the University of New Hampshire, and has completed graduate work at New York University, St. Mary's University, San Antonio, Texas, and the Florida Center for Public Management at FSU.

And finally, we have Jackie Harris, the general registrar in Fairfax County, Virginia. She has served as the general registrar since 2005. And prior to her work in Fairfax County, she has over 14 years' experience in the field of voter registration and election administration, having served as the general registrar and deputy registrar in Albemarle County, Virginia. She is also a current member of the Virginia State Board of Election's VERIS, which is the Virginia Election and Registration Information System, on that

project development team, and she is a past chairwoman of the statewide Local Government Officials Conference.

We welcome all of you, and we will put your entire statements in the record of this hearing. We ask that your oral testimony take 5 minutes. When your time is up, a red light will show, and it always surprises the witness because it goes like a flash. When you have got 1 minute to go, a yellow light will go on, which will give you fair warning. And we do ask that you try and stay within the time frame so we can hear everyone and get to our questions.

STATEMENTS OF CHRIS NELSON, SECRETARY OF STATE, SOUTH DAKOTA; LARRY LEAKE, CHAIRMAN, NORTH CAROLINA STATE BOARD OF ELECTIONS; PATRICIA HOLLARN, SUPERVISOR OF ELECTIONS, OKALOOSA COUNTY; AND JACKIE HARRIS, GENERAL REGISTRAR, FAIRFAX COUNTY

The CHAIRWOMAN. If we could start with you, Mr. Nelson, we do thank you for being here.

STATEMENT OF CHRIS NELSON

Mr. NELSON. Thank you, Madam Chair, members of the committee. It is my honor to appear before this committee. List maintenance is that delicate——

The CHAIRWOMAN. There is a button on your microphone.

Mr. NELSON. Got it. Just need to move it a little closer.

List maintenance is that delicate balance between making sure our registration lists are clean and we not remove any legally qualified voter from that list.

I want to spend most of my time today talking about the provisions of the National Voter Registration Act list maintenance process. And after 14 years of experience with that 1993 law, we have found what I believe is a key flaw in that law that Congress needs to address.

I would like to give you some real numbers from South Dakota that illustrate this particular problem. Eight of our 66 counties have more than 100 percent voting-age population registered. Of our current active voter registration lists, seven-tenths of 1 percent of the voters have not voted or had any contact in 10 years. One particular county has 2½ percent of the people on the active list not voting, no contact in 10 years.

The entire effectiveness of the NVRA list maintenance procedure comes down to one key point and one key person; and that is not an election official, but a postal delivery person. Because as those address verification cards are sent out, it all comes down to whether or not that postal delivery person puts that card in a box or it comes back undeliverable. That is what the entire success or failure of that system rests upon.

The process begins with this nonforwardable mailing. And if it comes back to the election official, we can follow up on that. If it goes in the box, that person will stay on the list for 2 more years.

What we have found is there are four key failure points in this particular process. The first failure point is does the postal person know who is at that address? And postal people have told me we don't know who is in that house or behind that box number. We

know who it is registered to, but we don't know on a daily basis who is there.

Second failure point, this nonforwardable card under Federal law too frequently gets forwarded, as opposed to being returned undeliverable.

Third failure point, delivering to the address alone, without looking at who the addressee is on the card.

And the fourth failure point, simple delivery mistakes. We have all gotten somebody else's mail. The key point is if that card goes in a box, the process is over and that name will remain on the list for 2 more years.

These mistakes are real mistakes that happen with frequency, and they outline and compound the failure of the list maintenance process laid out in the National Voter Registration Act.

Now, let me be clear, this process is a good start, but it doesn't make for a complete list maintenance system. We must have, in order to have a complete system, the ability to at some point remove voters for nonvoting and noncontact. I would recommend that that come at the 6-year period. A voter who has not voted, had no contact whatsoever in 6 years, that we at that time be able to move them to the inactive registration list, and realize they stay on that list for another two general election cycles. So, really, a total of 10 years that a person would be on the registration list with no voting, no contact.

In South Dakota, that would amount to 30 elections that that person would choose not to vote in before we would be able to ultimately remove them from the list. And I would maintain that by that point in time, 10 years, 30 elections, that that person is either not there or they have signaled that they really don't want to be involved in this process. And there are statistics out there to show that there are individuals in that particular situation.

Our current system has this design flaw. And I am not suggesting we replace what NVRA allows us to do with list maintenance, but we need an additional provision that allows us at some point to remove names for nonvoting and noncontact.

We can do better with list maintenance than what we are currently doing now. And I would ask that this committee and this Congress consider that particular change in the National Voter Registration Act. Thank you.

The CHAIRWOMAN. Thank you very much for your testimony and also for your brevity.

[The statement of Mr. Nelson follows:]

House Administration Subcommittee on Elections
Testimony of
Chris Nelson, South Dakota Secretary of State
October 23, 2007

Madam Chairwoman and Members of the Committee:

Thank you for the opportunity to offer testimony on the subject of voter registration list maintenance. It is a privilege for me to come before this honorable committee.

Allow me to introduce myself. My name is Chris Nelson. I am the Secretary of State of South Dakota. From 1989 until 2002 I served as the State Election Supervisor for South Dakota. I was elected Secretary of State in 2002. In 2006 I ran for reelection unopposed. One of the reasons I was unopposed is that I have earned a reputation in my state of being able to lead the conduct of elections in a manner that is fair to all parties and independents, open to the fullest participation and instilled with integrity. I serve as the co-chair of the National Association of Secretaries of State Elections Committee.

I think it is vital that you hear the perspective of a state election official who has experience in conducting elections and who understands what works and what doesn't in the area of list maintenance.

The Scope

Successful voter registration list maintenance hinges on a crucial balance between several key areas.

First, the law must clearly define the processes for list maintenance. The policy must define the criteria and requirements that must be met for voter eligibility and ineligibility. It must specify that those no longer eligible to vote such as the deceased or adjudicated as felons or incompetent be removed. The law must also clearly define the removal of voters who have registered to vote in other jurisdictions and those no longer involved in the election process.

Well defined law is the first step to ensuring that voter registration lists are kept clean without the disenfranchisement of voters being improperly removed.

The second balance is in the area of execution of the list maintenance process. Election officials must have the technical ability, resources and training to follow the list maintenance law. This ensures that those names which should be removed are actually taken off the list and that no voter's name is removed which should remain on the list.

For an effective list maintenance process and for the protection of the rights of voters, there is no room for error in either of these areas of balance. Lawmakers must get it right and election officials must perform flawlessly.

Some of these list maintenance procedures are biennial and comprehensive, conducted in the "off" election year. Other procedures are daily or weekly such as the removal of voters who have registered in other jurisdictions, removal of the deceased, removal of duplicate registrations, and removal of those adjudicated as felons or incompetent depending on a state's policy. I will address both of these types of list maintenance in my testimony.

Biennial List Maintenance

The National Voter Registration Act (NVRA) provided significant restrictions and specific procedures to voter registrars for the conduct of biennial list maintenance.

Why do we refer to list maintenance as biennial? NVRA prohibits comprehensive list maintenance within 90 days of a federal election. That essentially relegates comprehensive list maintenance to the "off" election year, hence biennial. That timeframe works. Election officials conduct this maintenance when they are not crushed with other election conduct responsibilities and in ample time to produce a "clean" voter registration list for the next federal election.

The purpose of biennial list maintenance should be to identify voters who are no longer living at tbe address in which they are registered or are no longer interested in participating in the election process.

The NVRA allows two options for identifying voters who are no longer living at their registration address.

The first option is to match voter registration names and addresses to the postal service National Change of Address system to identify reported address changes.

The second option is to mail voters a non-forwardable address verification notice. Notices returned undeliverable would indicate a possible address change.

Any voters identified through either of these avenues would then be sent a forwardable double postcard confirmation mailing. If the voter receives the postcard at a new address, the voter can use the card to update their voter registration address. If the card is undeliverable, the voter can be moved to an inactive list for the next four years.

The process sounds perfect. It is easy to run. It allows voters to update their address. It moves voters off the list if they are no longer "findable". What more could we ask?

Unfortunately it doesn't work in the real world. This NVRA process is premised on several incorrect assumptions.

Why NVRA List Maintenance Doesn't Work

The first assumption made in NVRA is that a person who moves will file a change of address notice with the post office which will identify the person when the voter registration list is compared to the NCOA list. Not true.

South Dakota limits our NCOA comparison to voters who have not voted or had any contact with the voter registrar in the last four years. During our 2007 NCOA comparison, only 17.6% of the voters were identified as having filed a postal change of address. This is a very low percentage of voters who can then be sent the forwardable confirmation notice double postcard. It also means that 82.4% of these non-voters must be sent the nonforwardable address verification notice as a backup to NCOA.

The purpose of the nonforwardable address verification mailing is to find out, "Is the voter there?" If the voter is at the address and the notice is delivered, the voter's name is not removed and no further contact is attempted.

What should we expect with this mailing? If the voter is at the address, the notice is delivered. If the voter is no longer at the address, the notice is returned undeliverable. In reality it doesn't work that way.

Why does this mailing fail to accomplish the NVRA objective? The success and failure of this mailing is ENTIRELY dependent upon the knowledge of and handling by the postman or postwoman on the delivery route. The postal delivery person must:

1. Know with 100% certainty whether the person still lives at the address on the notice. Postal workers tell me that they do not know with certainty the names of each person who currently resides at each address.
2. Not deliver the notice based on the address without checking the name of the person. Our experience has shown that postal workers "want to deliver" the mail to an address even if the name of the addressee doesn't match the current resident of the address.
3. Not forward the notice to a new address even though the postal indicia says to not forward. Our experience has shown that postal workers will forward mail which is designated as non-forwardable.
4. Not make the inevitable mistake of simply putting the notice in the wrong mail box. We've all had the experience of getting someone else's mail.

In order for the NVRA prescribed list maintenance process to be effective, NONE of these errors can occur. Real life experience has shown us that they do happen and with great regularity. My office has taken the step of working with our state's postal leadership to emphasize the importance of following this process perfectly. While the postal service has been very cooperative, unfortunately too many mistakes are still being made at the delivery level.

The NVRA prescribed system places the entire success or failure of biennial list maintenance in the hands of the postal worker.

What is the Result?

When the postal delivery person makes a mistake in any of the four areas outlined above, a name stays on the active voter registration list for another two years. The NVRA prescribed list

maintenance system will fail to remove names which can be legally moved to the inactive list because of the likelihood of postal worker errors. That is a fact and it must be changed.

That same voter will be sent another address verification notice in two years and the cycle repeats itself. The possibility exists of this being a revolving cycle in which the name is never removed.

Statistical Reality

4000 registered voters in South Dakota on the active voter registration list have not voted in at least ten years. That represents 0.8% of all the names on our statewide voter file. In one county, 2.5% of the names on the active list have not voted in at least ten years.

These are counties which have followed the NVRA prescribed list maintenance process but the process has failed to be effective.

If it weren't for our state's photo ID requirement, these names of perpetual non-voters would serve as an invitation for election fraud.

Department of Justice

The Department of Justice has identified South Dakota as one of ten states which have counties with more names on the voter registration list than are in the voting age population. Eight South Dakota counties have greater than 100% registration.

In responding to the DOJ, I have pointed out there are several reasons for this situation one of which is the failure of the NVRA list maintenance system. I predicted in 1993 when NVRA was passed that the methodology for list maintenance would ensure greater than 100% voter registration. It was built into the NVRA language. That prediction has come true and now states are being scrutinized for greater than 100% registration.

The Solution

A solution to the incomplete list maintenance process outlined in NVRA [42 USC § 1973gg-6(b)] is achievable without disenfranchising voters. The NVRA list maintenance process should be supplemented to allow voters on the active voter registration list who have not voted or bad any contact with tbe voter registrar to be moved to the inactive voter registration list after a set number of years. I would suggest six years.

NVRA requires that voters on the inactive list remain on that list for another two general elections. This scenario would allow a name to remain on the voter registration list for ten years of non-voting and no contact before the name would be ultimately removed.

This removal process would serve as a backup to catch any failures in the current postal service oriented list maintenance process. This change would ensure that voters are not prematurely removed from the list but allow election officials to keep their lists reasonably clean.

Daily and Weekly Removal

One of the positive outcomes of the Help America Vote Act (HAVA) was the emphasis on linking the state voter registration database with felon and death record databases. These linkages prevent registration of deceased people or persons under a disqualifying felony conviction. Prior to the HAVA verifications, South Dakota experienced attempts to register deceased persons and had no way of discovering felons registering to vote.

Since implementing the HAVA verification system, no registrations for deceased persons have been received. We have caught about 150 persons with disqualifying felonies who have attempted to register to vote. The system is effective.

The same system can be used to identify persons on the current voter list who die or are convicted of disqualifying felonies. In South Dakota these names are removed on a weekly basis.

In designing our HAVA verification system, the reported problems with felon removal in Florida in the year 2000 were fresh in our minds. We designed a system that would require rigorous verification prior to any voter removal. The tolerance for error is zero.

Our verification system uses a three tiered ranking system for matches based on likelihood of the match being the exact person who has died or been convicted of a felony. The system identifies matches as "perfect", "probable", or "possible". The amount of election official verification required before a name is removed is specified depending upon which of these classifications the match is deemed.

This system has been very effective in properly sorting those names which should be removed from the voter registration list without erroneous removals.

The process for daily and weekly list maintenance is working to maintain the integrity of our voter registration list without disenfranchising voters. I would not recommend any change to this system.

Provisional Ballots

One last thought. The universal requirement for the availability of provisional ballots serves as a safety net to prevent disenfranchisement from erroneous voter removal. It is an effective provision which can be modified within a broad scope by each state to meet the needs of voters in each state.

In South Dakota, my goal is for the number of counted provisional ballots to be zero. Zero provisional ballots would mean that each person coming to the polling place is legally entitled to vote a regular ballot.

We aren't there yet. In the last general election we had 341 provisional ballots in the state. Of those, 90 were countable meaning there were 90 mistakes in the registration list across the state. We will do everything we can to further improve our processes and hopefully drive that number to zero. Despite the importance of provisional ballot availability, we want every legal voter to get a regular ballot, not a provisional ballot.

Final Thought

As this committee examines voter list maintenance procedures, I would encourage adding a provision to federal law allowing states an additional maintenance mechanism to serve as a backup for the current failing NVRA list maintenance process.

I would encourage no change to the current HAVA verification process which is working well to identify the deceased and disqualified felons.

Thank you for your consideration.

The CHAIRWOMAN. I would turn now to Mr. Leake. Am I mispronouncing your name?

Mr. LEAKE. The last E is silent, Madam Chair.

The CHAIRWOMAN. Well, Mr. Leake, welcome. And we welcome hearing your testimony.

STATEMENT OF LARRY LEAKE

Mr. LEAKE. Thank you very much. We certainly appreciate the committee's very gracious invitation. First of all, for your general information, the State Board of Elections in North Carolina is a five-member, quasi-judicial board that has the responsibility of enforcing our election laws and overseeing the administration of elections in all 100 of our counties.

I must tell the committee that our view of the National Voter Registration Act and our experience perhaps differs somewhat from South Dakota's. We would tell the committee that we have been able to devise a list maintenance system which we believe works, and works very effectively. We would further share with the committee—and it is attached to our written testimony—some examples of where, as a result of certain inquiries made both by our State Auditor's Office and by the voting section of the Federal Department of Justice, we have had reason to do some in-depth analysis of what is happening with our list maintenance. There have been some studies done, which are attached, which we believe the Department of Justice initially misconstrued as to what those percentages mean.

In North Carolina, we have gone to great effort to ensure that no eligible voter is ever disenfranchised. Therefore, in our computer banks, if you will, we will always have the name of any registered voter. But we very carefully remove and place in an inactive list those voters with whom we have had no contact for 2 years. We do not allow any voter who there is any question about his qualifications and eligibility to vote to become a part of the mainstream vote, if you will.

In Congressman Watt's district, if there was a provisional ballot situation, that ballot, if the person says they are entitled to vote, they will be allowed to vote, but that ballot is segregated and kept separate and apart until we are certain that that person is, in, fact a registered voter.

I think when you simply look at the inactive and active registration totals, which have been done in certain instances, such as in Wautauga County in North Carolina, home of Appalachian State University, it misconstrues, when compared with the census figures, what is going on. There are a large number of students who have moved to Wautauga County and are legally voting in that county. So we would urge this committee to view with skepticism a comparison to population figures without an analysis of why and what might be going on.

In our eastern and western sections of our State we have a large number of people moving in. I come from the western part of the State, the mountainous part of the State. We firmly believe that the Census Bureau, if you will, is not going up all the "hollers" to find all the folks. So we believe that the key fact is that we do follow up on our law and your law to make certain that all felons—

and we have a very elaborate system for doing that—all those who are deceased, are removed from the voting registration rolls. And in our State we have a very active program through our SEIMS program, our State Election Information Management System, that allows us to make certain that no individual is voting in two localities.

So we hope that you continue to find ways to improve, but certainly don't throw away the baby with the bath water. We need to continue a system that ensures the integrity of the process, but encourages and makes easy participation.

The CHAIRWOMAN. Thank you very much, Mr. Leake. And also for your brevity.

[The statement of Mr. Leake follows:]

Testimony of

LARRY LEAKE

Chairman

NORTH CAROLINA STATE BOARD OF ELECTIONS

On

North Carolina's Statewide Voter Registration Management System, Agency, and Voter Registration During Absentee Voting Period

Before the
ELECTIONS SUBCOMMITTEE OF THE COMMITTEE ON HOUSE ADMINISTRATION OF THE U.S. HOUSE OF REPRESENTATIVES

October 23, 2007

TESTIMONY OF LARRY LEAKE

October 23, 2007

Chairwoman Lofgren and members of the Subcommittee -- I am Larry Leake and I have served as Chairman of the North Carolina State Board of Elections since 1997 and have been a member of the State Board since 1993. The State Board is a bipartisan, quasi-judicial and indendent agency established by the North Carolina General Assembly with supervisory authority over the elections and the 100 county boards of elections in North Carolina. Its five members are appointed by the Governor every four years following recommendations made by the two largest political parties. Among the duties of the State Board are to maintain the official voter registration list for the State and to assure that every citizen who is qualified to register is provided an opportunity to do so.

I. Computerized Statewide Voter Registration

In 1996 the North Carolina General Assembly directed the State Board to develop and implement a computerized statewide elections management system to support registration and election efforts of the State and county boards of elections. The resulting State Election Information Management System (SEIMS) is a suite of applications that automates and standardizes voter registration and elections management processes across the State; it allows the replication of data to the statewide voter registration database in real time. SEIMS was recognized by The Center for Digital Government with a Best of Breed award in 2002. The conversion of counties from local systems began in 1999 and was completed in early 2006. The 2000 presidential election was the first major election conducted using SEIMS.

County boards of elections in North Carolina historically maintained voter registration records on paper and then on local, customized computer programs. The State provided funding for the implementation of a new statewide voter registration database that allowed many county boards of elections to raise the level of technology in their counties. The State provided server and database support to be housed in the county. Counties are linked electronically to facilitate the exchange of information, including the real time updating of voter registration data, reports, maintenance and elections management information. The central statewide database contains the voter registration and voter history data from voters in all 100 counties. The system was updated to be compliant with the Help America Vote Act of 2002 by the federal elections in 2006.

The central database is used to validate registration data (DL numbers/SSN), assign unique state voter id numbers, generate and distribute data on deaths and felons to the counties and perform cross-county duplicate checking. SEIMS includes the functions required by the Help America Vote Act to support the ID requirements for voter registrations, including the real time validation of drivers' license numbers with the NC Department of Motor Vehicles and of the last 4 digits of a voter's social security number (SSN) with the Social Security Administration (SSA). The system also assigns a unique state ID to each voter. The State and county boards of elections share the responsibility of supporting the voter registration system.

The implementation of SEIMS in all the counties has established a base for enforcing consistent processes in all counties. This has allowed for the electronic transfer of registrations from the Department of Motor Vehicles and for consistent monitoring of the list maintenance process by the state.

II. List Maintenance Procedures to Maintain Voter Registration Accuracy

To facilitate maintenance of accurate voter registration records, SEIMS interfaces with:

- The Department of Health and Human Services (DHHS) system to provide a statewide check of death records against the voter roll.
- The Department of Corrections (DOC) system to provide a statewide check of felony conviction records against the voter roll.
- The Department of Motor Vehicles (DMV) system to automate the processing of voter registrations from the DMV offices and perform real time validity checking of drivers' license numbers.
- The Department of Motor Vehicles (DMV) system to perform real time validity checking of drivers' license numbers and Social Security numbers.

List maintenance is a uniform, nondiscriminatory program to remove the names of ineligible voters and update addresses and other necessary information of eligible voters. List maintenance provides accurate voter registration information, allowing every qualified voter to vote while preserving the integrity of the elections. County boards of elections perform the list maintenance process after each election for members of the U.S. House of Representatives. The State Board views the list maintenance process as an opportunity to assure the accuracy of the voter registration database, but at the same time recognizes the importance of not removing a voter from the roll unless there is certainty that the person is no longer an eligible voter. No name is ever deleted from the system – a name may be categorized as removed but the name is always available should there be reason to research whether a voter was improperly removed.

Using the statewide database, the State Board conducts monthly comparisons of counties' voter records. On confirmation by county boards of elections, duplicate registrations are removed and records merged to reflect the most current registration address. On the receipt of electronic lists of felon convictions and deaths from

appropriate agencies, the State Board automatically compares potential matches to the current voter list in the database. Additional research and review is conducted by the county board of elections before any name is removed. If there is any doubt on whether or not it is the same voter, the voter record is not removed. Any names removed from the active list are maintained in inactive status for a minimum of one federal election cycle.

North Carolina is experiencing a steady influx of permanent residents due to employment and educational opportunities, military service, and ideal retirement conditions. The State Board has been questioned a several times by the U.S. Department of Justice (Attachment __) about data that could indicate, if not properly understood, that the number of registered voters is higher than the census data for the voting age population. In reviewing North Carolina's voter registration data, it is important to understand that it includes both active and inactive voters. If only the active voters are considered, the number of voters would always be below the current estimate of the voting age population. Under the National Voter Registration Act of 1993, all states are required to maintain inactive voters on the registration rolls one federal election after the voter has been identified as inaction. It is also important to understand in analyzing voter registration data, to understand the communities in which the voters live. For example, Watauga County on the attached chart has a higher number of registered voters than estimated voting age population. Before this football season, many Americans may not have known about the fine institution located in Watauga County, Appalachian State University. The county has an estimated voting age population based on census data of close to 37,000. However, Appalachian State University has a current enrollment of over 15,000. Many of these students were not included in the census for Watuaga County, but

were counted in the census of their home counties. Thus, any comparison of census data to voter registration data must be informed by an understanding of the community where the voters live. Similarly, in our coastal and mountain communities, we have seen explosive growth in the last decade because many senior citizens have found these areas to be attractive places to retire. Our metropolitan areas such as the Research Triangle and the City of Charlotte have seen explosive growth in the last decade because of employment opportunities. Finally, North Carolina has a number of military bases and those counties have also seen growth in the last few years. In a state with explosive growth in population, census data can quickly become outdated. Thus, it may appear that there are more registered voters than voting age population when that is simply not the case.

Our State Auditor conducted a strategic review of the voter registration database earlier this year and erroneously identified irregularities in the database. Because the State Board routinely conducts its own internal review of the voter registration database, we were able to confidently address the identified irregularities. The results of our review and our response to the irregularities identified by the Auditor are attached. (See Attachment ___) You will see that our internal review identified fewer than 100 potential violations of the law out of a database of 5,522,410 active and inactive voters. While the State Board never wishes to find an instance of administrative error or voter wrongdoing, we are encouraged that we found such a small number of actual irregularities. As necessary we have made referrals to the appropriate district attorney.

III. North Carolina's Efforts to Enhance Voter Registration and Participation

A. Renewed Emphasis on Voter Registration at Public Agencies

In 1995, the NVRA went into effect and the State Board implemented it through education and training of agency directors and staff. Individual agencies were responsible for continued implementation, but with turnover of agency directors, management and staff, not all agencies continued to as vigorously offer voter registration opportunities at their public assistance offices. In 2007, several voting rights groups brought evidence of noncompliance to the attention of Gary Bartlett, Executive Director of the State Board of Elections, who gave access to additional data that confirmed the group's initial findings. Mr. Bartlett devised a 14-point strategy to emphasize again voter registration duties and responsibilities. The plan was fully launched in February 2007. Since the implementation of every facet of the strategy, 24,000 county Department of Social Services clients have registered to vote. The total is more than the total number of such clients registering in 2005 and 2006 combined. Voting advocacy groups have commended North Carolina for this effort. (See attachment __)

B. Voter Registration During Absentee Voting Period

North Carolina law now requires, for all elections that allow absentee voting, that "one-stop absentee voting" be in place to allow voters to cast ballots starting the third Thursday before an election until the Saturday before the election. This is similar to what many would call "early voting." Thirty percent of voters in North Carolina who voted in the 2004 general election voted "one-stop." Effective this year, persons are now also allowed to register and vote during the one-stop period. Previously, voters were required to register up to the 25th day before the general election. Verification of such voter registration is required as for any other voter registration, both by State and federal law and the SEIMS voter registration system. The General Assembly intended that by

permitting voter registration during the one-stop voting period, more eligible citizens would register. This new approach has not yet been implemented in a major election, but has been successfully used in the 2007 municipal elections.

C. Provisional and Out-of-Precinct Voting

North Carolina allows out-of-precinct voting for voters who fail to vote in the precinct in which they are registered. North Carolina interprets HAVA to allow the votes to be counted of eligible registered voters voting in their jurisdictions but outside their resident precinct to the extent a race would have appeared on the voter's ballot in his resident precinct. Provisional voting is used to assure that properly registered voters have their votes counted not only if the voter has voted out of precinct, but also if through administrative error, recent moves within a county, or for other identified reasons the voter's name does not appear on a precinct's registration roll. Provisional voting is another tool for assuring that every properly registered voter is afforded the opportunity to vote.

Conclusion

The statewide voter registration system creates uniformity in the processing and reporting of voter registration throughout North Carolina. A voter in one of our mountain counties will be treated in exactly the same manner as a voter in a coastal county. This uniformity facilitated by our computerized voter registration benefits voters, political parties, and candidates. A uniform program of list maintenance can be a tool for enhancing voter participation, when the program is underpinned by a commitment to assuring that no qualified citizen is denied the opportunity to register to vote or improperly removed from the voter roll.

Removed Voters

Year	Felon	Deceased	Duplicate	Moved From County	Moved From State	Inactive for 2 Federal Elections	Other **	Total
2003	8,511	43,918	11,118	68,396	10,553	102,200	2,409	247,105
2005	9,593	45,041	10,303	101,998	16,214	162,197	6,160	351,506
2007 - As of 10/1/2007	7,453	32,431	4,265	70,163	7,882	164,479	13,084	299,757

** Other administrative
sustained challenge
voters request
temporary registrant

County/State	Voting Age Population Projections	Registered Voters Active & Inactive	% Of Active And Inactive Registered Voters Vs Population	Active Voters	% Of Active Registered Voters Vs Population
WATAUGA	36,979	38,087	103%	33,931	92%
GRAHAM	6,448	6,481	101%	6,283	97%
CLAY	8,418	8,075	96%	7,788	93%
MADISON	16,335	15,612	96%	14,314	88%
ASHE	20,897	19,642	94%	17,276	83%
YANCEY	14,675	13,787	94%	13,118	89%
POLK	15,639	14,270	91%	13,458	86%
MARTIN	18,705	17,067	91%	16,070	86%
GUILFORD	345,836	314,090	91%	272,999	79%
ORANGE	100,161	90,708	91%	82,984	83%
BUNCOMBE	174,668	157,527	90%	146,344	84%
TRANSYLVANIA	24,548	22,123	90%	20,522	84%
CHEROKEE	21,625	19,488	90%	18,049	83%
BERTIE	14,923	13,340	89%	12,642	85%
MITCHELL	12,813	11,451	89%	10,678	83%
CAMDEN	7,356	6,569	89%	6,077	83%
HENDERSON	80,204	71,476	89%	65,946	82%
EDGECOMBE	39,176	34,848	89%	32,327	83%
MACON	27,234	24,122	89%	22,227	82%
HAYWOOD	46,003	40,248	87%	37,408	81%
BRUNSWICK	76,264	66,560	87%	62,138	81%
SWAIN	10,608	9,227	87%	8,993	85%
DARE	28,839	25,042	87%	23,099	80%
MECKLENBURG	625,603	541,854	87%	481,289	77%
CRAVEN	71,619	61,986	87%	56,030	78%
COLUMBUS	41,616	35,996	86%	32,486	78%
DURHAM	188,211	162,571	86%	146,127	78%
WAKE	597,597	513,833	86%	477,000	80%
NEW HANOVER	150,867	129,272	86%	118,048	78%
PERQUIMANS	9,927	8,451	85%	8,035	81%
CARTERET	52,624	44,412	84%	41,344	79%
UNION	124,264	104,723	84%	99,303	80%
WASHINGTON	10,087	8,466	84%	8,026	80%
MOORE	66,304	55,625	84%	53,127	80%
JONES	7,996	6,687	84%	6,369	80%
NASH	70,445	58,875	84%	55,248	78%

County/State	Voting Age Population Projections	Registered Voters Active & Inactive	% Of Active And Inactive Registered Voters Vs Population	Active Voters	% Of Active Registered Voters Vs Population
CATAWBA	115,407	96,369	84%	88,966	77%
PAMLICO	10,791	9,002	83%	8,381	78%
GATES	8,723	7,269	83%	6,752	77%
CHATHAM	45,520	37,792	83%	35,761	79%
WILSON	58,485	48,389	83%	45,496	78%
IREDELL	109,087	90,134	83%	85,210	78%
WARREN	16,202	13,381	83%	12,463	77%
CHOWAN	11,316	9,317	82%	8,997	80%
CABARRUS	115,961	95,301	82%	86,949	75%
VANCE	32,125	26,335	82%	24,656	77%
BEAUFORT	36,149	29,564	82%	27,807	77%
JACKSON	29,808	24,338	82%	22,578	76%
CALDWELL	61,164	49,926	82%	46,742	76%
LINCOLN	54,965	44,864	82%	42,870	78%
NORTHAMPTON	16,884	13,720	81%	12,818	76%
CURRITUCK	18,802	15,234	81%	13,994	74%
RUTHERFORD	49,205	39,745	81%	37,248	76%
ALEXANDER	28,366	22,870	81%	21,289	75%
ROWAN	102,865	82,894	81%	78,175	76%
BLADEN	25,152	20,230	80%	19,187	76%
PITT	112,678	90,611	80%	80,548	71%
STANLY	45,270	36,375	80%	34,833	77%
MCDOWELL	34,203	27,464	80%	23,175	68%
DAVIE	30,732	24,555	80%	23,610	77%
AVERY	15,025	11,992	80%	10,655	71%
PASQUOTANK	31,016	24,705	80%	22,341	72%
LENOIR	44,206	35,186	80%	33,221	75%
JOHNSTON	114,019	90,548	79%	80,404	71%
CUMBERLAND	225,534	178,336	79%	148,220	66%
BURKE	68,603	54,163	79%	51,530	75%
STOKES	36,181	28,394	78%	27,160	75%
RICHMOND	35,174	27,494	78%	25,550	73%
PENDER	38,619	30,162	78%	27,563	71%
DAVIDSON	119,961	93,550	78%	89,450	75%
ROCKINGHAM	71,460	55,594	78%	50,636	71%
HALIFAX	42,626	33,149	78%	29,188	68%

County/State	Voting Age Population Projections	Registered Voters Active & Inactive	% Of Active And Inactive Registered Voters Vs Population	Active Voters	% Of Active Registered Voters Vs Population
WILKES	52,305	40,257	77%	38,332	73%
HYDE	4,579	3,490	76%	3,257	71%
FORSYTH	252,775	192,043	76%	187,916	74%
PERSON	29,137	22,121	76%	21,364	73%
YADKIN	29,183	22,095	76%	20,966	72%
GASTON	150,206	113,696	76%	102,039	68%
SCOTLAND	27,409	20,652	75%	18,502	68%
CLEVELAND	73,708	55,410	75%	53,750	73%
CASWELL	18,810	14,123	75%	13,612	72%
SURRY	57,102	42,818	75%	38,679	68%
ALLEGHANY	8,855	6,636	75%	6,409	72%
FRANKLIN	42,080	31,527	75%	30,439	72%
ANSON	19,827	14,822	75%	14,048	71%
ALAMANCE	107,788	80,182	74%	76,644	71%
MONTGOMERY	21,117	15,686	74%	14,289	68%
RANDOLPH	106,570	79,094	74%	75,810	71%
HERTFORD	18,605	13,465	72%	12,280	66%
TYRRELL	3,448	2,469	72%	2,345	68%
LEE	41,546	29,387	71%	27,818	67%
HOKE	30,522	21,568	71%	20,201	66%
WAYNE	87,389	61,133	70%	56,480	65%
HARNETT	78,240	54,579	70%	48,216	62%
SAMPSON	48,751	33,749	69%	32,280	66%
GRANVILLE	42,222	28,942	69%	27,551	65%
ROBESON	93,952	63,416	67%	57,146	61%
DUPLIN	39,613	26,329	66%	24,506	62%
GREENE	15,586	9,943	64%	9,442	61%
ONSLOW	119,299	74,020	62%	65,481	55%
Total	6,796,960	5,565,195	82%	5,111,328	75%

STATE BOARD OF ELECTIONS
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GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
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June 13, 2007

The Honorable Leslie W. Merritt, Jr.
State Auditor
2 S. Salisbury Street
20601 Mail Service Center
Raleigh, N.C. 27699-0601

VIA FAX 807-7646 &
E-Mail (Charles_Williford@ncauditor.net)

Dear Auditor Merritt:

The purpose of this letter is to respond to the findings and recommendations of your office flowing from the "strategic review" your office has attempted to conduct on the registered voter database and the voter history database maintained by the State Board of Elections ("State Board"). Your report states the review was conducted pursuant to N.C. General Statute § 147-64.6. It is unclear where a "strategic review" falls under the duties and responsibilities listed in that subsection and which auditing procedures are to be followed in such a review. Nevertheless, your report indicates that the entity under review may respond.

In all four of your recommendations you essentially recommend that the State Board investigate irregularities you purport to have identified and develop procedures to assure the voter registration database is accurate. For the reasons specifically set forth below, we question the existence of the irregularities you purport to have identified because they appear to be tainted by either a misunderstanding of elections statutes or a misunderstanding of the State Board's data. More important, your recommendations imply that the State Board is not already vigilant in assuring the accuracy of its data. This is simply not the case.

I further believe your draft report would have been more accurate and complete if your office had accepted our offer to fully brief your staff on the controlling State and federal elections laws and the data you were trying to review. This is a particular concern at this time when the national press is reporting serious issues about the politicization by the United States Department of Justice of the voter registration process. We do not want that kind of problem in our State or for the public to conclude there is such a problem.

We hope this response will be of assistance to you and to the Governor and the members of the General Assembly, shown as recipients of your report, in evaluating the findings

and recommendations in your report. We will be happy to respond to follow-up questions from your office or any reader of your report. An accurate understanding of federal and State election laws is critical to assessing current administration of those laws and to policy-makers in setting future policies.

Development of the Computerized Statewide Voter Registration Database

The General Assembly passed legislation in 1996 that mandated the development of a statewide computerized voter registration system. Until January 1, 2004, each county board of elections was responsible for maintaining its own computer file of registered voters and transmitting changes promptly to the statewide computer file. The State Board is now required to "develop and implement a statewide computerized voter registration system to facilitate voter registration and to provide a central database containing voter registration information for each county." N.C. Gen. Stat. § 163-82.11(a). The State Board developed the State Elections Information Management System ("SEIMS") to fulfill this mandate and to perform other elections information management tasks. Since the adoption of the federal Help America Vote Act of 2002 ("HAVA") and implementing legislation in North Carolina, SEIMS has been updated to comply with the requirements of that federal Act.

SEIMS is a suite of applications that automates voter registration and greatly simplifies the administration of voter records. The counties use it to register voters, verify addresses, record a voter's history, mail absentee ballots, administer polling places, record an application to vote provisionally and record whether or not the provisional ballot was counted, and for other data management tasks. The State Board uses SEIMS to store and manage the statewide database containing voter registration and voter history data from all counties in North Carolina. The central database is used to perform cross-county duplicate checking, to validate and distribute data on deaths and felons to the counties, and to support identification requirements for first-time voters who register by mail.

Each voter in the system is assigned a unique identifier. Even if a voter is removed from the voter roll because the voter has moved, died, been convicted of a felony, or asked to be removed, that voter's information is not deleted from the SEIMS database. The data is maintained in order to be able to research a person's eligibility to register and vote and the maintenance of such data protects against removing a voter from the roll of registered voters because of an administrative error. In addition, it facilitates compliance with N.C. Gen. Stat. § 163-82.14(d)(3), which requires that any removed voter "shall be reinstated if the voter appears to vote and gives oral or written affirmation that the voter has not moved out of the county but has maintained residence continuously within the county."

The SEIMS system interfaces with the following State data systems:

- The Department of Health and Human Services ("DHHS")system to check death records against the voter roll.

- The Department of Corrections system to check felony conviction records against the voter roll.
- The Department of Motor Vehicles ("DMV") system to automate processing of voter registrations from DMV offices and to perform validity checking of driver's license numbers provided by applicants for voter registration
- The DMV system to perform validity checking of the last four digits of social security numbers provided by voters who do not have driver's license numbers.

The State Board uses the data as it is maintained by these agencies. The interfaces allow SEIMS to access the different departmental databases but do not allow SEIMS to change the information in those databases or to go behind them.

SEIMS was implemented in 1999 and became HAVA-compliant for all 100 counties in North Carolina by January 1, 2006. It is important to note that data in the system is dependent on the information that was required in order for a voter to register at the time of the person's registration. For example, until the adoption of the HAVA legislation an applicant for voter registration was not required to supply a driver's license number, the last four digits of his or her social security number, or any other identification when voting for the first time after having registered by mail. The first election for which such identification was required was the 2004 primary. Processing of original registration applications submitted on pre-HAVA voter registration application forms stopped on January 1, 2004. The Social Security Administration did not provide an interface to its database for the North Carolina DMV for validity checking of elections registration information until March 2006. Thus, it has only been since March 2006 that North Carolina elections officials could verify the last four digits of social security numbers provided by applicants; other forms of identification were used to verify the identity of a voter who registered by mail and who did not have a driver's license.

Finally, it is important to understand that the information in the statewide database will also vary depending on the county of residence, how long the person has been a registered voter, and the data collected and computerized by the county before implementation of the statewide computerized database.

Internal Review by the State Board of SEIMS Database

Immediately after the completion of the 2006 general election process, the State Board implemented an internal review of its policies and procedures to assure compliance with all federal and State statutory requirements. The State Board conducts such internal reviews periodically, with major reviews done in odd-numbered years when there are no statewide elections. Our review is ongoing with the goal of identifying and adopting any necessary changes in rules, procedures, standards, and forms by the end of 2007. One aspect of this review has been analysis of the data from each county for any anomalies that raise concerns about compliance with the list maintenance requirements of the National Voter Registration Act of 1993 ("NVRA") and N.C. Gen. Stat. § 163-82.14.

In addition, our internal review has helped us identify and resolve duplicate registrations and remove the duplications from the system. Where we have identified possible duplications, voters have not been removed unless there has been an exact match of the voter's information such that we can confidently remove a listing as a duplicate. In those cases, we have asked the counties to research their records to try to ascertain whether two listed voters are in fact duplicates. If there is doubt even after conducting such research, we do not remove the voter. With as many voters as are registered in North Carolina it is not safe to act on an apparent duplication until it can be definitively proved. For example, we identified three voters who appeared to be registered under the same name. After investigation we determined that two of them had registered as Mr. and Mrs. "John Smith," as voters were allowed to do in years past, and the third "John Smith" was entirely unrelated to them. Another example of the strange coincidences that may occur was with respect to an apparent felon. It turned out there were two voters of the same name, birth date, sex, and race and who had lived at different times at the same address. One was in fact a 5'2" felon and the other was 5'8" reporter for a major newspaper.

It is important that we not precipitously remove any registered voter from the voter registration rolls, risking that a qualified voter be disenfranchised. Over the course of two federal election cycles, our list maintenance procedures will resolve true duplications and cause them to be removed. The list maintenance procedures are mandated by the NVRA and N.C. Gen. Stat. § 162-82 14.

We have also audited to assure that the names of persons who have died or been convicted of felonies have been removed from the voter registration rolls. We have investigated records that indicated a possibility that a person had voted under a deceased voter's name. Finally, in the few instances where we have identified potential double voting or voting by a felon who had not had his or her citizenship rights restored, we have referred the matter to the appropriate district attorney.

This internal review has shown the following:

- As of June 2, 2007, there are 5,522,410 active and inactive registered voters in North Carolina. An inactive voter is a registered voter who had not had contact with the county board of elections during the period covered by two federal elections. If the voter does not respond to a confirmation mailing sent pursuant to N.C. Gen. Stat. § 163-82 14 (d), then the person's name is removed from the list of registered voters.

- For the time period between the 2004 general election through the 2006 general election:

    - Ninety-seven voters had a voter history that showed they voted after their names had been removed from the voter registration roll in a county. Fifty-six of these voters correctly voted in their old precincts because they had moved fewer than 30 days before the election. *See* N.C. Gen. Stat. §

163-82.15. This reduced the number of possible ineligible voters to 41. Working with the counties, we are investigating these possibilities of ineligible voting.

- Eight voters were shown as deceased at the time they voted; upon investigation it was determined that in three cases there was an administrative data entry error and in five cases the voters were absentee voters who voted before the election and the person died before the election but elections officials did not receive the death notification before the canvass of the election.
- Twelve voters were shown as having voted following a felony conviction. Eleven of these individuals have been referred to the appropriate district attorney for prosecution. The remaining individual was convicted only of a misdemeanor and had been identified as a felon in error.
- Fifteen voters were shown as possible duplicate voters – ones who possibly voted in more than one jurisdiction. All of these records were shown to be attributable to administrative error in data entry. Examples of such errors include one county's error when an elections official attempted to combine a voter's records under a new last name and another county's error when two voters each were given provisional ballots at two different precincts as a result of incorrect information provided by poll workers. One incident identified as possible duplicate voting was really two voters with different middle names voting in different parts of the State. Five incidents of possible double voting were actually fathers and sons with the same names who both voted in the same general election, but in different counties.

Since January 1, 2004, forty-nine persons have been referred to district attorneys for possible prosecution for registering to vote while a felon without citizenship rights restored, and in some cases, for voting.

Neither the State Board nor its staff wishes to find any instances of administrative error or voter error. However, given that we were reviewing elections and voter registration data involving millions of voters, we are encouraged that we have found such a small number of actual irregularities. Citizens of North Carolina should be proud of the work of elections officials throughout the State, and should have confidence that the system is working.

Significant list maintenance following the 2006 general elections pursuant to the NVRA and N.C. Gen. Stat. § 163-82.14 has been completed in all counties except twelve. The largest of these counties, Guilford and Wake, have not yet completed list maintenance because of special elections in those counties. The following chart shows the numbers of voters removed, categorized by the reason they were removed, for the time periods from the 2004 election to the beginning of 2006, from the beginning of 2006 to the 2006 election, and from the 2006 election until June 1, 2007:

	Felon	Deceased	Duplicate	Moved From County	Moved From State	Inactive for 2 Federal Elections	Other **	Total
11/2/2004 to 1/1/2006	10,519	48,742	12,198	120,729	17,699	163,323	7,031	380,241
1/1/2006 to 11/7/2006	7,826	34,117	2,445	62,034	8,895	131	2,449	117,897
11/7/2006 to 5/31/2007	5,016	21,932	1,441	43,002	4,808	141,468	9,694	227,361
TOTAL	23,361	104,791	16,084	225,765	31,402	304,922	19,174	725,499

** Other administrative
sustained challenge
voters request
temporary registrant

This chart is additional proof of the State Board's vigorous and ongoing efforts to maintain and manage accurate voter registration records.

Review of Database Generated by Auditor in Review of DMV Records

On March 20, 2007, your office released a report that indicated: (1) 14,122 social security numbers provided by applicants for driver's licenses were invalid; (2) 12,796 applicants had social security numbers that matched numbers of deceased persons; and (3) a total of 14,732 of these social security numbers belonged to individuals with revoked or expired driver's licenses or identification cards. You found that the invalid social security numbers are the result of either data entry errors or false information provided by applicants.

Upon learning of this review through news reports, we immediately contacted your office to obtain a copy of the database so that we could investigate whether any persons had used invalid social security numbers to register to vote. Although your office did not believe it could make that information available to us, it was ultimately provided to us by DMV on April 30, 2007. We reviewed this data to identify felons, duplicates and deceased voters and then determined whether the voter history of each voter matched the identifications made. The results of that review are part of the internal review conducted this year of SFIMS by this office, and are described above.

On January 22, 2007, our Information Technology Director, Bob Rauf, was asked to provide to your office the voter registration database. There were numerous communications with your office during this time to determine exactly what data you needed. This information was delivered to your office on April 11, 2007. Your office requested a meeting on April 20, 2007, to discuss database fields, and we met on May 18 to explain database fields and relationships. Following that meeting, Mr. Rauf responded to questions e-mailed to him on May 22 from your staff with the suggestion that your staff meet with him again because he believed your staff needed "more information on the relationships between some more of the data and tables and more of an explanation of the definition of some of the fields." A meeting was set for Wednesday, June 6.

Since the purpose of the meeting was to assist your staff in understanding the voter registration process and voter history data it had received from the State Board, as well as the State and federal laws governing elections in North Carolina, it was scheduled while I was on vacation. Based on what we understood to be the agenda for the meeting, it did not appear necessary for me to attend. It was disturbing, therefore, that your staff arrived at the meeting with findings and recommendations of actions to be undertaken by this agency as a result of your review of that data. At best these recommendations are premature given that your staff ostensibly was attending the meeting to better understand the elections data they were reviewing. As is made clear in the State Board's specific responses below, your office appears to have a fundamental misunderstanding about the data that was reviewed or about the federal and State laws governing the voter registration process.

Specific State Board Responses

1. DMV DRIVER'S LICENSES WITH INVALID SOCIAL SECURITY NUMBERS ON THE VOTER REGISTRATION DATABASE.

Response:

The data you cite is not clearly defined and is misleading. There are currently 5,522,410 active and inactive registered voters in North Carolina, thus the first two sentences are incorrect. Your number of 4,227,708 voters cannot possibly represent 50% of all registered voters.

The recommendation is based on the purported identification of 671 people with invalid social security numbers from the DMV who were allowed to register and 1641 people with social security numbers that belonged to deceased people from the DMV database. We have reviewed your data, and the 671 people with invalid social security numbers either (1) registered before the date a driver's license number or the last four digits of a social security number were required to be provided if a voter had one, or (2) the Social Security Administration had incorrect data as determined by DMV.

In understanding why the Social Security Administration had incorrect data, information from a February 12, 2007, presentation entitled *SSA's HAVA Verification* by Peter Monaghan of the Social Security Administration may be helpful. (Copy attached) He reported that of 2.6 million queries to match social security numbers of applicants for voter registration, no match was found in 46.2% of the cases. He attributed the low match rate to last name changes not reported to the Social Security Administration, the fact that proper first names had not been historically required, and the exact month and year of birth was required for a match. Generally, he explained that social security data may be outdated and incorrect. A true match when using the last four digits of the social security number alone is unknowable because each "last four" equals 40,000 social security numbers.

With respect to the assertion that there were 1641 people with a social security number of a deceased person on the DMV database, we compared the data used by your office with the death records provided by the Department of Health and Human Services and could not duplicate your results. The State Board is required by N.C. Gen. Stat. § 163-82.14 (b) to use the data provided by DHHS in identifying deceased voters. The State Board's routine removal of deceased voters is discussed above.

Finally, your recommendation that the State Board "in the future should validate voter registration records with the N.C. Division of Motor Vehicles and the Social Security Administration to ensure that only people that should register to vote actually register to vote" incorrectly implies that we are not currently performing such validations. We are verifying driver's license numbers with DMV and the last four digits of social security numbers with the Social Security Administration. We do not have the authority, however, to investigate the data maintained by either agency and must rely on that data. *See* N.C. Gen. Stat. § 163-82.19(b). We have a good working relationship with DMV and work together to resolve any anomalies that may arise and to assure proper matches of numbers provided on voter registration applications.

2. INVALID DRIVER'S LICENSES ON THE VOTER REGISTRATION DATABASE.

Response:

You state that you have identified 24,821 license numbers in the voter registration database that have no matched record in the DMV database, and that you have found 21 matched licenses and identification cards that contained different names in the DMV database and the voter registration database. You do not provide the names of these voters, yet you recommend that the State Board "strengthen verification procedures for people registering to vote."

Your comparison is invalid because it does not consider the date when the system first started to validate driver's license numbers. Up to that point, the numbers were entered if provided but not validated. It also does not indicate if the number and comparison included removed voters. Any data including the removed voters is meaningless. The validation and verification procedures are dictated by federal and State legislation. These procedures cannot be dictated by the State Board but would require changes in the federal legislation.

3. STATE BOARD OF ELECTION VOTER REGISTRATION DATABASE AND VOTER HISTORY DATABASE ANALYSIS.

You first note that you had identified 92 voters from the voter history database who voted in elections since 2004, but were not registered in the voter registration database. This appears to be another misunderstanding of the database structure. Our review indicates that this problem does not exist.

You next note that 380 deceased voters appear to have voted after their dates of death. We have confirmed that voters died during the absentee voting time period after having voted absentee just before their last recorded voter history election date. The State Board must rely on DHHS data that is transmitted to it monthly, but there is about a 90-day period between the date of death and when the information is transmitted. Thus, there will be some persons who will vote in the absentee voting period, die before the election, but the fact of their death will not be known to State or local elections officials until after the voter history is entered. In addition, the database used by the State Board is DHHS data compiled from death certifications. However, the database you indicate you used for comparison comes from the "Social Security Administration Master Death" file. This file may not be as accurate as the DHHS database which relies on actual death certificates. For example, your records show a date of death of 09/11/1997 for VR # 286 in Moore County. Our record from DHHS shows the date of death as 02/05/2006, and we have confirmed that our date of death matches that in the DHHS records.

You believe many persons convicted of felonies have voted in elections since 2004. It is impossible to understand the numbers you have given to support this conclusion. If a voter is in the "felony status," he or she is in a removed status and does not appear on the list of valid voters. The SEIMS total database shows all persons who have registered to vote in North Carolina, but then have been convicted of a felony. In analyzing felony status it is important to note both the date of removal because of the conviction, and the dates a felon's citizenship rights have been restored pursuant to Chapter 13 of the General Statutes and he or she has registered to vote. *See also* N.C. Gen. Stat. § 163-82.11(c). If a person's citizenship rights have been restored and the person has registered to vote, then he or she is a properly registered voter.

You next note that your review indicates that since 2004, voters under 18 have voted. Your data does not account for the statute that allows 17 year olds to vote in a primary if they will turn 18 before the general election or regular municipal election for which the primary is held. *See* N.C. Gen. Stat. § 163-59. In reviewing your data, we noted that you identified many voters to be underage when they voted in the 2006 primary elections even though they were eligible to do so because they would attain the age of 18 by the general election.

You next note that you have found 126,685 voter registration records that do not contain a birth date value. You recognize that applicants were not required to provide birth dates before 1993, and that voters are not required to provide any documentation to support the birth dates they use to register to vote. We have reviewed the access databases provided your office and every voter record had a value in the birth date column. For those registrations before 1993 that did not provide a birth date, a place holder date was added when the conversion to SEIMS was implemented in the pertinent county.

You recommend that that the State Board "develop procedures to periodically analyze the voter databases for accuracy and appropriateness," which again incorrectly

implies that the State Board does not do this. As stated earlier, the State Board already does this and has done just that in its own internal review this year. We update the databases for accuracy and appropriateness on a daily basis. We vigorously investigate any allegations of voting irregularities. However, we do not have authority to retroactively impose requirements on voters that were not in place at the time the voter originally registered.

Conclusion

The State Board and its staff are dedicated to meeting voter registration responsibilities under State and federal law, to providing every eligible North Carolina citizen an opportunity to register and vote, and to assuring that elections are conducted properly without taint of fraud or irregularity. As the person designated as the Chief State Election Official for purposes of the NVRA with responsibility for coordinating State responsibilities under that Act, and for assisting the State Board in meeting the requirements of section 303(a) of HAVA, I welcome the opportunity to review and evaluate the performance of this agency. *See* N.C. Gen. Stat. §§ 163-82.2 & -82.11 (c).

After reading the report of your "strategic review," it is clear it would have been best for all concerned if your draft recommendations had not been issued until your staff had taken the opportunity to better understand the data it was reviewing and the laws applicable to elections. Finally, in the future I would appreciate the courtesy of notice and an opportunity to attend a meeting at which your recommendations about the conduct of the business of this agency are going to be presented.

Sincerely,

Gary O. Bartlett
Executive Director

Cc: The Honorable Michael F. Easley, Governor
The Honorable Members of the General Assembly of North Carolina

Leake Testimony
October 23, 2007
Attachment D

State Board's Compliance Plan for Public Assistance Agencies:

1. Communicate with all public agency heads in state and local government about voter registration responsibilities. The North Carolina Governor's Office sent letters to these agencies reminding them of the need to work with the State Board on NVRA compliance.

2. The Executive Director publicly advocate the need to improve NVRA compliance.

3. Communicate with all county Departments of Social Services on their legal responsibilities and duties with respect to offering voter registration to their clients. These county departments are county agencies and not under the direct control of the state.

4. Review, modify, and update agency voter registration manuals and group training materials. Place the information on the State Board website for easy access to those agencies that need the information.

5. Offer periodic voter registration training for supervisory agency staff who in turn will train their agency staff, i.e., "training the trainer."

6. Dedicate an Election Liaison whose primary duty is NVRA matters with responsibility to aid the voter registration efforts of agencies.

7. Address agency groups as needed on NVRA matters.

8. Help site coordinators assigned by every agency with NVRA responsibilities in implementing NVRA duties, maintaining voter registration supplies, and answering NVRA questions.

9. Monitor the transmission of preference/declination forms and VR application forms per agency to determine where compliance falls short.

10. Perform spot checks on agencies that have NVRA duties.

11. Discuss legal implications of failure to comply with both state and federal voter registration mandates.

12. Work with agencies to develop an electronic NVRA for easier compliance.

13. Establish an e-mail system that connects all agency site coordinators to allow quick communication and offer information directly to persons that will use it.

14. Provide information posters in both English and Spanish to be posted at agencies that offer voter registration.

Leake Testimony
October 23,2007
Attachment E

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A Network for Ideas & Action

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Demos Report Highlights North Carolina's Compliance with National Voter Registration Act

For Immediate Release
May 8, 2007

Contact: Timothy Rusch, Demos
Tel: 212.389.1407 Email: trusch@demos.org

Brian Mellor, Project Vote
Tel: 617.282.3666 Email: electioncounsel1@projectvote.org

Benjamin Blustein, Lawyers' Committee for Civil Rights Under Law
Tel: 202.662.8320

NORTH CAROLINA LAUDED FOR COMPLIANCE WITH NATIONAL VOTER REGISTRATION ACT
NEW REPORT SHOWS THAT IMPROVED IMPLEMENTATION STEPS WILL HELP INCREASE VOTER REGISTRATION OPPORTUNITIES FOR LOW-INCOME PEOPLE

--> Download report here

New York, NY--North Carolina is taking a number of steps to be in full compliance with the National Voter Registration Act of 1993, specifically its requirement that states offer voter registration opportunities in public assistance agencies, according to a new report published this week by Demos, a national election reform and voting rights policy center.

Congress passed the National Voter Registration Act (NVRA) with two primary aims: increasing voter registration opportunities and ensuring the integrity of the voting process. Yet, while most states created effective programs for mail-in and Department of Motor Vehicles-based registration processes, many neglected the NVRA's Section 7 requirement that states offer voter registration in public assistance agencies.

The new study published this week, entitled *Expanding Voter Registration for Low-Income Citizens: How North Carolina is realizing the promise of the National Voter Registration Act*, details how the state's NVRA's public assistance voter registration efforts had lapsed in recent years, despite initial success. Since being notified in June 2006 of their declining registration numbers in public assistance offices by the NVRA Implementation Project--a partnership of Demos, Project Vote, ACORN and Lawyers' Committee for Civil Rights Under Law--the State Board of Elections has worked diligently to improve implementation of this vital law.

In the early part of the decade, registrations at public assistance agencies had declined sharply. Report findings include:

- Public assistance voter registrations in North Carolina declined by 73.5 percent between 1995-1996 and 2003-2004. Between 2003 and 2005 alone, public assistance voter registrations declined statewide by 16 percent, though the number of households participating in the Food Stamp Program increased by 24 percent and WIC program participation increased by 6.5 percent.
- Public assistance offices in 25 counties experienced a decrease in registrations in 2004 as compared to 2003--even though 2004 was a presidential election year and logically should have seen an upswing in registrations.
- In 2005, public assistance offices in each of 35 counties registered fewer than 10 clients; offices in 11 of those 35 counties did not register a single client, and four counties failed to register even one client in the three years for which data was provided.

Once notified, the North Carolina State Board of Elections took immediate steps, with

guidance from the NVRA Implementation Project and Lawyers' Committee, to meet Section 7 requirements, including: distributing to the agencies signs that alerted clients to the opportunity to register; identifying NVRA coordinators for each county; revising the training manual; establishing an 800 number help desk; and, holding the first of its biannual meetings with agency heads.

Results of the improved compliance were almost immediate:

- Although the SBOE has received only the first reports from the local public assistance agencies, the improvements already are remarkable: Eleven percent more voters were registered in the *single month* of February 2007 than in the *entire year* of 2005 in the 30 counties providing complete monthly data.
- Twenty-two of the 30 counties reporting complete monthly data registered more voters in the single month of February 2007 than they did in all of 2005. Many of these counties registered more than twice as many voters in February 2007 compared to all of 2005.
- Mecklenburg and Guilford Counties, two urban counties with sizable low-income populations, experienced significant gains in voter registrations. Guilford County registered over 30 times as many people in the single month of February 2007 as it did in all of 2005. Similarly, Mecklenburg County registered significantly more voters in February 2007 than in all of 2005.
- Beaufort County, a county with a 17.4 percent poverty rate, saw an increase of over 1,000 percent in voter registrations in March 2007 compared to 2005.

"The single greatest right, and responsibility, of any US citizen is the ability to vote," said Gary Bartlett, Executive Director of North Carolina's State Board of Elections. "The National Voter Registration Act charges all election officials with the responsibility to protect that privilege by ensuring that the opportunity to register to vote is readily available to all eligible citizens."

"North Carolina has always been committed to providing citizens with access to voter registration and certainly appreciates the information and resources provided to us by the NVRA Implementation Project. The revitalization of our agency voter registration program can be credited to the hard work and dedication of many individuals. It is our sincere desire to continuously improve our current efforts and to become a resource for any state working to improve their own compliance with Section 7 of NVRA."

To view the full report, *Expanding Voter Registration for Low-Income Citizens: How North Carolina is realizing the promise of the National Voter Registration Act*, visit www.demos.org.

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Note to editors: To schedule an interview with Lisa Danetz, lead report author and Demos Senior Counsel, please contact Tim Rusch.

Demos: 220 Fifth Ave, 5th Floor (between 26th and 27th St.), New York, NY, 10001
phone: 212.633.1405 fax: 212.633.2015

U.S. Department of Justice

Civil Rights Division

Leake Testimony
October 23,2007
Attachment A

Voting Section - Rm. 7254 - NWB
950 Pennsylvania Avenue, N W
Washington, DC 20530

August 26, 2005

The Honorable Gary O. Bartlett
Executive Director
State Board of Elections
P.O. Box 27255
Raleigh, North Carolina 27611-7255

SEP 06 2005

Dear Mr. Bartlett:

I am writing to you in your capacity as the chief state election official, regarding the State of North Carolina's compliance with the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. § 1973gg *et seq.*

As you know, among the requirements imposed by the NVRA is an obligation that states ensure that eligible citizens who properly register to vote are timely placed on the voter rolls, and that registered voters who are no longer eligible to vote in the jurisdiction are timely removed from the voter rolls. In particular, Section 8(a)(4) of the NVRA, 42 U.S.C. § 1973gg-6(a)(4), mandates that in the administration of voter registration for federal elections, each state must, on a uniform and nondiscriminatory basis, "conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of (A) the death of the registrant; or (B) a change in the residence of the registrant." This NVRA requirement went into effect in North Carolina on January 1, 1995.

In addition, Section 303(a) of the Help America Vote Act of 2002 ("HAVA"), 42 U.S.C. § 15483(a), requires that states maintain a computerized statewide voter registration list for federal elections. This registration database must be coordinated with other state agency databases (*e.g.*, death records, felony conviction records, etc.), contain sufficient information for voter registrations to be verified by data matching with either the state's motor vehicle authority or the Social Security Administration, assign a unique identifier to each registered voter, and ensure list maintenance is performed on a "regular basis" under NVRA standards. Because the State of North Carolina sought an extension from the U.S. Election Assistance Commission for compliance with the database provision, this HAVA requirement will go into effect in North Carolina on January 1, 2006.

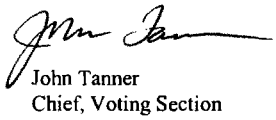
Our review of data from both North Carolina's voter registration records as well as the United States Census Bureau indicates that as of August 2005, there were 14 counties in North Carolina with more persons registered to vote than there were citizens of voting age under the

2000 Census (Dare, Cherokee, Durham, Chatham, Brunswick, Mecklenburg, Currituck, Graham, Orange, Watauga, Union, Wake, Swain, and Camden), and 3 counties with more persons registered to vote than there were persons of voting age under the 2003 Census estimates (Graham, Watauga, and Swain). Taken together, this data gives rise to a concern that election officials in North Carolina may not be taking steps to remove ineligible voters as required by the NVRA.

In light of the above, we would appreciate your providing us with information and documentation on the specific measures that have been taken by election officials in North Carolina to ensure compliance with the federal law requirement that the State maintain a current and accurate voter registration list for use in federal elections. Please include a detailed description of all list maintenance procedures undertaken by the State and its counties under the NVRA with a schedule of when they have occurred. Please also provide a status report on what steps the State plans to take to deal with list maintenance issues in its HAVA statewide voter registration system, including procedures for data matching, procedures for identifying duplicate registrations, procedures for voters who have moved or died, and procedures for identifying voters who have otherwise become ineligible.

If you have any questions concerning this letter, please call Chris Herren (202-514-1416), in the Voting Section. Please send your response to this letter to the following address: Voting Section, Civil Rights Division, Room 7254 - NWB, U.S. Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530. Thank you for your cooperation and we look forward to working with you.

Sincerely,



John Tanner
Chief, Voting Section

cc: Don Wright, General Counsel

STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

September 13, 2005

Mr. John Tanner
Chief, Voting Section
Civil Rights Division
Room 7254-NWB
U.S. Department of Justice
950 Pennsylvania Ave., N.W.,
Washington, D.C. 20530

Re: Your Request for List Maintenance Information

Dear Section Chief Tanner:

North Carolina is very much aware of the mandates of the NVRA as to list maintenance. I am responding to your concerns in two letters. The second letter which will be sent tomorrow, September 14, 2005, will contain detailed numbers of list maintenance efforts by all counties for the past several years.

The North Carolina General Statute that deals with list maintenance, G.S. §163-82.14(a) was in 1994 amended to state:

§ 163-82.14. List maintenance.

(a) Uniform Program. – The State Board of Elections shall adopt a uniform program that makes a reasonable effort:

(1) To remove the names of ineligible voters from the official lists of eligible voters, and

(2) To update the addresses and other necessary data of persons who remain on the official lists of eligible voters.

That program shall be nondiscriminatory and shall comply with the provisions of the Voting Rights Act of 1965, as amended, and with the provisions of the National Voter Registration Act. The State Board of Elections, in addition to the methods set forth in this section, may use other methods toward the ends set forth in subdivisions (1) and (2) of this subsection, including address-updating services provided by the Postal Service. Each county board of elections shall conduct systematic efforts to remove names from its list of registered voters in accordance with this section and with the program adopted by the State Board.

In compliance with both the NVRA and state law this agency began development of and put into place the Statewide Election Information Management System (hereinafter referred to as SEIMS). Starting in 1995, the first list maintenance program consistent with the NVRA was developed and implemented by this agency. The list maintenance procedure is covered under Section X of the North Carolina Administration of Voter Registration Manual. Section X was revised in July of 2003 and was submitted to your office for preclearance. It was precleared by your office on September 12, 2003, as submission # 2003-2388. For your convenience, I am including the current Section X.

We have become aware of current list maintenance issues in two counties, Swain and Graham. During a performance and record audit of the Swain County Board of Elections office in early August of this year, it was confirmed that Swain County has not followed the required list maintenance procedures. We are in the process of directing Swain County in conducting list maintenance. For your information, we are in the midst of a two year cycle where all one hundred county elections offices will be undergoing a performance and records audit by this agency.

We have learned that Graham County conducted what they considered list maintenance this year, but they failed to use the required procedures and processes mandated by federal and state law, and the SEIMS policies and procedures. We have directed the Graham County Board of Elections to meet and report to this agency regarding our concerns about their list maintenance. Enclosed is a copy of the letter to the Graham County Board of Elections.

We have confirmed with Watauga County, the third county mentioned in your letter that appears to have inconsistent voter registration numbers with 2003 Census estimates, that they conducted list maintenance in May of 2005 using SEIMS policies and procedures and grant funds from our agency. This agency is aware, and it has been recently confirmed, that the voter registration numbers of Watauga County is impacted by a massive registration of students at Appalachian State University by both political parties prior to every general election. The small non-student population of this county makes it more probable that large registration of college students will distort the voter registration numbers. Currently 14,700 students are enrolled at Appalachian State. We understand the recent 2003 Census estimate for Watauga County to be 42,808, and there were 35,739 estimated persons of voting age population in the April, 2000, U.S. Census estimate. We do not know if the student population of Appalachian State was included in this estimate. Voter registration in November 2004 was 41,411 and currently has been reduced to 37,817. We are unaware of any failure upon the part of Watauga County to conduct list maintenance in a timely or proper manner.

Our findings as to the other eleven counties identified in your letter are summarized as follows:

Dare County: Currently, 23,197 registered voters and 23,566 residents of voting age as of the April 2000, Census estimate. The number of registered voters has been reduced, using

list maintenance, by 676 since November, 2004. This is a fast growing retirement/tourist county on the Northeast Coast of North Carolina.

Cherokee County: Currently, 19,331 registered voters and 19,299 residents of voting age as of the April 2000, Census estimate. The number of registered voters has been reduced, using list maintenance, by 702 since November, 2004. This is a growing retirement/tourist mountain county at the far Southwest end of North Carolina.

Durham County: Currently, 156,950 registered voters and 172,105 residents of voting age as of the April 2000, Census estimate. From November, 2004 until the current date, the number of registered voters in Durham County went from 181,773 to 156,950 mainly as a result of list maintenance. This is a fast growing urban county with two large universities located within it and in the Triangle metropolitan area.

Chatham County: Currently 35,706 registered voters and 38,245 residents of voting age as of the April 2000, Census estimate. The number of registered voters has been reduced, using list maintenance, by 1,233 since November, 2004. This is a county that is changing from a rural county to becoming part of the Triangle metropolitan area.

Brunswick County: Currently 58,712 registered voters and 57,634 residents of voting age as of the April 2000, Census estimate. The number of registered voters has been reduced, using list maintenance, by 1,249 since November, 2004. This retirement /tourist county on the Southeast Coast of North Carolina is the fastest growing county in North Carolina.

Mecklenburg County: Currently, 500,837 registered voters and 521,205 residents of voting age as of the April 2000, Census estimate. The number of registered voters has been reduced, using list maintenance, by 612 since November, 2004. This fast growing area is our largest urban county with Charlotte as the county seat.

Currituck County: Currently, 14,115 registered voters and 13,583 residents of voting age as of the April 2000, Census estimate. The number of registered voters has been reduced, using list maintenance, by 531 since November, 2004. This is a fast growing retirement/tourist county on the Northeast Coast of North Carolina.

Orange County: Currently, 93,774 registered voters and 94,243 residents of voting age as of the April 2000, Census estimate. The number of registered voters has been reduced, using list maintenance, by 1,294 since November, 2004. This is part of the fast-growing Triangle metropolitan area and home to the University of North Carolina campus.

Union County: Currently, 93,579 registered voters and 88,923 residents of voting age as of the April 2000, Census estimate. The number of registered voters has increased by 1,564 since November, 2004. Overflow from Charlotte is turning this once rural county into a fast growing urban part of the Charlotte metro area.

Wake County: Currently 491,566 registered voters and 470,249 residents of voting age as of the April 2000, Census estimate. The number of registered voters has increased by 14,034 since November, 2004. This Triangle metropolitan area county is the fastest growing urban area of North Carolina and has the state capital Raleigh as the county seat.

Camden County: Currently, 6,021 registered voters and 5,200 residents of voting age as of the April 2000, Census estimate. The number of registered voters has been reduced, using list maintenance, by 241 since November, 2004. This is a fast growing retirement/tourist county on the Northeast Coast of North Carolina that is experiencing overflow urban growth from the Virginia Tidewater area.

We are unaware of any failure upon the part of the twelve counties listed above (not including the other two, Graham and Swain) to conduct list maintenance in a timely or proper manner. As you can see, the twelve counties set out above all are high growth counties where the April 2000, Census estimates of voting age population might be less accurate than when applying it to a normal or slow growth county. I trust this provides the information you needed, and shows that this agency has and continues to be committed to a regular list maintenance program as required by law.

Sincerely,

Gary O. Bartlett

Gary O. Bartlett
Executive Director
Chief Elections Officer

STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255

May 2, 2007

Mr. John K. Tanner, Chief
Voting Section – NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Tanner:

This letter is in response to your letter of April 18, 2007, in which you requested that we provide a copy of North Carolina's voter registration list, including at a minimum, personal identifying information such as voters' full names, dates of birth, addresses, dates of registration, voter history, and social security number (if applicable). You asked that this information be sent to you on compact disc via Federal Express within two weeks. Let me assure you that North Carolina has implemented a vigorous and effective list maintenance program fully compliant with the NVRA and HAVA. Nevertheless, we have significant concerns about this request as set forth below.

First, there are over 5.5 million registered voters in North Carolina. In this age of identity theft, it is an untenable risk to download the data you requested to compact discs and transmit them via a courier service. There have been widely reported instances of large amounts of personal data in the possession of federal or state agencies that have been lost because of the theft of computers or for other reasons. Recently, the State of Georgia has had to deal with the loss of such data with respect to Medicaid recipients by a contractor using a courier service to ship it. (See attached article) You undoubtedly can appreciate the chilling effect it would have on voter registration if voters' information were ever compromised because it had been transmitted in this manner.

Second, despite communication by my staff with Mr. Popper, it is not clear what specific information you are requesting that has not already been made available to you through our web site. We have provided considerable information in the past, including the web site address for accessing the public information about registered voters in North Carolina. Apparently, this web site was sufficient to meet your needs in 2006 and should

be adequate to assess changes since that date. That address is ftp://www.sboe.state.nc.us/data/. This registration data includes both active and inactive voters.

Third, your letter references a report filed with the EAC after the 2004 general election that presented concerns that "voter registration actually exceeded the total citizen voting age population in 10 percent or more of the jurisdictions within [North Carolina]." The jurisdictions that caused concern are not listed in your latest letter. However, in detailed communications with your office in 2005, we explained North Carolina's list maintenance program and addressed concerns with respect to fourteen counties. (Copies attached) We can provide you similar information about any jurisdictions that cause you concern at this time if you will identify those for us.

According to our data, no county in North Carolina currently has more registered active voters than voting age population using adjusted census data. All counties have completed or will complete by July 1 their list maintenance following the 2006 general election. As you are aware, even a jurisdiction with a conscientious list maintenance effort may not remove an inactive voter until after two federal elections. Inactive voters tend to appear on voter registration rolls as a higher percentage of voters in fast-growing or highly mobile communities and those with large student or military populations.

Fourth, as stated at the outset, North Carolina has a vigorous list maintenance effort. Counties conduct this program according to state and federal statutes, and in regular consultation with this office. Members of our staff obtain monthly reports from all 100 North Carolina counties on duplicate registrations, felony convictions, and deceased voters. We have centralized removal of felons convicted in our State courts and when we receive notification from United States Attorneys of convictions in federal court we notify the appropriate county. We also have centralized reporting of deceased voters so that their names may be promptly removed from the voter registration rolls. In addition, we conduct regular training of county elections officials and special training of new elections directors, and conduct periodic wellness checks of every county on a number of registration issues.

In conclusion, I will be happy to provide you information so you can assess North Carolina's list maintenance efforts. I will be happy to answer any questions you have about North Carolina's list maintenance efforts. But 42 USC § 1974b does not appear to require nor does North Carolina law permit the provision of the voter-specific data on the scale or in the manner you requested.

Please feel free to contact me to discuss this matter.

Sincerely,

Gary O. Bartlett

Gary O. Bartlett
Executive Director

U.S. Department of Justice
Civil Rights Division

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

April 18, 2007

The Honorable Gary Bartlett
Executive Director
State Board of Elections
P.O. Box 27255
Raleigh, North Carolina 27611-7255

Dear Director Bartlett:

We write to you as the chief State elections official for the State of North Carolina to request information concerning the State's compliance with certain requirements of the federal National Voter Registration Act of 1993, 42 U.S.C. §1973gg *et seq.* ("NVRA") and the Help America Vote Act of 2002, 42 U.S.C. § 15301 *et seq.* ("HAVA").

Section 8 of the NVRA sets forth requirements with respect to the administration of voter registration. As part of a nationwide effort to assess compliance with the Section 8 of the NVRA, we conducted an analysis of each state's total voter registration numbers as a percentage of citizen voting age population based on reports following the 2004 general election submitted to the Election Assistance Commission. According to that report, voter registration actually exceeded the total citizen voting age population in 10 percent or more of the jurisdictions within your State. It is contemplated that the effective implementation of a statewide voter registration database pursuant to HAVA would help address that issue and provide an opportunity for State action.

We write to you to request a copy of your State's current voter registration list in electronic format. Please include, at a minimum, voters' full names, dates of birth, addresses, dates of registration, voter history, and social security number (if available), on a compact disc in a comma-delimited file format or as a Microsoft Access database file. We are requesting this information under the statutory authority found in 42 U.S.C. §1974b. As you are aware, we made a similar request to you in August 2006, and we thank you for complying with that request. We write now to assess the changes in your voter registration list since that time, and in particular since the adoption of a statewide voter registration database and since the intervening federal election and the subsequent removal from the rolls of persons no longer eligible to vote.

Please provide the information requested above no later than two weeks from the date of this letter. We will be happy to provide you with our Federal Express account number. The

materials may be sent to Robert Popper of the Civil Rights Division Voting Section to the following address: Voting Section, Civil Rights Division, 1800 G Street N.W., Washington, D.C. 20006. If you have any questions regarding our request, please contact Mr. Popper at 202-305-0046. We very much appreciate your cooperation in our efforts to monitor the progress nationwide of NVRA and HAVA compliance.

Sincerely,

John K. Tanner
Chief, Voting Section

U.S. Department of Justice
Civil Rights Division

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

August 10, 2006

Mr. Don Wright
General Counsel
State Board of Elections
P.O. Box 27255
Raleigh, North Carolina 27611-7255

Dear Mr. Wright:

On August 2, 2006, we sent a letter to Gary Bartlett, Executive Director of the North Carolina State Board of Elections, requesting an electronic copy of the statewide voter registration list for the State of North Carolina under the statutory authority in 42 U.S.C. § 1974b. We sent similar letters to a number of other states. In our letter, we asked that, at a minimum, this list include the voters' full name, date of birth, address, date of registration, voter history and social security number (if available).

In conversations with our staff, you have indicated a reluctance to provide the date of birth and social security numbers to us due to the statutory language in North Carolina General Statute § 163-82.10. While we fully understand and appreciate your concern, this provision of state law does not preclude compliance with our request.

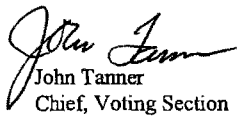
The relevant North Carolina statute states that, ". . . [F]ull or partial social security numbers, dates of birth, and drivers license numbers that may be generated in the voter registration process . . . are confidential and shall not be . . . subject to disclosure to the general public . . ." N.C. Gen. Stat. §163-82.10(a). In the first instance, we note that disclosure of this information to the Attorney General clearly is distinct from the dissemination of such information to the general public. The information that we receive from the State of North Carolina will not be shared with other federal agencies and is solely to be used for the purposes described in our August 2, 2006 letter. The information provided to us will remain confidential.

Even if there were a conflict between the state and federal statutes, the Supremacy Clause of the United States Constitution provides that federal statutes are the supreme law of the land. U.S. Const. art. VI, cl. 2. Federal law requires that officers of election retain and preserve all records and papers relating to any application, registration or other act requisite to voting and make such information available to the Attorney General for inspection upon demand. 42 U.S.C. §§ 1974, 1974b.

Again, we fully appreciate your concerns regarding the sensitivity of the voters' personal information, and will honor those concerns in the handling of this information. Ultimately, however, federal law requires that the State of North Carolina provide the requested voter registration information.

As always, we appreciate the cooperation of your office, and trust that you will not hesitate to contact us with any other questions or concerns. You may contact Nicole Marrone at 202-305-0526 if you need further information. We look forward to receiving the requested materials and working with you in our efforts to monitor the progress nationwide of NVRA compliance.

Sincerely,



John Tanner
Chief, Voting Section

The CHAIRWOMAN. And we have next Ms. Hollarn. Thank you for your testimony.

STATEMENT OF PATRICIA HOLLARN

Ms. HOLLARN. Thank you very much. I too am quite honored to be asked to testify.

The CHAIRWOMAN. Is the microphone on? There is a little button you need to push. Pull it a little closer so we can hear you.

Ms. HOLLARN. Thank you. Sorry.

The CHAIRWOMAN. Very good.

Ms. HOLLARN. Again, thank you for asking me to testify today. And in addition to the biography and the written testimony, I would like to add two things about myself. Number one, I am not here as a witness representing any majority or minority party. I am here solely as a defender of voter rights, especially in Florida, and particularly Okaloosa County, Florida. And the main principle of my office is "good enough is the enemy of excellence." And that is the way we operate.

NVRA did the Nation a great service by leading us in the right direction for list maintenance. And Florida actually in its conforming legislation went even a little bit further. And I know, I helped in drafting that legislation, and also in the procedures for supervisors in our State association.

In addition to the written testimony, these are three main points I would like to bring out about our list maintenance.

Number one, every application, every record change that comes to our office, requires acknowledgment so that every voter who, from whatever source we receive that information—whether it is his own application or some other document from some agency—gets a voter card if, in fact, the application was correct; a notice of not being eligible with the reason for the lack of eligibility; a notice of incomplete with not only the reason, but another form that has information on it that the voter has already submitted; and a prepaid postage return as well. So in other words, every voter is given every opportunity to correct any information that needs correction at that point.

The second point is that every change to a voter's record needs documentation. It is not possible—well, it is not a practice for people to go in and change people's records arbitrarily. You must be able to justify with evidence every change you make to a voter's record, whether it is from the voter himself, from an agency such as the Bureau of Vital Statistics on death, and any of the other places from whom we receive information about a voter, such as if he is registered in another jurisdiction. Florida voters are not removed simply for not voting. They are removed for no contact. And the written testimony, too lengthy basically to outline the steps here, gives you scenarios as to this very lengthy process of contacting a voter and making any change to his status at all. And the fact is that the list maintenance procedures under this Florida law have resulted in cleaner rolls.

Now the voter only has one responsibility basically, and that is to advise the elections office of his—any change of address, or perhaps name, or something like that. But basically it is the change of address that is usually at issue. And the fact that HAVA en-

hanced list and voter registration by requiring a statewide voter registration system has gone to great lengths to enhance the entire procedure.

The written testimony includes a discussion on removal of felons from the rolls. And perhaps, Madam Chair, you were referring to the original attempt in 1998, which I was very critical of then, and now still. That process was stopped. It was presented at the wrong time, and it was stopped before it did damage.

In 2000, lessons learned, supervisors of elections simply refused at such a time in a Presidential election year to even use such a list as it was. Basically, that was the end of lists. There is no such thing as a felon list in Florida. There is an application that may be matched against files in other agencies, and that is simply it. By and large we are quite satisfied with the system we have in Florida, and hope that my testimony has in some way cleared up some of the misconceptions.

The CHAIRWOMAN. Very helpful. Thank you very much.

[The statement of Ms. Hollarn follows:]

TESTIMONY OF PATRICIA M. HOLLARN

CHAIR LOFGREN AND MEMBERS OF THE ELECTIONS SUBCOMMITTEE

I am Pat Hollarn, the Supervisor of Elections in Okaloosa County, Florida. I was first elected in 1988, so I have had 19 years of experience as an elections administrator. I am a Certified Election and Registration Administrator (CERA), a national certification awarded through continuing education from The Election Center and Auburn University. I am a past President of the Florida State Association of Supervisors of Elections (FSASE), a member of the International Association of Clerks, Recorders, Election Officials and Treasurers and have served on the Voting Over the Internet (VOI) and Secure Electronic Registration and Voting Experiment (SERVE) projects with the Federal Voting Assistance Program. Even before Congress passed "Motor Voter," we had county-wide awareness programs in Okaloosa County that increased voter registration greatly. Our introduction of KIDS VOTE, TOO has also been very successful in training students to be voters for life.

Thank you for inviting me today to discuss maintenance of voter registration lists in Florida pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA).

List maintenance laws and practices varied widely throughout the states, prior to the enactment of the National Voter Registration Act of 1993. While Department of Justice dealt with violations of prohibited practices pursuant to the Voting Rights Act of 1965, there was little promulgation of best practices, or laws that encouraged them.

NVRA required states to develop fair and clear procedures for maintaining the most accurate voter rolls possible in removing from the rolls those no longer eligible (through death, moving to and/or registering in another jurisdiction, felony conviction where applicable, etc.).

NVRA required states to adopt agency-based registration (Motor Vehicles, Social Services offices, Armed Forces Recruiters among others) to allow registration by mail, to make registration forms available in public places, and to allow unmonitored voter registration drives. Every application, whether for new registration or a voter's record change (address, name, etc) required an acknowledgment. If the registration application was Incomplete, if the applicant was deemed Not Eligible for a variety of reasons, the acknowledgment had to indicate why it could not be processed and what alternatives the voter may have available. By the same token, a

voter's record could not be changed without cause and without notice to the voter, except for correcting clerical errors.

We examine the rolls every odd-numbered year following general election for federal office for voters from whom we have had no contact at all, including not voting, for two general elections. For example, we'll use a voter whose last contact with an elections office was in January of 1999. After the 2000 and 2002 general elections, during the off-year of 2003, that voter is sent an Address Verification Card to see if he is still there. If he sends it back, we make any change to his record the card may indicate. That counts as a contact so he remains an Active Voter. He may do that for many years without voting, which means he stays on the rolls as long as he sends the card back.

If the card never comes back from the voter, nor is it Returned Undeliverable by the post office, we take no action except to indicate in his record that he was sent that card. After two more general elections pass, which in this example would be the 2004 and 2006 elections, during List Maintenance in 2007, we would send that voter a Final Confirmation Notice, advising him that unless we receive a response within 30 days, he will be placed on the Inactive List. It takes **eight** years to go from Active to Inactive. In addition, it takes one more general election, 2008, before that voter is removed from the rolls in 2009. In other words, removal takes **ten years**. All return cards are postage prepaid, and at any time during that entire period, any contact—even a phone call or a card—prevents a voter from being moved from Active to Inactive, or restores him from Inactive to Active, and prevents him from being removed from the rolls.

A voter whose mail is not Returned Undeliverable by the US Postal Service will not be removed from the rolls unless he does not respond to at least two notices from my office by any form of contact or voting at least once over the course of a decade. However, any time we get any piece of first class mail to a voter Returned Undeliverable by the US Postal Service, that triggers the Final Confirmation Notice and we move more quickly into the Inactive stage. It is important to note that an Inactive voter is still eligible to vote by appearing at the polls on election day or requesting an absentee ballot and that automatically restores him to Active status.

We put extra effort into each piece of Returned Undeliverable mail as it received by browsing the records to possibly find others at the same address who may know the new address of the person. Personal knowledge a staff member may have about family members who can provide a new address still works in a county our size. We run our files through NCOA before big mailings to obtain as many new addresses as we can, and follow up with all the changes before those mailings. City directories, telephone books, provide additional "clues." Reminding voters

to keep their addresses updated with us is an integral part of all voter education materials, web site, voter guides, sample ballots, and the like.

Other reasons for removing a voter are: written notice from a voter to remove him; notice from another elections office that the voter has registered in that jurisdiction; notice from a court that the voter has been convicted of a felony (where applicable) or declared mentally incompetent; a death notice from an agency of vital statistics. **Every case requires documentation** and election officials are forbidden from removing someone arbitrarily without it. NVRA also required states, by collecting all the List Maintenance activity data from the counties, to report to Congress on how and when this is done, and the numbers of voters added, removed, and other relevant information.

The Help America Vote Act (HAVA) of 2002 was a further attempt on the federal level to reinforce all the above procedures and additionally required a statewide voter registration list that is interactive and real-time. States were charged to develop the system in order for all applications to be placed in one common system under state control, believing that a statewide list could be "cleaned up" more efficiently, and would be more accurate. In Florida, the state verifies new applications by matching new registrations with driver license numbers or the last four digits of social security numbers.

Development and implementation of the Florida Voter Registration System was lengthy, costly, and forced changes. All those factors cause some pain, but in retrospect it was done well, on time, and worked as expected from day one. As with any major complex system involving massive conversion, there have been glitches—all very minor and rapidly fixed—but it has proved its worth. One major factor in its success was the cooperative effort between the Florida Department of State and all 67 counties in Florida. The Supervisors of Elections, through their state association by consensus, created protocols to achieve the highest level of uniformity throughout the state and that process is ongoing to keep refining and improving our procedures.

The felon match process in Florida has been the center of some controversy. I was the President of the Florida State Association of Supervisors of Elections when the first Central Voter File was created from the 1998 laws enacted as a result of voting violation in Miami during the November 1997 election and have been on two separate national task forces for election reform with the Florida Legislature and the Department of State on developing procedures and materials for dealing with felon lists. During my tenure as President, we were able to slow the process down and to develop procedures and materials to notify and assist those persons in the match list.

That Central Voter File was created hastily and with some questionable requirements with respect to vendors, and the first matches that were made were very broad, in that perhaps only a last name matched. Worse yet, it was sent to election officials within a month or so of the First Primary. Supervisors of Elections were reluctant to use that list to remove anyone at all that close to an election, but the overriding opinion, created by media attention, gave the impression there was an excessive number of felons on the rolls who had to be taken off immediately. The first wave of notices that went out caused the supervisors of elections to realize how flawed the matches were and to the best of my memory, most all notification and removal came to a halt.. Many supervisors undertook their own investigations as time permitted, and anyone who refuted the match was assisted in correcting the state records and allowed to remain on the rolls. It is safe to say the entire process was roundly and deservedly criticized.

The problem was that the data against which the registration files was being matched, was flawed. The Florida Department of Law Enforcement (FDLE) records were primarily charges rather than disposition of cases. Not only were FDLE records flawed, but the Office of Executive Clemency records were not automated. They were just paper records and very difficult to search. This added to the difficulty in determining if a voter allegedly matched as a felon had had his rights restored.

The Florida Legislature attempted to fix the problem between 1999 and 2000 but were not very successful, and the 2000 list was also flawed. Hillsborough County Supervisor of Elections Pam Iorio, currently the mayor of Tampa, was then FSASE President, and followed my lead. Having learned from the previous experience, Supervisors chose to ignore the list so close to the 2000 elections and did no mass removal from the rolls.

After that, the Department of State simply stepped out of the picture and election officials were left to make matches on our own. The Association (FSASE), not the State, implemented the process for the Clerk of the Circuit Court to notify the Supervisors of felons' convictions, and to exchange information between counties. This was done through the FSASE and not the state.

In 1999, as a result of the 1998 fiasco, the Division of Elections funded the automation of the Office of Executive Clemency, with money and staff. The Governor's Task Force on Election Reform called for the creation of the Central Voter Data Base (CVDB) to replace the 1998 Central Voter File. Each one was a progression. Although the CVDB was running daily matches and we could get intermittent notification, the list was still flawed. Election officials continued to do their own investigations (which we have well documented in archives) and did

not take the matches at face value. We did not drop anyone through 2005 without doing our own investigation, mainly through court records and the Office of Executive Clemency.

When the Help America Vote Act (HAVA) mandated a statewide voter registration system, the state opted to create an entirely new one with FDLE, Highway Safety and Motor Vehicles (HSMV), and to a degree, the Social Security Administration (SSA). The decision was made by the Department of State to have a very thorough and complete investigation done on every felon match by the Bureau of Voter Registration Systems (BVRS). It went through many steps of clearance and proof, and then the Supervisors were presented with a complete file. For the most part, these were as thorough as they could be. However, to be absolutely sure before anyone was removed, those identified as felons by the match were sent notification in packets that also contained a document to refute the removal and an offer for us to provide assistance with further investigation and/or assistance in obtaining clemency.

Because of the trouble from 1998 on, the Florida State Association of Supervisors of Elections fought for and was successful in not accepting the state-matching decision alone, but continued to do our own investigation in order to avoid taking anyone off the rolls who was not eligible to be taken off. Ultimately we take responsibility for ensuring that no name is ever removed until the Supervisor of Elections is absolutely sure the match is valid. And, most election supervisors would give every voter who was found to have a felony as great an amount of time as possible to dispute their removal if they had other information.

In our office, notification to persons designated as a match on the felon list is conducted in a respectful and courteous manner, first by certified mail to the last known address. If the mail is undeliverable, a notice is legally advertised in a newspaper of general circulation, announcing that an administrative hearing will be held for those who challenge the matches. Any personal contact, either in person or by telephone, is handled discreetly, in private, by only two select staff members. Every effort is made to avoid any embarrassment to the voter who is designated a match. Further, having the resources to afford the use of AutoTrack allows our office to research many of the same sources as the state, such as drivers' license, car tags and felonies.

There are 16 election-related lawsuits pending or in process in Florida courts now, covering several aspects of voter registration, list maintenance, and matches. I have been very frank in expressing my criticism of some of the processes we have been through over the past nine years. However, I urge all parties and observers not to assume that the matches made by the state system were all removed. That has never been the case. It is also a great misconception that election officials want to remove people from the rolls. We are responsible for ensuring that

voters are not disenfranchised, and absent definitive proof that a voter is ineligible, we really want to keep people on the rolls. But the failures of the data and the difficulty of contacting voters whose eligibility has been challenged put us in an extremely difficult position.

When HAVA mandated the statewide system, there was an assumption that county records were flawed. There was too little awareness of the diligence of the local officials that ensured the rolls were maintained. In our office alone, about 40% of the staff time of data entry and their supervisors is devoted to corrections from the HSMV, the state office and other agencies. They do not follow uniform data entry, and there are many spelling errors. Quality control and editing are necessary to overcome the clerical errors.

Given our experiences over the past decade I fully understand the concerns that continue to give rise to media reports, lawsuits, and accusations from a variety of interest groups. At times their points are well taken. The electoral system, as all others in our government, must be open to critique, improvement and refinement, in order to build and maintain trust. However, I can attest to the integrity and dedication of my colleagues across the State of Florida in saying that voters are not being haphazardly stricken from the voter rolls as part of any partisan effort to suppress any particular segment of the voting population. Implementation of HAVA's requirement for a statewide central voter registration list has brought us to a place where meticulous care is taken—at both state and local level—to fully research a voter's status before he can be removed. Voters are also given ample opportunity to refute findings that result in their removal, and due to the insistence of the Florida State Association of Supervisors of Elections, they can easily be re-instated with local authority.

Both NVRA and HAVA have helped states make great strides towards achieving the most accurate rolls, and while there are always exceptions to the general rule, I feel that public servants in state and local government are doing their utmost to achieve this goal. We aspire to preserving the integrity of the system while providing the utmost opportunity and best service to the voters of America. We welcome your attention to our practices at the county level and look forward to continued opportunities before this committee. Through your continued support of the Election Assistance Commission, we will be able to share best practices in all facets of election administration.

Thank you again for this opportunity to testify and I look forward to answering your questions.

The CHAIRWOMAN. And those bells and whistles tell us that we have three votes on the floor of the House. What I would like to do is take Ms. Harris' testimony, and then we will adjourn for those three votes, which will take us about a half an hour, and then come back.

So Ms. Harris, if you could give us your testimony, and then we will recess for voting.

STATEMENT OF JACKIE HARRIS

Ms. HARRIS. Madam Chair, I would like to thank you and the members for inviting me to appear before you today. In my testimony today, I would like to focus on what I see are the four key elements to any list maintenance program at the State level.

And I would like to use, by example, a recent implementation of the program in Virginia that stemmed from a new Virginia law that was instituted January 1 of this year. Basically, that was requiring the Division of Motor Vehicles to provide to voter registration offices and to the State Board of Elections a list of individuals who had indicated that they were not citizens on an application for a driver's license or an NVRA-type transaction at the Division of Motor Vehicles.

I would like to apply the four standards that I have pulled out to that particular scenario and to show how it is very important that each of these are considered.

The first is that the statewide centralized voter registration database needs to be robust, and it needs to be accurate, and it needs to be capable of being updated. There need to be resources available in order to implement new programs. Because as we all know, election law tends to change rapidly and frequently. So as this new program was developed, it was not able to be implemented into our statewide voter registration system. We have had to process this data outside that system.

The second key element that I think is important to the list maintenance is an informed electorate. And that means that voters know how to register to vote, how to update their address with us, and what the consequence of any action may be. For these particular voters, they may have marked a box on a DMV driver's license application that at the top of the form said, "for the purposes of voter registration are you a citizen of the United States, and would you like to register to vote or update your voter registration address today?"

We, among the hundreds of phone calls we took after processing these registrations, had a number of people who said it said at the very top "for the purposes of voter registration only." I am a registered voter, I didn't do it, I marked "no." They did not realize at the time that marking "no" to this question on citizenship was actually authorizing us to remove their name from active voter registration lists. That was the State law, and we were compelled under State law to do that. But the voter had no sort of fail-safe at the time to say, you know, marking this box, this is the consequence of that action.

The third item that I think is important to any maintenance list or list maintenance program is that we are getting accurate and timely data from any other source of information. And that may be

the Division of Motor Vehicles or the Social Security Administration, all sorts of agencies. Courts give us information on adjudications of incapacity. State Police give us information on people who have been convicted of felonies. So we have a variety of sources that we rely upon. We need that information to be accurate and timely.

In this particular instance, we are concerned that the information we have received was not necessarily accurate. There was some evidence that there may have been Division of Motor Vehicle employees who checked those boxes on behalf of the voter. Whether they made any sort of verbal confirmation or not, we don't know. But we could tell that there was a different pen used, a different style of marking the box, et cetera, on the forms that we were able to see. So we had some concerns about the accuracy.

And, of course, the fourth piece of any registration system in list maintenance is that the voter has an opportunity to have a fail-safe or a correction device. So we do send mailings to these voters, which prompted the hundreds and hundreds of phone calls to let them know that, by the way, the Division of Motor Vehicles has informed us that you marked a box that you are not a citizen of the United States. And much to their surprise, and not really so much to our surprise, we did receive hundreds of phone calls. More than 25 percent of the individuals that we removed under that program have since reregistered to vote and corrected that information. However, we have heard from more like 40 to 50 to maybe even 60 percent of these people, through either that reregistration contact or through the angry phone call contact. So we are thinking that there are still a large number of individuals who may have been impacted by this program that have yet to respond to us.

So as we look at list maintenance procedures, I think we need to make sure that we ensure that each of these elements is being addressed before a new procedure is put in place to ensure eligible voters remain eligible, ineligible voters are removed. But we need to make sure we are preserving the ability of eligible voters to cast their vote. Thank you.

The CHAIRWOMAN. Thank you very much.

[The statement of Ms. Harris follows:]

Testimony before the
Committee on House Administration
Election Subcommittee Hearing on Voter Registration and List Maintenance
October 23, 2007

Jacquelynne C. Harris, CERA, General Registrar
Fairfax County, Virginia

Madame Chair and Representatives:

Thank you for the invitation to appear before you to discuss issues surrounding the topic of voter registration list maintenance. By way of introduction, I am Jackie C. Harris, General Registrar for Fairfax County, Virginia, a jurisdiction of approximately 630,000 registered voters. I have held this post since 2005. Prior to coming to Fairfax, I served for 14 years in various election-related capacities, including General Registrar, for the County of Albemarle, Virginia. During my years as an elections administrator, I have served as President of the Voter Registrars' Association of Virginia (VRAV), been selected as the voter registration liaison to the Division of Motor Vehicles/Virginia State Board of Elections Task Force on NVRA Implementation and recently served as a member of the Election Center's Task Force on Education and Training. Since early in 2003, I have served as part of the development team for Virginia's statewide centralized voter registration system, VERIS.

In my experience, I have found there are four key features to a successful voter registration list maintenance program. The first of these is a robust statewide centralized voter registration system (required under the Help America Vote Act of 2002). The second element is an informed electorate, endowed with the knowledge and tools to actively maintain their individual registrations records. Third is the accurate and timely provision of data from secondary sources such as the Social Security Administration, United States Postal Service, health and vital statistics agencies, divisions of motor vehicles, other state registration agencies, and court/police records. The final element to successful list maintenance is the uniform and non-discriminatory application of fail-safe procedures including voter notifications and provisional balloting.

"List maintenance" is the basic answer to the perennial question "What do you do the *rest* of the year?" It is an intensive, time-consuming and sensitive process that, when done well, enhances the entire spectrum of election administration activities. In a jurisdiction the size of Fairfax County, list maintenance activities represent at least 80% of staff hours. This includes everything from voter outreach activities, data entry, electronic and hard-file maintenance, voter correspondence, GIS and street file updates, to information gathering and decision making. It is important to keep foremost in our minds that each step in the list-maintenance process, no matter how routine, impacts the rights of an individual voter.

Voter registration agencies are often tasked with performing extensive list maintenance procedures using very limited resources. Each of the four key elements requires adequate personnel, technological and operational support in order to be truly effective.

Registration Systems

The impact of the recent implementation of a new, centralized statewide voter registration system in Virginia has brought the necessity of these resources to new light. After the passage of the Help America Vote Act of 2002, Virginia renewed its assessment of its current registration system. Known as VVRS (Virginia Voter Registration System), this program had already been identified for replacement due to its age and the accompanying difficulty with legislatively-mandated changes or system enhancements. Voter registrars were invited to participate in the vendor selection process for a HAVA-compliant voter registration system. After the completion of the procurement process, a core group of representatives from six Virginia localities were selected to participate in the definition of underlying business rules under which the new system would operate.

These representatives, later to be known as the "Mock Registrars" due to their participation in mock elections for the purpose of user acceptance testing, worked diligently over the following three years to ensure the program architects were fully aware of state and federal election laws and standard operating list-maintenance and election administration procedures in the commonwealth. Two years into the project, the Mock Registrars were spending more than 20 hours per week on the VERIS project. The commitment of local resources was essential to enabling this level of involvement. By contrast, I believe inadequate state resources were devoted to this essential activity, resulting in delays and system cutbacks. However, though the effort was frequently frustrating and the end product failed to fully meet original expectations, it was essential to the process that those most knowledgeable about list maintenance activities were thoroughly engaged in the process. The inclusion of this group was essential to bringing the system to a deployment level.

As stated earlier, a robust statewide centralized voter registration system is essential to successful list maintenance. It is the primary repository for required data elements used in determining voter eligibility. Election administrators rely on the ability to readily access current and historical individual voter data, street file and GIS layers, legislative district data sets, accurate polling location information and voting history records. Without this access, list maintenance on any scale is rendered nearly impossible.

To ensure viability, state governments should ensure adequate funds and direction are being allocated to develop and maintain the registration systems. Staff fully trained in the technological aspects of the system should be readily available for state-level and local support. Additional staff with expertise in the use of the system, including underlying business rules, laws, and procedures, should be made available to help end-users navigate through the system. This support is especially important during any transition, system upgrade, high-volume activity period or new-hire training.

The system itself should be capable of extracting data reports for analysis and for comparison of data points for a single voter against known requirements. (e.g. Identify all dates of birth prior to legal registration age to prohibit accidental registration, compare individuals with felony convictions against a list of individuals with restored voting rights to preclude an erroneous removal of a voter, preclude voters showing as having returned a marked absentee ballot from being reissued a second ballot for the same election, etc.). List maintenance *is* complex; it does require careful, well-tested programming to appropriately apply all the variables involved in assuring every voter is treated fairly and accurately. The end-users must be able to effectively interact with the system to use the supplied data in a timely and meaningful manner.

Involving the Electorate

Even the best-developed computer system can only operate to the level of the data provided. In my experience, the single most common reason a registered voter is unable to vote on Election Day is for failure to maintain an accurate file with the local voter registration office. Amidst all the tasks to be completed when moving to a new address, updating a voter registration remains low on the list, if it is even listed at all. After the passage of the National Voter Registration Act of 1993, opportunities to register to vote abound. Still many voters fail to update their records in a timely manner resulting in self-disenfranchisement.

To address this problem, Fairfax County's Office of Elections has developed an aggressive voter outreach program. Staff attends daily new citizen naturalization ceremonies to offer registration opportunities to this newly-eligible group. Every local high school is offered an on-site voter registration visit prior to any election. The local government cable channel routinely plays voter registration and elections related programming developed by departmental staff. Regular press releases regarding office activities are distributed to the media. The department has developed a strong relationship with the local colleges and universities to ensure students know of registration opportunities. Staff contact is made on a weekly, sometimes daily, basis with every Department of Motor Vehicles branch located in Fairfax County. These are all relatively low cost activities, easily duplicated by many jurisdictions.

Fairfax County has committed additional resources to the outreach effort by authorizing a one-time mailing to all registered voters. This mailing will allow each voter to receive a replacement voter information card with current polling location information (all voters are provided such a card after any change to their voter registration record). The mailing will include information on absentee voting and pollworker opportunities. It will also serve as a tool for list maintenance by 1) allowing the department to request address confirmation notices for any returned mail items (the first step in the NVRA list maintenance process), 2) allow voters an opportunity to correct any erroneous data in their record by completing an "update" section on the voter information card and returning that data to the office, and 3) provide an ideal opportunity to generate press coverage of this process that will encourage citizens who did *not* receive a mailing to become registered voters or contact the department for information on their registration

status. Since Virginia does not send regular voter mailings, this is a unique opportunity to gather information that may not otherwise be readily available.

In addition, the department takes the NVRA list maintenance process one step further than many of our neighboring localities by creating a secondary mailing for all NVRA address confirmation notices that are returned as undeliverable on the first attempt. With several thousand such returned mail items to process and resend, costs for salaries, postage and envelopes can collectively exceed available resources for many jurisdictions. The response from the second mailing has been overwhelmingly successful with close to 80% of second mailings resulting in a voter-generated record update.

Secondary Information Sources

Voter registration agencies rely heavily on data collected and communicated from secondary information sources. This data comes primarily from the data-list maintenance activities of other governmental agencies, which are subject to similar instances of system and data errors as our own process. The local jurisdictions in Virginia receive routine information, both directly and via the State Board of Elections, from many sources. The state police and courts provide felony conviction data, including any downgrade to misdemeanor. The local Clerk of the Circuit Court provides data on individuals who have been declared to be mentally incapacitated. The Virginia Department of Health provides information on recently deceased individuals. Additional information on deceased citizens is provided by the Social Security Administration's Master Death List. The United States Postal Service provides the state with annual information from the National Change of Address (NCOA) database. The local planning department provides data on new residential streets and address ranges to add to street files and GIS layers (for the proper assignment of precinct and legislative district indicators). Most recently, in accordance with §24.2-410.1 of the *Code of Virginia*, the Virginia Department of Motor Vehicles began providing a list of individuals who have reportedly declared they are not United States Citizens. (See attachment 1.)

This last example of secondary information demonstrates the importance of data collection methods, training, and documentation when implementing a new list maintenance procedure. Beginning in January 2008, the Department of Motor Vehicles began collecting data on citizenship status in accordance with the new Virginia code section. Methodology was developed to compile the data and to transmit it to the Virginia State Board of Elections which, in turn, matched the data against the records of registered voters. Where there was an apparent match, information was provided in list form to the local voter registrar through a "hopper" or data-holding component of the statewide centralized voter registration database. After reviewing the contents of the initial list, I contacted the State Board of Elections to express my concerns regarding the accuracy of the data and the potential impact on voters. (See attachment 2.)

Since §24.2-427 of the *Code of Virginia* indicates the registrar "shall cancel the registration of...all persons known by him not to be United States citizens by reason of reports from the Department of Motor Vehicles pursuant to § 24.2-410.1," 827 names of registered voters were removed from the voter registration rolls of Fairfax County. Each

name removed represented an instance where the identifying information provided by the Department of Motor Vehicles was determined to be a match of a registered voter. The removal occurred on a Thursday, letters to all affected voters were sent on Friday. The first phone call (from a U.S. Army General) was received Saturday. This was followed by a barrage of hundreds of phone calls from upset, confused and angry citizens. The State Board of Elections reported receiving similar numbers of calls from residents of Fairfax County.

The phone calls, for the most part, carried a common theme – the voter had no recollection of ever giving any such information to the DMV or the voter admitted checking "no" to the question because the phrasing indicated the information was for "voter registration purposes only" and the voter didn't wish to reregister. There was no information, written or verbal, that this check box was to be used to cancel current voter registrations. The checked information did not require the signature of the voter. There has been additional evidence that DMV employees may have marked the boxes without the voter's input, perhaps to expedite the DMV portion of the transaction.

One call that stood out in particular was from a citizen of Asian birth who was clearly distraught during the call. She had recently registered to vote in front of my staff at a new citizens' ceremony, she subsequently went to DMV for a licensing transaction and did not remember checking any box that indicated she was not a citizen (clearly proud of her new status). She kept reiterating throughout the call that she didn't think she had done anything wrong, that she didn't want to be in trouble with the government, and that she really had tried to do the right thing. It took me several attempts to assure her that by following the procedure set forth in the letter sent to her and completing a new registration application, we would be reinstating her voter record and would correct our error.

I do interpret this removal, and the others like it, as an error on our part. Whether it is the data collection method, the phrasing of the question, the actions of parties in the process, or the removal methods, the fact that hundreds of voters have disputed the data indicates a flaw somewhere in the system. I am left to wonder how many new citizens or others may simply "give up" and not take any sort of corrective action for fear of perceived negative consequences. In the meantime, I am certain that the list did identify voters who truly are not U. S. Citizens. It is finding the perfect balance between appropriate and inappropriate list maintenance measures that remains a challenge.

Second-chance or Fail-safe Measures

Since there can be no doubt that certain erroneous information will be found in the multitude of data points being generated across numerous agencies, it is imperative that voters be afforded corrective opportunities. Election administrators are working in a climate of voter mistrust. Well publicized events in the industry have eroded voter confidence. When voters are removed from the voter lists due to erroneous information, regardless of the source, the immediate assumption is that there is negligence or malfeasance on the part of the administrator. Letting voters know that there is always an

opportunity to address an error, that there is a fail-safe program in place, helps to mitigate these negative perceptions.

Traditionally, Fairfax County has allocated sufficient resources to allow for significant follow-up on voter issues. Staff could send written inquiries to the Governor's office to determine if voting rights had been restored. Phone calls could be made to courts to determine if registrants who had been declared mentally incapacitated had retained their voting rights under the language of the order. Voters could be contacted by individualized communications to follow up on deficiencies in an application or data field. Unfortunately, the demands on the department staff have far outpaced the resources allocated for these activities. Voter registration and election administration efforts are not always fiscal priorities so cost-saving measures must be instituted.

Consequently, we have worked conscientiously to develop internal practices that optimize our use of resources in these efforts. Standard notification templates have been developed, some incorporated into the state centralized system, others as an in-house effort. Voters are immediately notified in writing of any deficiency in an application, with an indicator of the specific corrective action needed. Individuals removed for felony convictions are given information on how to correct data errors at the source, how to pursue restoration of voting rights if not yet complete, and where to obtain copies of restoration documents if necessary. Written notification of removal of a deceased voter is sent to their family using the last registration address on file. Each of these mailing programs has generated responses from voters who have been erroneously identified as no longer eligible to vote. Working with staff to update and correct voter records as well as identify the source of the error has resulted in many expressions of appreciation.

Despite these notification efforts, the availability of provisional ballots remains the ultimate fail-safe opportunity for voters. As part of pollworker training, staff emphasizes the importance of providing these ballots to any voter who believes they are entitled to vote in the precinct in which they have presented themselves. Pollworkers are required to contact the registrar's office to determine voter eligibility to ensure voters are redirected to the correct polling location. Hand-held lookup devices are deployed at each precinct to confirm voters are at the correct polling location before they face standing in line. Frequently, the voter utilizing a provisional ballot is one for whom no application was ever received by the department; no communication from the department could have been initiated. Provisional ballots serve those voters whose names have never made it to the list at all, giving them the opportunity to provide more detailed information on the circumstances surrounding their registration attempt and providing an opportunity for further research by staff.

Virginia traditionally does not see the numbers of provisional votes collected by similarly-sized localities in many other states. This may be in part to the fact that Virginia holds a full-scale general election every year. These off-year elections give Virginia voters additional opportunities to provide updated registration information.

Testimony Of Jacquelynne C. Harris
October 23, 2007

Enhancements to List Maintenance

Clearly there are many opportunities to improve voter list maintenance across the nation. I believe the following universal measures would result in improvements:

1) Creation of a **national clearing house** for annual, periodic or routine comparison of state voter registration records (name, date of birth, last four digits of social security number, full social security number, if available) would assist in the removal of ineligible voters from state rolls. Currently, many jurisdictions/states actively participate in a cooperative program of data exchange. Many others do not. Until the exchange of information is universal, there will always be duplicate registrations among the states. Most states rely on the voter to self-report previous registration data. An electronic exchange would prove more accurate.
2) **Digital imaging** of voter registration data would have numerous benefits. In Virginia, countless hours are spent updating hundreds of thousands of voter registration physical files each year. Since the passage of the National Voter Registration Act of 1993, most records in the files are on non-archive quality paper. In fact, registrations coming from the Department of Motor Vehicles or forms downloaded and printed by the voter (representing the vast majority of forms received) must be hand-trimmed for length and width before physical storage may be attempted. The resulting half-sheet of standard weight paper is poorly suited for long-term storage in files that are actively accessed every day. Digital files would allow for instantaneous document storage, back-up and retrieval. Off-site back-up data storage would ensure important identifying elements (such as voter's signature) would not be lost in the event of a fire or other catastrophic event.
3) **Annual mailings** present an ideal opportunity to inform voters of key dates, changes to election laws, or other items of interest. These mailings also serve as an opportunity to gather updated name and address data from registered voter households. Funding for regular voter mailing should be an element of each state's election administration budget. Any such mailing should be included in the list of items qualifying for non-profit status postage under the Voter Registration section of postal regulations to aid with affordability.
4) **National advertisements** and corporate outreach programs are ideal ways to reach large numbers of citizens in all demographic groups. Registration agencies may lack local resources, but the primary message is simple enough to be national: Register to Vote and Keep Your Registration Up-To-Date. Providing phone and website data for the U. S. EAC or other such entity would give citizens a central contact point for redirection to local information.
5) The creation of **minimum standards for statewide centralized voter registration databases** to include support and training would ensure these systems do not deteriorate or fail to keep up with legislative changes. State governments should recognize the importance of these systems for the secure, fair and accurate conduct of elections.

Testimony Of Jacquelynne C. Harris
October 23, 2007

In closing, with approximately 180 million registered voters in the United States, maintaining timely and accurate voter lists will always be a challenging endeavor. Even with the advent of statewide, centralized voter registration systems, there remains great disparity in the methods used to collect, store and report voter data. With adequate resources and resourcefulness, education and cooperation, voters may be assured that all reasonable efforts are being made to ensure free, fair and accurate elections.

Jacquelynne C. Harris currently serves as General Registrar of Fairfax County, Virginia. She has worked in the field of elections administration since 1990. She has earned the designation of Certified Elections/Registration Administrator through a multi-year program of study offered by the Election Center in cooperation with Auburn University. She is also a Certified Professional General Registrar, a professional credential awarded by the Weldon Cooper Center for Public Service at the University of Virginia. Ms. Harris has served on numerous committees and panels, and has guest-lectured at colleges and universities. She remains actively involved in legislative matters pertaining to the elections industry.

Attachment 1

§ 24.2-410.1. Citizenship status; Department of Motor Vehicles to furnish lists of noncitizens.

A. The Department of Motor Vehicles shall include on the application for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, as a predicate to offering a voter registration application pursuant to § 24.2-411.1, a statement asking the applicant if he is a United States citizen. If the applicant indicates a noncitizen status, the Department shall not offer that applicant the opportunity to apply for voter registration. If the applicant indicates that he is a United States citizen and that he wishes to register to vote or change his voter registration address, the statement that he is a United States citizen shall become part of the voter registration application offered to the applicant. Information on citizenship status shall not be a determinative factor for the issuance of any document pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

B. Additionally, the Department of Motor Vehicles shall furnish monthly to the State Board a complete list of all persons who have indicated a noncitizen status to the Department in obtaining a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2. The Board shall transmit the information from the list to the appropriate general registrars. Information in the lists shall be confidential and available only for official use by the State Board and general registrars.

C. For the purposes of this section, the Department is not responsible for verifying the claim of any applicant who indicates United States citizen status when applying for a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, special identification card, or renewal thereof issued pursuant to the provisions of Chapter 3 (§ 46.2-300 et seq.) of Title 46.2.

(2006, cc. 926, 940.)

Attachment 2

From: Harris, Jacquelynne C
Sent: Friday, August 24, 2007 10:42 AM
To: 'James Alcorn'
Cc: grlist@sbe.state.va.us
Subject: RE: VERIS Update 08/15/07

James,
I have a couple questions/comments about the list referenced below (DMV - non-citizens). Since the information you were acting upon when you sent this original VERIS update expressed a confidence in the data and the assertion that the data had been previously double-checked, it concerns me that one week later nearly 200 names were deleted from the list to be removed (in Fairfax County alone). In order to build my personal confidence in the data, would it be possible to get a hard copy (or several) of the blank DMV documents containing the non-citizen question, so we may more easily reference the form if/when a voter objects to being removed? Are the original, voter-marked forms available for inspection and/or for electronic transmission so we could retain actual on-site documentation or send a staff member to personally inspect the documents?
My greatest concern is that this procedure may have a disproportionate impact on minority populations and, if flawed, could be the basis for a founded allegation of racial or ethnic discrimination. I know DMV employees are often working under demanding and stressful conditions and, having my office located in a DMV for several years, I have observed they do not always place uniform emphasis on the requirements of NVRA or other voting-related requirements. I have heard several registrars express similar concerns. We all wish to remain in compliance with the Code of Virginia, but wish to balance that with our responsibility to ensure that the *methods* used to comply with the law are non-discriminatory and accurate. A random sampling of the updated list we received today show the vast majority of the individuals (so far, all) indicated that they were indeed citizens, but also registered in-person at the office of a general registrar (pre-NVRA). I hope you understand my concerns about removing voters without complete confidence in the data.
On another issue, the list we received from SBE was a text file produced in "date of birth" order. Since this project requires the manipulation of physical records, as well as electronic, it is helpful to receive the data in alphabetical (by last/first name) order. Is it possible to have the data re-sorted before putting it into a text file format?
Thank you for your continuing assistance,
Jackie
Jackie C. Harris, CERA
Fairfax County General Registrar
703-324-4715

From: James Alcorn [mailto:James.alcorn@sbe.virginia.gov]
Sent: Wednesday, August 15, 2007 11:07 AM
Subject: VERIS Update 08/15/07

We have a special edition of the VERIS updates this morning.

MEMORANDUM

TO: All General Registrars

FROM: Valarie Abbott Jones, Esq.
Acting Secretary
SUBJECT: Cancelling Voter Registrations of Reported Non-Citizens

In 2006, the Virginia General Assembly enacted a law requiring DMV to ask persons applying for or renewing their driver's licenses and identification cards whether they are U.S. Citizens, and to report the reported non-citizens to the State Board of Elections. The appropriate registrars are then required to cancel the registrations of persons reporting non-citizen status who match voters on the statewide voter registration database. A policy adopted by the State Board clarifies this requirement:

- If their last voter registration date is before the date the person told DMV that they are not a citizen, their voter registration must be cancelled; but
- If the voter registration date is after the date the person told DMV they are not a citizen, their voter registration must not be cancelled.

These voters are eligible to register if they fill out a new application form and state on the form that they are a citizen. For this purpose, it does not matter if they simply made a mistake in answering the question on the DMV form, or if they have recently become a citizen. Like every other applicant, they must not be subjected to additional questions or requirements to prove their citizenship status.

SBE will soon be sending you the matches from the first four months (January – May 2007) that the question was on the DMV questionnaire. The data has been double-checked by DMV against the original forms, we are confident that the list contains only those persons who actually checked "No" to the question, "Are you a Citizen of the United States?"

These first matches will be sent to you as a spreadsheet (list) of just the matches in your locality. There will be a confidence factor listed with each name, indicating our statistical confidence that this DMV customer matches a voter registered in your locality. As with all other prohibited voters, it is up to the registrar to decide if there is a match.

If you determine that there is a match, you will cancel the voter in VERIS, and list the reason as "DMV non-citizen." The default cancellation letter will be generated, but must be deleted. Instead, you will send the specialized letter (attached) along with a new voter registration application. We are working on the change request to fully incorporate the non-citizen list and letter into VERIS, but we cannot wait on that change to get started with implementation of this new law.

Thank you. If you have any questions about this process, contact James Alcorn at SBE.

The CHAIRWOMAN. And thanks to all of you.

At this point we have about 7 minutes left on our first vote, followed by two 5-minute votes. And so we will be here around 3:00. Get up, enjoy yourselves, and we will be back. And we are in recess now.

[Recess.]

The CHAIRWOMAN. As the voting has ended and we have at least our two members here so we can proceed, we will first thank you for your patience in waiting for us to come back, and move forward on the question period of our hearing. I would ask first if the Ranking Member would like, as a courtesy, to precede or not as he wishes.

Mr. MCCARTHY. Madam Chair, I think tradition, the Chair always goes first. I would respectfully wait until after you.

The CHAIRWOMAN. That would be fine then. I would like to ask then, before I get to Ms. Davis—Mr. Leake, Mr. Watt came earlier especially to show honor to you. He said he can't come back, but he wanted to make sure that you knew how pleased he was that you were here.

In your written testimony, you indicate that the State auditor identified fewer than 100 potential violations of the law out of a database of 5.5 million active and inactive voters. And as I understand, all those cases were referred to the appropriate district attorney or prosecutor. Do you know how many of those 100 that might be a problem actually ended up being prosecuted?

Mr. LEAKE. I do not, but I think it would be fair to say, ma'am, that there were few, if any, that actually ended up being prosecuted.

The CHAIRWOMAN. So would it be—I guess you are speculating, but it wasn't in the paper or anything that you ever got a report back that there were prosecutions based upon this. Because I guess, just like Ms. Harris' testimony, mistakes can be made, and——

Mr. LEAKE. Mistakes are made, Madam Chairwoman. And we in fact have had some very graphic mistakes made the other way, in which we received information of—in one instance, of a person being a convicted felon having voted, and even notified the Department of Corrections that this particular person was an escapee. Turned out that it truly was a different person, same name.

Had another situation where a person was deceased, individual voted giving the same residence, same name. As it turned out, different person, no relationship to the deceased person even.

So the errors can happen both ways. But we did feel like after we did our analysis after the issues were raised by the State auditor, that 100 problems out of 5½ million is a pretty good record.

The CHAIRWOMAN. And we don't even know if those 100 were in fact a problem based upon the prosecution.

Mr. LEAKE. We do not know the extent of the problem, yes, ma'am.

The CHAIRWOMAN. Let me ask you, Ms. Harris, the story about the DMV was pretty enlightening. As a matter of fact, before this hearing, a friend of a member of my staff who has a Ph.D. actually told a similar story. They went in and they were already registered to vote, so they checked the box they didn't need to register. And

then they found out that they were off the rolls, which is kind of a shock and an upset to them.

What do you think? That is a serious problem where eligible voters, Americans who registered to vote, get thrown off through this error. What do you think the Federal Government could or should do to prevent that kind of disenfranchisement from happening?

Ms. HARRIS. Because this is a State law-generated issue——

The CHAIRWOMAN. But Motor Voter is ours.

Ms. HARRIS. Correct. This particular element, I think part of it is that as we look at implementation of any State law that has a removal of a voter from the rolls, that we do look to the Federal law and we do look to the ability to perhaps flag a voter rather than actually remove them, and have an opportunity to somehow send them, you know, a notice that this information has been flagged. And if indeed they don't respond to that, at least maintain that flag through the election so that the individual has the right to be told the qualifications for voting at the polls and agree that they do or do not meet those qualifications before casting their vote, rather than the wholesale removal, which we expressed our concerns once we reviewed that list and the names on it.

The CHAIRWOMAN. Ms. Hollarn, have you run into a similar type of situation?

Ms. HOLLARN. Well, the fact is that we don't remove someone just from notification. We do have the process where a person has to be notified that this action will be taken.

The CHAIRWOMAN. Right.

Ms. HOLLARN. For instance, if it is——

The CHAIRWOMAN. That was part of the improvements you insisted on in your State, right?

Ms. HOLLARN. Right. What happens is, for instance, if there is someone who has been identified as a felon, if we send him the packet of information requesting a response in 30 days, and that is by certified mail, if we do not hear back from them at all we are required to publish an ad in the newspaper of general circulation saying there will be an administrative hearing to take additional information about it. And it is only after that process is exhausted that someone is removed from the rolls. And if at some point in the future there is evidence that comes to light that an error has been made in removing that person, he does not even have to reregister. He would be automatically restored.

The CHAIRWOMAN. Now, let me ask you this, just by way of practice, because there are a lot of reasons why you don't—a registered receipt. I mean, if you are not home there is nobody to sign——

Ms. HOLLARN. Right.

The CHAIRWOMAN. It is irritating. They put something in your front door, and maybe you sign it and maybe you don't, and maybe it falls off in the rain. And there are lots of reasons why. I understand that.

Ms. HOLLARN. Right.

The CHAIRWOMAN. If you publish that, do advocacy groups—like does the League of Women Voters actually help get people notified or anything of that nature?

Ms. HOLLARN. Yes, they do. I myself use the ACLU. We have an active chapter in nearby Pensacola, Florida. And I work with them

mostly with assistance for felons, because that is the thing I feel is very important, that nobody should be removed given a past history of the problems in 1998 and 2000.

The CHAIRWOMAN. Very good. My time has expired, so I will turn now to the Ranking Member, Mr. McCarthy, for his questions.

Mr. MCCARTHY. Thank you, Madam Chair.

Ms. Harris, I was intrigued, too, by—did you say it was 800 people?

Ms. HARRIS. Eight hundred twenty-seven names removed from the first list.

Mr. MCCARTHY. And because they matched the same name or——

Ms. HARRIS. In Virginia we have access to the full Social Security number in our voter registration database, so these were names, date of birth, and Social Security matches.

Mr. MCCARTHY. And all three matched the same?

Ms. HARRIS. To the greatest degree. DMV oftentimes collects only—on the report we received it did not have middle name. It had first and last name, date of birth.

Mr. MCCARTHY. This is the DMV. And you are talking right up on the front where it says "Are you a citizen of the United States of America?" and they had to check "no" or the DMV person checked "no"?

Ms. HARRIS. Correct.

Mr. MCCARTHY. And then the Social Security was the same matching number?

Ms. HARRIS. Correct.

Mr. MCCARTHY. Did you notify Social Security of that? I mean, what do we do with 800 people with the same matching Social Security?

Ms. HARRIS. I don't think that these were necessarily a case of the wrong individual being identified. I think that the statement that they were not a citizen of the United States is what they were disputing the accuracy.

Mr. MCCARTHY. There were not two different people.

Ms. HARRIS. It wasn't two different people. It was actually an individual saying, "I never said that, I never marked that box."

Mr. MCCARTHY. Okay. Were any of them not citizens of those 827?

Ms. HARRIS. I am sure there is absolutely a portion of that list that would represent noncitizens. I am using that as speculation simply because we had people who have not responded to the mailing who we have pulled our files and taken a look at their original registrations. The original registrations for the greatest majority do have that "Yes, I am a citizen of the United States" marked on their actual registration application. There was a period of time in Virginia history not that long ago where the State Board of Elections had directed registrars to accept registrations without the box actually checked, because the attestation at the bottom of the form included the words, "I am a citizen of the United States."

Mr. MCCARTHY. So currently if somebody doesn't check that box, though, doesn't answer it, what happens if they have no answer to a voter registration card that asks them are they a citizen?

Ms. HARRIS. At this point in time, they are sent a new form that said "You have not indicated your citizenship status on the registration application."

Mr. MCCARTHY. And they are not put into voter registration?

Ms. HARRIS. No, they are not.

Mr. MCCARTHY. Is that the same with everyone else?

Ms. HOLLARN. Incomplete.

Mr. MCCARTHY. Incomplete?

Mr. NELSON. In South Dakota, if the citizenship box is not checked, we do go ahead and register them and then follow up later to get that information, because part of the oath they are signing swears that they are a citizen.

Mr. MCCARTHY. Another question for you. You talked about being removed from the rolls and how you go about maybe flagging it. Do you have any concept of how long before, say, that person you had here was not a citizen, they didn't respond back, they haven't voted in the process? From your concept, should anyone be removed from the rolls, or how long should somebody stay on the rolls? Maybe you found that they are illegal or not. How long should someone stay on the rolls before they are removed?

Ms. HARRIS. I think using the basis of NVRA, and that if there is actually a flag next to the voter's name, it precludes them from casting a ballot before that missing information or questionable information is given to us. So I think that following a status of placing them on an inactive roll or, you know, to-be-determined status, that you can go through the two Federal elections maintaining that separate list, because that does give us the opportunity to say here is our active voter rolls, and this represents, you know, people that we are fairly certain are at the right location, et cetera, et cetera. But then there is the secondary, which doesn't necessarily mean ineligible. And oftentimes people are flagged as though they are ineligible.

Mr. MCCARTHY. If you are flagged, is that a provisional ballot then?

Ms. HARRIS. In Virginia, if you are flagged as an inactive voter, you have the ability to sign an affirmation of eligibility at the polls. You are explained all the rules regarding voter registration. And you have to agree that you understand that and you accept that these are true. We always have people that, you know, we question based on other information, and we provide them with the information that this—you are signing this under penalty of perjury.

Mr. MCCARTHY. Now, this is I guess for anyone. Does anyone on the panel have any personal experience with the alleged fraudulent voter registration practices of the ACORN group, A-C-O-R-N? Does anybody have personal experience with that group? No?

Ms. HOLLARN. Sir, not in my county, but it has occurred in the State of Florida.

Mr. MCCARTHY. Okay. I guess my time is about up, but I would just like to note for the record that our proposed witness for the director of St. Louis City Board of Elections has such experience, but was not allowed to testify today on the ACORN issue. Thank you.

The CHAIRWOMAN. The gentleman's time has expired. The gentlelady from California, Ms. Davis, is recognized for 5 minutes.

Mrs. DAVIS of California. Thank you, Madam Chair, and thank you all for being here.

Could you just help me out in terms of your work experience? You know, how great a problem do you think it is that people actually make up registrations on voter registration forms, whether they vote twice, whether you have seen that in your experience, and voting for dead people on rolls? Is that something that you see in your experience as well? How widespread?

Ms. HOLLARN. Are you addressing me?

Mrs. DAVIS of California. All of you.

Ms. HOLLARN. Well, from our experience in Florida, I can say that the dead people, no, I have not seen any of that. The only time it has occurred is if a name was removed because there was—we don't have Social Security numbers, so if persons with the same name, possibly a clerical error; but when the person showed up we discovered the person wasn't dead, so there was no fraud involved whatsoever. In our experience in Florida, people register and they don't really care about voting.

There are other reasons. Especially in that narrow strip of Florida that I live in that is so close to Alabama and Georgia, they register because our hunting and fishing licenses are cheaper. A fraudulent homestead on a second home in Destin. Things like that. Or in-state tuition at Florida State. Those are the primary reasons for fraudulent registrations, because those have occurred.

Many years ago, when we required identification to register to vote, that is sort of locking the barn door before the horse gets stolen. The fact is that we encountered a sizable number of people—let us say when you talk about 5 out of 100, I think is significant enough to mention—that owned a home someplace else but felt they were entitled to vote in Florida because they had this second home there. In other words, trying to maintain registration in two places.

There was that infamous discovery of 40,000 people so-called registered in New York as well as in the east coast of Florida. Things like that. So some of those people occasionally do vote, but the fraud is being committed for purposes other than actually voting. We have no way of knowing when we as ministerial officers simply take whatever a voter tells us. Unless evidence is produced to refute it, we have no idea. But fraud I have to say is not a big issue for voting.

Mrs. DAVIS of California. Secretary Nelson.

Mr. NELSON. In South Dakota, 2002 was the last election prior to the Help America Vote Act verification system that went into place. And in that election we had attempts to register people that did not exist, attempts to register people that were deceased. But with the advent of the Help America Vote Act verifications, we now have a very strong tool to make sure that kind of thing can't happen again. And it also allows us to catch people that are under felony convictions where they are still disqualified.

We have caught, since those verifications went in, 150 people that have tried to register to vote that were still in that disqualification status. So we think with that tool, we are in pretty good shape as far as identifying those types of things.

Mrs. DAVIS of California. Anybody else want to comment? I know your experiences are different. But I appreciate that. Is it a greater problem that we are purging too many from the voter rolls or there is too much deadwood on the rolls? I hate to use that word again in that way, but——

Ms. HARRIS. I will speak to that, in that I have been in this business pre-NVRA, and I know there was a lot of concern when that act passed that there would be some major inflation of the voter rolls. And certain places did experience that. I think Virginia's long history of having access to the full Social Security number and having used that as the unique identifier for the voter for many years kept our rolls particularly clean—in addition to the fact that we have a full general election every November. We don't vote only in off years.

I did not see any sort of dramatic rise in our voter registration rolls immediately following NVRA. So it seemed to remain fairly consistent. In the first few years before the initial purge under the provisions of NVRA, we did see some additions to the rolls, but I think that was pretty well kept between the active and the inactive status. It was fairly clearly identified which voters were in that questionable status that we needed to determine further their eligibility.

Ms. HOLLARN. I think when we had to reinstate all the inactives to the active rolls in January 1995, there was. And it took several years—well, it was 2000—I mean 1997 before we could address the list maintenance for that. But it has eventually worked out. But I think there is a combination of things.

First of all, we are actually not different. It is just that Florida does not require Social Security numbers. So an applicant has the choice of putting either the Florida driver's license or the last four of the Social. So if one can gain access to a place to get mail that is a legitimate address and put down any four numbers for a Social, that is why we have people there that we can't identify. Okay.

But I do not think that kind of error on the part of the voter, shall we say, carries over to voting as much. But the list maintenance itself has worked itself out. And this dead wood I think in some ways is an unfair term, because these are genuine people who have become detached from the electoral process for many other reasons.

Mrs. DAVIS of California. Okay. Thank you very much.

The CHAIRWOMAN. The gentlelady's time has expired.

We turn to the gentleman from Michigan, Mr. Ehlers, for his 5 minutes.

Mr. EHLERS. Thank you very much. And first of all, Mr. Nelson, I have a lot of respect for South Dakota because I grew up in Pipestone, Minnesota, just across the border.

Mr. NELSON. Thank you.

Mr. EHLERS. And once a year we made an annual shopping trek to Sioux Falls——

Mr. NELSON. Very good.

Mr. EHLERS [continuing]. Which was the nearest major metropolitan area.

Mr. NELSON. Very good.

Mr. EHLERS. But the people of South Dakota are, as far as I can tell, very straight arrow. And you probably have less problems than most people. I was surprised to hear that you have several hundred that you had to clean off the rolls, which is not a huge number, but it surprised me that you had any. If you have that many, there must be other States with a lot more.

I was concerned about your comment that, you know, it takes 10 years to clear someone from the rolls, which is 30 elections. That is a long time. Now, is that delay due to State law or Federal law?

Mr. NELSON. And if I could just clarify, 10 years is what I was proposing. Under current Federal law it is indefinite. As long as this card goes in a post office box someplace, that name will stay on for 2 more years. And as long as it goes in a box 2 years down the road it stays on for another 2 years. It will stay on forever, until that card actually comes back. And, of course, whether or not that card goes in the box or comes back is entirely up to the postal worker.

Mr. EHLERS. Okay. In Michigan, I think we were the first State to develop the statewide voter registration list. It is handled by the Secretary of State, who also is in charge of driver's licenses. So early on, in fact I think over 15 years ago now, those lists basically were married in some fashion—perhaps not married, but at least in an adulterous relationship—where if you move and get a new driver's license, as I understand the system, your voter registration is automatically moved to the new address that you give.

Also, unfortunately, we don't have the person from Michigan here to testify, but I believe also if you move out of State you get an out-of-State license, that State then notifies Michigan that this license has been issued, therefore the old license dies. And I believe that person is either removed from the rolls or put in an inactive status. That has a healthy effect on purging the list of people who have moved away. Has your State considered doing that?

Mr. NELSON. We have not merged those two lists. As NVRA requires, we certainly have electronic voter registration at the driver's license agency. You check the box and you can change your registration. We have not gone to the length that Michigan has to pull those two lists together. But even in Michigan's scenario, if somebody moves but does not change their driver's license address and no longer is involved in the process, and this address verification card goes out, as long as it goes into a box someplace the name is going to stay on the list.

Mr. EHLERS. Well, it is a crime in Michigan to not give your change of address to the Secretary of State. And certainly you have to do it when the license expires or you won't get it. So it is at least a shorter time.

I want to also ask, and I think Mr. Leake, let me ask you this question. Some States, in fact many States use voter registration lists for the jury pool. We have heard reports, in fact we had it happen in my State of Michigan once, that jurors declined to serve on the jury because they were not citizens of the United States, but yet they got on the list by virtue of declaring they were citizens. Do you have any difficulty with that in North Carolina?

Mr. LEAKE. No, sir. I am a trial attorney, and in fact in North Carolina the registration lists are a component of the jury venire.

And I have never, in my 32 years practicing law, encountered that problem nor heard of it as it relates to a juror that came off a registration list.

Mr. EHLERS. How about Virginia or Florida?

Ms. HARRIS. In Virginia, I have heard instances where an individual has said they are not a citizen for the purposes of serving on a jury, and that was later determined to be the false statement, not the original registration. And part of our outreach efforts is always reminding voters that, as was said earlier, the voter registration list is not the sole source of jury. We have people that refuse to register to vote because they don't want to serve on juries.

Mr. EHLERS. Okay.

Ms. HOLLARN. In Florida in 1998 we changed the jury list to come from 18-year-olds on the driver's license rolls rather than the voter registration for that very reason. And the biggest problem we have is no-shows to the juries, which now some of the courts are holding those people in contempt. But also with the driver's license, in Florida it costs $10 to change your address on your driver's license. So many people ignore that, and the only time it comes to light is if they are involved in some sort of traffic incident where their driver's—they have to verify that is their license. And then that becomes an additional violation for not having the correct address. But they will automatically take their address change for voter registration at the same time they do change an address at driver's license.

Mr. EHLERS. Thank you. In Michigan I believe we do not charge for changing addresses.

The CHAIRWOMAN. The gentleman's time has expired. When you are 18, you never think you will get in an accident.

Ms. HOLLARN. And they do.

The CHAIRWOMAN. I would just like to thank this panel for appearing and for your testimony, and invite the next panel to step forward. And also just to let Mr. Ehlers know that Chris Thomas, the staff tells me, was invited but was unable to attend today's hearing.

We now invite our second panel to step forward. I would like to introduce, first, Deborah Goldberg. Deborah Goldberg is the Democracy Program Director at the Brennan Center for Justice at the NYU School of Law. Ms. Goldberg oversees the program's research, public education, and advocacy, all of which work to eliminate barriers to full and equal political participation, and to ensure that public policy and institutions reflect the diverse voices and interests of democracy. Ms. Goldberg has testified on government reform before the U.S. Senate, the Federal Election Commission, and State legislative bodies.

Following graduation from Harvard Law School, Ms. Goldberg clerked for two Federal judges, then-Judge Stephen Breyer of the U.S. Court of Appeals for the First Circuit, and the late Judge Constance Baker Motley of the U.S. District Court for the Southern District of New York. Before law school, she obtained a Ph.D. in philosophy from the Johns Hopkins University and taught for 3 years at Columbia University.

Next we have Spencer Overton. Mr. Overton is a professor at the George Washington University Law School, where he specializes in

democracy. Professor Overton's academic articles on election law have appeared in several leading law journals. In the past, Mr. Overton has served as a commissioner on the Jimmy Carter-James Baker Commission on Federal Election Reform, as well as the Commission on Presidential Nomination Timing and Scheduling. He is also currently serving on the boards of Common Cause, Demos, and the American Constitution Society.

He received his B.A. From Hampton University and his law degree from Harvard University, and has appeared as a witness before this committee in the past.

Next I would like to introduce Kristen Clarke. Ms. Clarke is co-director of the Political Participation Group at the NAACP Legal Defense and Educational Fund. At LDF, she handles a range of voting rights matters, including a constitutional challenge to the recently reauthorized provisions of the Voting Rights Act. Prior to joining LDF, Ms. Clarke worked for several years in the civil rights division of the U.S. Department of Justice. For 3 of those years she served as a trial attorney in the voting section of the division, where she handled enforcement efforts under the Voting Rights Act and the National Voter Registration Act.

Ms. Clarke received her bachelor's degree from Harvard University and her juris doctor from Columbia Law School.

And finally, we have the minority's witness, Robert Driscoll. He is a partner in Alston & Bird, LLP, and a partner in the litigation and trial practice group. He concentrates his practice on complex commercial litigation, government relations, white collar crime and related internal investigations, civil rights matters, and products liability. Prior to joining Alston & Bird, Mr. Driscoll served as deputy assistant Attorney General and chief of staff for the civil rights division of the United States Department of Justice, where in addition to providing policy, legal, and strategic advice to the assistant Attorney General and other members of the Department of Justice leadership, he oversaw the special litigation and educational opportunities sections.

Mr. Driscoll graduated magna cum laude from Georgetown University with a degree in finance, and cum laude from the Georgetown University Law Center.

And we do welcome each and every one of you. As you know from listening to our prior witnesses, your full statements will be made part of our official record of this hearing. We ask that your testimony be given in about 5 minutes. And when the red light goes on, your time is up. And that will give us time also to ask questions.

STATEMENTS OF DEBORAH GOLDBERG, DIRECTOR OF DEMOCRACY PROGRAM, BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW; SPENCER OVERTON, PROFESSOR, THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL; KIRSTEN CLARKE, CO-DIRECTOR, POLITICAL PARTICIPATION GROUP NAACP LEGAL DEFENSE FUND, INC.; AND ROBERT DRISCOLL, PARTNER, ALSTON & BIRD, LLP

The CHAIRWOMAN. So, if we may hear first from Ms. Goldberg.

STATEMENT OF DEBORAH GOLDBERG

Ms. GOLDBERG. Thank you very much.

The CHAIRWOMAN. Would you please turn your microphone on?

Ms. GOLDBERG. Thank you very much——

The CHAIRWOMAN. Much better.

Ms. GOLDBERG [continuing]. Madam Chair, members of the committee, for holding this hearing and for permitting me to come and speak to you about the work that we have done on voter registration and list maintenance.

The Brennan Center for Justice is a nonpartisan think tank and advocacy organization that focuses on issues of democracy and justice. We are deeply involved in the effort to ensure fair and accurate voting and voter registration systems, and to promote policies that maximize participation in our elections. We have done extensive work on the subject of voter registration and the maintenance of voter registration lists, including several studies and reports. We have published a 50-State study of the verification procedures used for getting people onto the list. We have published a study on voter caging. And we will shortly be publishing two new reports, one called "The Truth About Voter Fraud," and the other on purge procedures.

In addition, we provide assistance to Federal and State administrative and legislative bodies with responsibility over elections. And, when necessary, we litigate to compel States to comply with their obligations under Federal law and the Constitution.

In my written testimony, I describe three areas of concern that warrant congressional attention and action.

First, notwithstanding the Help America Vote Act, citizens are having problems getting onto voter lists because some States, including both South Dakota and Florida, are unlawfully using data entry errors and other circumstances that are totally unrelated to the eligibility of a voter as the basis for rejecting voter registration forms.

Ms. GOLDBERG. Second, fully eligible and properly registered eligible voters are being unlawfully kicked off voter rolls because of poorly designed purges that are conducted in secret and without adequate protections against errors.

Third, the Department of Justice has recently been pressuring States to conduct overly aggressive purges while it ignores its duty to enforce the provision of the National Voter Registration Act that requires States to facilitate voter registration. Congress can address all of these concerns by adopting the series of recommendations that I set forth in my written testimony. I don't have time to go through them all here, but I am happy to discuss them with you if you have specific questions.

When you review our recommendations, you will see that they are all informed by one core principle: We believe that the right to vote is the most fundamental right of our democracy. It is the right that is preservative of all other rights. Without its full and equal exercise we place the freedom envied by the rest of the world in serious jeopardy.

In this Nation we treasure our freedom. Because that freedom is so important, we have a presumption of innocence in our courts. We do not deprive someone of his or her liberty unless we have evidence of guilt beyond a reasonable doubt. We do not lightly risk the liberties of an innocent person, we put our thumb on the scale in

favor of freedom. Because it is the bulwark of our freedom, the right to vote also deserves the most vigorous defense that we can provide.

When Americans seek to register and vote, they should be protected by a presumption of eligibility just as they are protected by the presumption of innocence. We should be able to rebut the presumption of eligibility only with concrete and convincing evidence that a person is not legally entitled to vote. We should not lightly risk the voting rights of our citizens. We should put our thumb on the scale in favor of universal registration and universal suffrage.

Under this principle, Congress should be making every effort to facilitate registration and voting. In the context of today's hearing our commitment to the fundamental right to vote requires that Congress set policies to help citizens get on and stay on voting lists.

Congress also should continue to exercise vigorous oversight over the Department of Justice and hold individual Department of Justice officials accountable for policies that erect unnecessary and unlawful barriers to registration and voting. Congress can do this by adopting the Brennan Center's recommendations, and we urge you to do so without delay.

In brief, those recommendations affect both the process of getting on the list and the process of getting off the list. To facilitate getting on the list there should be flexible standards for verifying voter information, and there should be generous opportunities to correct inaccuracies or minor things that do not affect eligibility. In terms of taking people off the list, we recognize that accurate lists are important to the integrity of our elections and purges must take place, but they should be transparent to the public. We should know when, why, how and by whom purges are being conducted. Moreover, the purges should be conducted pursuant to uniform and nondiscriminatory standards that allow for correction of error and facilitate reinstatement when there has been a mistake.

[The statement of Ms. Goldberg follows:]

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Testimony of

DEBORAH GOLDBERG

Director, Democracy Program
Brennan Center for Justice at NYU School of Law

Before the

Subcommittee on Elections
Committee on House Administration

October 23, 2007

On behalf of the Brennan Center for Justice at NYU School of Law, I thank the Subcommittee on Elections for holding this hearing and for providing me the opportunity to discuss our work on voter registration and list maintenance—topics central to the realization of Americans' fundamental right to vote.

The Brennan Center for Justice is a nonpartisan think tank and advocacy organization that focuses on issues of democracy and justice. We are deeply involved in the effort to ensure fair and accurate voting and voter registration systems and to promote policies that maximize participation in elections. We have done extensive work on the subjects of voter registration and the maintenance of voter registration lists, including conducting studies and publishing reports, providing assistance to federal and state administrative and legislative bodies with responsibility over elections, and, when necessary, litigating to compel states to comply with their obligations under federal law and the Constitution.

My testimony today will focus on three areas of concern that warrant congressional attention and action: (1) the unacceptable difficulties experienced by some eligible citizens in attempting to register and to get onto states' computerized voter registration lists; (2) the lack of adequate protections against unfair purges of the voter rolls, driving eligible citizens off of the states' voter registration lists; and (3) the misguided effort by the U.S. Department of Justice ("DOJ") to promote overly aggressive purges of the voter rolls, while failing to enforce federal requirements that states make voter registration more accessible to their citizens. Each of these problems can arise when decision-makers—some of whom may have the best of intentions—jump to unwarranted conclusions about the problems to be addressed or the means of addressing

them, and in so doing, unduly jeopardize the registration status of eligible American citizens.

I. Barriers to Getting on Voter Registration Lists

Federal law addresses appropriate voter list maintenance practices through two statutes, the National Voter Registration Act of 1993 ("NVRA"), and the Help America Vote Act of 2002 ("HAVA"). The relevant provisions of these two laws are intended to promote policies and practices that make it easier for eligible citizens to register and vote.

Most recently, HAVA spurred a substantial new improvement in voter registration by mandating the creation of statewide voter registration databases. Though there would inevitably be some snags in implementing these sizable new systems for the first time, when fully developed, these new electronic lists would facilitate better maintenance of the rolls and prevent voters from getting lost in the shuffle.

One feature of these new mandatory lists was a unique identifying number associated with each eligible voter, to keep better track of voters moving within the state, and to ensure that a John Smith in one county would not be confused with a John Smith elsewhere. Following Michigan's model, HAVA decided to use the state's driver's license number as this unique identifier for voters with licenses, and asked voters without licenses to supply the last four digits of their Social Security number. The state would try to confirm these numbers by matching against other state databases, so that a registrant would not mistakenly be assigned another voter's unique identifier. And if a citizen had neither a driver's license nor a Social Security number, the state would simply assign that voter a unique identifier.

Thanks to an amendment offered by Senator Wyden, this matching procedure reappeared in another provision of HAVA, also designed to assist voters. In addition to mandating statewide registration databases, HAVA addressed registration by mail, striking a balance between facilitating convenient mail-in registration and protecting the integrity of those mail-in registrations. It requires first-time voters who register by mail to provide some external validation of their identity at some point before voting. As a default, such voters must provide some form of acceptable documentary identification either at the time of registration or when the citizen shows up at the polls to vote. Under Senator Wyden's amendment, however, a citizen is exempted from this documentary requirement if the relevant election official is able to "match" the information on her registration form with the information in an existing state record. The availability of this exemption is an important example of Congressional intent to protect voters when regulating the exercise of the franchise-- HAVA attempts whenever possible to limit burdens imposed on eligible voters, by using available technology to exempt voters from requirements that might otherwise prove burdensome.

After HAVA was passed, a small but substantial minority of states misinterpreted the HAVA matching process described above, to create a new barrier to registration. These states refused to place eligible citizens on the rolls unless the state could find a

match between the voter's registration information and other state systems. Typos, the switch from maiden names, and a variety of common database inconsistencies unrelated to voter eligibility frequently prevented the successful "match" of information, keeping substantial numbers of fully eligible voter off the rolls.

In August 2006, one of these "no match, no vote" laws, in Washington State, was blocked by a federal court, and in part because of the litigation, most of the other states that had erected the matching process as a barrier to registration changed course. There are now just three states of which we are aware that continue to misapply federal law and disenfranchise voters because of common but meaningless errors. Florida is one of these three, and the Brennan Center, along with the Advancement Project and Project Vote, filed suit in September to enjoin Florida's matching law before the 2008 elections. Still, other states may be pursuing "no match, no vote" policies under the radar: most of the practices governing the use of the new statewide registration databases are still uncodified.

Recommendations

Fortunately, there are a number of things Congress can and should do to rectify this problem. These include speaking consistently and clearly as to the important federal objectives at stake. The NVRA states that its primary purpose is to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office. HAVA, passed in response to the debacles of the 2000 elections, has as one of its stated purposes the establishment of minimum election administration standards to ensure that voters are not unnecessarily disenfranchised. Congress should continue to emphasize that it is still a priority to minimize the burden on voters from flawed registration procedures. For example, Congress should:

- **Clarify that states may not reject a voter registration application solely because information on that application does not match a record in an existing government database.** In February of this year, the Social Security Administration admitted that 46.2%, almost half, of all voter registration records that are submitted to it for verification fail to match with the Administration's records. The failure of government records to match other government records is an indication of technological imperfection, not an indication of wrongdoing.

- **Ensure that voters who provide information sufficient to determine their eligibility should be registered even if there are other omissions or minor errors on the registration form.** The Voting Rights Act establishes that immaterial mistakes on a registration form may not impair a voter's status. Forgetting to list a driver's license number or an apartment number has no bearing on a citizen's eligibility to vote and thus should not be a barrier to registration.

- **Protect voters who do not provide sufficient information to be registered, by providing notice of the defect and an opportunity to correct the error.** Forms submitted before the voter registration deadline should be deemed timely submitted even if the correction is made or the missing information is provided after the voter registration deadline but before the election.

- **Establish a presumption of eligibility when a person's eligibility is in question.** When the very fundamental right to vote is at stake, doubt or error should be resolved in favor of the policy that expands voting rights and opportunities, not contracts it. At present, distrust leads too often to decisions that allow meaningless errors to disenfranchise voters. A presumption of eligibility would raise the bar to denying a vote. Concrete evidence of the lack of eligibility should be required to rebut the presumption.

Adoption of these recommendations, which in large part, are set out in *An Agenda for America's Voters: Election Reform in the 110th Congress*, published by the Brennan Center and the Lawyers' Committee for Civil Rights Under Law, will minimize technical and other barriers to registration.[1]

II. Inadequate Protection Against Unfair Voter Purges

At the same time that inappropriate hurdles make it difficult for citizens to get on voter registration lists, most states make it unacceptably easy for citizens to be thrown off, or "purged," from those lists. Although properly administered purges are an important component of state efforts to keep voter registration lists up-to-date and accurate, poorly conducted purges can and do result in widespread disenfranchisement of eligible citizens.

New statewide voter registration databases allow states to purge voters from the rolls with the push of a button. Most states are now able to develop lists of voters to be purged from the rolls by electronically "matching" names on voter rolls against government databases of persons ineligible to vote. Unfortunately, the "matching" processes used are inaccurate and may result in many eligible voters being purged from the voter rolls. Since states rarely provide effective notice of a purge, voters whose names have been removed from the rolls usually do not learn of the problem until they show up at the polls on Election Day and are denied a regular ballot. The secrecy of the process makes it easier for election officials to manipulate purges to target certain groups of citizens.

The most notorious examples of flawed purges occurred in Florida in 2000 and 2004. In 2000, thousands of legal voters were purged from Florida's voter rolls simply because their names shared 80% of the characters of the names on a list of people with felony convictions. For example, John Michaels, who never committed a crime, could be

[1] *An Agenda for America's Voters: Election Reform in the 110th Congress* was endorsed by at least twenty-five organizations belonging to the civil rights, voting rights, civic participation, and progressive advocacy community and can be found electronically at: http://www.federalelectionreform.com/.

thrown off the list because John Michaelson had a felony record. In 2004, the Brennan Center uncovered evidence of yet another erroneous purge list in Florida, containing 47,000 "suspected felons." The flawed process used to generate the list identified only 61 voters with Hispanic surnames, notwithstanding Florida's sizable Hispanic population.[2] To compound the problem, the purge list over-represented African Americans[3] and mistakenly included thousands who had had their voting rights restored under Florida law. Although these flawed purge lists were widely publicized, similar errors across the country typically escape public scrutiny.[4]

Although the NVRA and HAVA provide voters with some protections against unfair purges of the voter rolls, most aspects of the purge process are not addressed by federal law, and most of these processes take place without notice to the public—or the voters to be purged. For example, although the NVRA delineates a procedure that states must follow before removing the names of individuals who appear to have moved from the voter rolls,[5] it offers no similar procedures regulating purges based on death or criminal conviction records. According to the Brennan Center's research, the laws of most states do not fill in these gaps. Consequently, election officials have significant latitude and very little oversight when conducting list maintenance. This leaves room for inaccuracy even when officials act with the best of motivations, and room for worse in the rare instances when motivations are not so pure. Registered voters deserve more protection.

The potential for disenfranchisement during the list maintenance process is especially pernicious because list maintenance is done outside public scrutiny, with few to hold accountable, and with many victims unaware of their disenfranchisement until it is too late for them to cast a ballot that will be counted.

Recommendations

There are four areas in which Congress can act to improve list maintenance practices:

First, require transparency in the purge process. Sunlight can help protect against both pernicious and misguided purge practices. Congress should require states to

[2] Specifically, 0.1% of the people on the list were Hispanic, even though in Florida, 12% of the disenfranchised population, or one in eight citizens, is Hispanic. The contractor that compiled that list did so by matching names on the voter list against records maintained by the state department of corrections. For a match to be found, the contractor required matches in a variety of fields, including a field for race. The problem was that one database had a category for Hispanics and the other did not. The result was a list that systematically excluded Hispanics.

[3] African-Americans comprised 46% of the purge list but only 30% of the disenfranchised population.

[4] One exception to the secrecy that typically surrounds the purge process is a purge conducted by the Secretary of State of Kentucky in 2006 based on a flawed attempt to identify voters who had moved from Kentucky to neighboring South Carolina and Tennessee. The state Attorney General learned of the purge and brought a successful lawsuit to reverse it on the grounds that the Secretary of State did not follow the voter protection procedures outlined in the state law analog to the NVRA. The lawsuit uncovered the fact that eligible voters who had not, in fact, moved out of the state of Kentucky were caught up in the purge.

[5] 42 U.S.C. § 1973gg-6(d)(1)-(2) (Supp. II 2002).

make public both their procedures for conducting purges and their actual purges. Specifically, states should be required to develop and publish uniform, non-discriminatory, and transparent standards for determining when, why, how, and by whom a voter registration record can be purged from the list of eligible voters. States should also be required to provide effective public notice of an impending purge at least 30 days in advance of the purge.

Second, require the standardization of basic aspects of the list maintenance process, including protections for voters against erroneous purges. States, and even localities within states, employ different practices and guidelines for purging their rolls, which means that voters get treated differently, and are afforded different protections and are exposed to different risks, depending on where they live and how conscientious their purging officials are.[6] While there should be room for innovation and the development of best practices, voters are entitled to certain basic protections. The fate of a citizen's voting rights should not rest on an arbitrary factor like her county of residence. Specifically, Congress should:

- **Require that voters be provided at least 30 days notice before their names are removed from registration lists and an opportunity to contest the purge.** Many states do not require notice before they purge voters they believe have died or become ineligible due to criminal convictions or mental incapacitation, or before voters are purged at the end of an NVRA period of inactivity. Even states that do provide notice do not always do so consistently. No state should be permitted to remove an individual's registration record from the list of eligible voters without giving the affected person sufficient notice and an opportunity to contest the purge or correct any errors. Notice should be provided at least 30 days in advance of a prospective purge by sending to the last known address of the affected person a certified, forwardable letter, accompanied by a postage pre-paid response card.

- **Require states to delineate and publish uniform procedures for identifying ineligible registrants.** Without specific public rules for purging, list maintenance occurs on an ad hoc basis, increasing the likelihood of errors and precluding transparency. In addition, non-uniform purge practices that vary from jurisdiction to jurisdiction are unfair to voters and may be inconsistent with the Constitution.

- **Require states to maintain purge history to facilitate reinstatement.** States should be required to retain registration records that have been purged from the list of eligible voters, preferably in their computerized databases, and to develop procedures for reinstating records that have been incorrectly

[6] A typical example of variation in purge practices occurs in Nevada, where the identification of those with disqualifying convictions varies on a county-by-county basis. In interviews with Brennan Center staff, one local official reported a practice of obtaining information on disqualifying convictions from jury questionnaires, another stated that he receives such information from the state Department of Corrections, and a third reported finding information on disqualifying convictions by reviewing court judgments.

purged. States that disenfranchise people with felony records also should be required to transmit data regarding individuals who have completed incarceration or sentences from their departments of corrections or other relevant agencies to their chief election officials to facilitate reinstatement.

- **Improve protections against erroneous purges resulting from problems with mailings.** No state should be permitted to refuse to register a voter or to base a purge solely on one undeliverable mailing, as is done in the practice known as "voter caging." Despite the serious potential for inaccuracy, postcards sent to voters and returned as undeliverable are often used as the basis for a purge or a bar to initial registration. The NVRA already provides some protection against using unreliable postcard mailings to obstruct registration, but several states ignore this provision in practice.

Third, take steps to prevent predictable errors in compiling purge lists. Many errors in list maintenance occur because decisions about an individual's identity are made with insufficient information. A particular voter is assumed to be the same person as the individual on a list of ineligible voters, when the voter is actually a different person.

Although such errors occur regularly, they often go undetected. For example, officials often assume that two records showing the same name and date of birth refer to the same person. Louisiana recently attempted to purge thousands of voters based on this assumption. Yet in a sufficiently large pool—like Louisiana's purge across state lines—two different individuals will share the same name and date of birth surprisingly often. In a group of 23 people, it is more likely than not that two will share the same birthday; in a group of 180, two will probably share the same birth date, including day, month, and year. Particularly for voters who share common names, statistics teaches that in a pool as large as a state, there will be several different individuals who share the same basic information.[7]

Congress should protect against such errors by allowing voters to be purged only when there is a reliable unique identifier—like a signature, or photo, or Social Security number—that ensures that the voter on the lists is the same person as the individual flagged as ineligible.

Fourth, require improvements of lists used to identify ineligible registrants. When election officials seek to remove ineligible persons from registration rolls, they often use lists of supposedly ineligible individuals that are not entirely reliable. For example, the Social Security Administration's master death index, though not compiled for voting purposes, is nevertheless used by election officials to purge deceased voters—and it is notoriously rife with error. State lists can also be of questionable quality. Local

[7] Michael P. McDonald & Justin Levitt, Seeing Double Voting: An Extension of the Birthday Problem, 11 (July 1, 2007) (unpublished manuscript, submitted to the 2007 Conference on Empirical Legal Studies), *available at* http://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID997888_code698321.pdf?abstractid=997888&mirid=1.

election officials interviewed by Brennan Center staff reported that the state lists used to identify deceased voters were either unreliable or else contained insufficient information to reliably match the deceased individual with her voter registration record. Congress should require that lists used for the purpose of establishing ineligibility be audited for accuracy, and forbid the uncorroborated use of any such lists below a certain threshold of reliability.

III. Insufficient DOJ Oversight

Although the NVRA is generally acknowledged to have increased the registration rates of American citizens, its provisions to increase opportunities for voter registration have never been fully enforced. The gap in enforcement has been the greatest with respect to Section 7 of that statute, which requires that public assistance agencies provide visitors the opportunity to register to vote. A recent report produced by ACORN, Project Vote, and Demos revealed that since 1995, voter registration applications from public assistance agencies nationwide have declined by 59.6%, and 36 of 41 reporting states demonstrated a decline in registration applications from public assistance agencies.

The DOJ, which is charged with enforcing the NVRA, has largely declined to press states to improve the registration process at their public assistance agencies or their motor vehicle agencies. Instead, over the past few years, the DOJ has made it a priority to encourage aggressive *purges* of the voter rolls. As is noted above, aggressive purges pose a significant risk of disenfranchising substantial numbers of eligible voters, given the flaws in purge practices. What is more, aggressive purges do not protect against any significant problem; although most states have bloated voted rolls, there is no evidence that a significant number of ineligible individuals vote as a result.[8]

The recent focus on purges represents a significant change in direction for the Justice Department. After suing St. Louis in 2002 to *stop* the county from purging too aggressively, for example, DOJ sued Missouri in 2005 to require *more* aggressive purges. The focus on voter purges also has been curiously timed, reaching its peak just when the states were beginning to implement the statewide voter registration databases that would allow improved list maintenance to proceed at a reasonable and voter-protective pace.

Moreover, the DOJ has targeted states for its purge campaign, based on information of dubious quality. It sent letters to ten states in which some jurisdictions reported more voters on the lists than the citizen voting age population, demanding information on purges to date and pressuring the states to purge more substantially. However, as North Carolina noted in one public response to this pressure, the information prompting the DOJ letters was sorely outdated. The voter roll data in question involved 2004 numbers, which were compared with imperfect population estimates. Neither metric accounted for the state's list maintenance from 2004 on, natural fluctuations in the local population, or the express protections against unwarranted purges in the NVRA.

[8] For research and information demonstrating the infrequency of individual voter fraud, see the Brennan Center's website devoted to that issue, www.truthaboutfraud.org.

Recommendation

Congress should closely monitor the DOJ's aggressive campaign for voter purges, ensuring that the pressure does not promote unwarranted and unlawful purges of eligible voters, and should encourage greater emphasis on NVRA enforcement that will expand the franchise. The DOJ should be in the business of protecting voters and the franchise, instead of increasing the risk of voter disenfranchisement. Congress can and should not only demand answers, but also hold the appropriate persons accountable for their performance or lack thereof.

IV. Conclusion

The Brennan Center has found that the list maintenance process affords numerous opportunities for errors and mischief with significant consequences: Through no fault of their own, millions of eligible citizens could be denied their fundamental right to vote in the next election. Given the importance of the right to vote to our democracy, our history, and to individual citizens, we should not be nonchalant about even unintended disenfranchisement. The straightforward recommendations offered in this testimony will reduce many of the most serious threats to the franchise. We therefore strongly urge the Subcommittee to consider adopting those recommendations.

Thank you.

The CHAIRWOMAN. Thank you very much, Ms. Goldberg.

Professor Overton.

STATEMENT OF SPENCER OVERTON

Mr. OVERTON. Madam Chair, Mr. McCarthy, thank you so much for having me. I am here today to talk about problems related to voter caging.

Voter caging happens when a political party or another political entity sends mail to registered voters, the political party then collects the mail that comes back as undeliverable, adds those names to a caging list and then challenges voters on the caging list as not validly registered.

Now, let me be clear up front, I agree that only legitimate voters should cast ballots at the polls. I am not a mind reader, I am not here to testify that all people who use voter caging to prevent fraud want to suppress legitimate voting. Also, I agree that caging is a perfectly fine process for mass marketers to ensure that they don't spend money mailing junk mail to bad addresses. Instead, my claim is that caging alone is a bad tool to challenge and purge voters.

Madam Chair, as you mentioned, legitimate voters show up on caging lists all the time. In 2004, legitimate voters like college students away at school, members of military stationed in Iraq, homeless people and people who lived in apartment buildings were on these caging lists who were legitimate voters. Mail may be returned as undeliverable because the registration lists have data entry errors such as the fact that an apartment unit number is not listed. In a spot check of a caging list in Milwaukee in 2004 approximately 20 percent of the addresses had data entry problems.

Now, when a consumer erroneously ends up on a mass marketer's caging list, the result is you get one less piece of junk mail, which isn't always a bad thing. But when a citizen erroneously ends up on a voter caging list, the consequences are more severe. In Florida, for example, a challenged voter doesn't have a chance to prove that he or she is legitimate, they just have to cast a legitimate ballot, which is less likely to be counted here. And there's some other problems that will be on the Wiki that I mentioned, the Web site in terms of my written testimony.

Voter caging is also a problem because it doesn't represent uniform enforcement of the law. In Georgia in 2004, for example, three people gathered the names of 123 voters with Hispanic surnames in a rural county, Atkinson County, and they challenged 95 of them. Now, some of the voters went down and showed their proof of citizenship until someone spoke up and said, hey, this is a problem. And eventually the board said these challenges are illegitimate, they violate the Voting Rights Act.

In Florida in 2004, Republicans created a caging list of Duvall County. Of those who could be identified, one study showed that 76 percent were Democrats and 69 percent were people of color. Now, it is possible that Democrats or people of color were overrepresented in the caging lists because they were overrepresented on the list of newly registered voters. That is very possible. The problem is with private targeted enforcement we never know. Political operatives regularly engage in targeted practices like gerry-

mandering and targeted messaging, and it is maybe difficult for them to distinguish between those practices and targeted voter caging.

I think that Congress should have additional hearings on caging, consider legislation to stop caging. This is a national problem. E-mails and other evidence show national involvement to engage in voter caging in the 2004 presidential swing States across the country.

Federal legislation is also needed to provide clear guidance. The law is murky on voter caging. Voter caging litigation often happens in the days just before a major presidential election. Partisan emotions are high. It is difficult to gather all the relevant evidence. And as a result, Federal judges have been split as to whether or not to stop voter caging.

We do need to have a real discussion about fraud and access. But voter caging is not the answer to fighting fraud. The right to vote is more important than junk mail. Thank you.

[The statement of Mr. Overton follows:]

Voter Caging

Testimony of Spencer Overton
Professor of Law
The George Washington University Law School

Elections Subcommittee of the
Committee on House Administration
The Honorable Zoe Lofgren, Chairman
October 23, 2007

OvertonCagingTestimony.pbwiki.com

My written testimony consists of the attached annotated bibliography. The annotated bibliography as well as links to all source materials are available online at OvertonCagingTestimony.pbwiki.com. My research assistant, Morgan Macdonald, helped assemble this annotated bibliography.

Annotated Bibliography of Voter Caging Materials

Links available at
OvertonCagingTestimony.pbwiki.com

A. Studies and Reports on Vote Caging

Chandler Davidson, *Republican Ballot Security Programs: Vote Protection or Minority Vote Suppression--or Both?* (2004). Rice Political Science Professor Chandler Davidson and his colleagues focus on techniques used to prevent voter fraud that have the actual effect of discouraging or preventing minority voters from casting ballots. The report summarizes the "most indefensible" of these programs from the 1950s to 2002. The authors also address the questions of how to abolish these vote fraud protection programs. (113 pages)

Teresa James, *Caging Democracy: A 50-Year History of Partisan Challenges to Minority Voters*, (Project Vote, September 2007). A comprehensive report discussing voter caging, including the recent attention brought to voter caging by the testimony of Monica Goodling on the Bush Administration's firing of U.S. Attorneys, the origins and history of voter caging, caging operations in the 2004 election, and recommendations to help eliminate illegal voter caging operations. (35 pages)

J. Gerald Hebert, *Inside the Vote Cage*, The Campaign Legal Center, June 20, 2007. Reviews the recent attention given to voter caging as a result of the U.S. Attorney scandal and describes how voter caging works. The article also describes in detail the use of voter caging in the 2004 election when the "caging list" of mostly black voters in Florida became public. (2749 words)

J. Gerald Hebert and Brian Dupre, *Vote Caging and the Attorney General*, The Campaign Legal Center, July 23, 2007. Argues that only "vigorous prosecution by the United States Department of Justice" can solve the voter caging problem but this does not appear to be a focus of the current Justice Department. Notes that former Presidential administrations, such as the first Bush administration, actively sought to prevent voter caging. Lists and describes instances of voter caging from 1981 to the present. (3553 words)

Justin Levitt and Andrew Allison, *A Guide to Voter Caging*, (Brennan Center for Justice, June 2007). Reviews the meaning of voter caging and discusses why it is an unreliable technique to update voter registration lists. The report details nine common flaws with caging lists. (7 pages)

Justin Levitt and Andrew Allison, *Reported Instances of Voter Caging,* (Brennan Center for Justice, June 2007). Lists and describes instances of voter caging from 1958 to 2004. (5 pages)

B. Press Accounts of Voter Caging

Voter Caging, NOW PBS Television Show, July 27, 2007. Examines evidence that suggests some Republicans engaged in targeted caging in key battleground states like Ohio and Florida during the 2004 election, and connects it to Justice Department activities. Interviews David Iglesias, one of the fired U.S. Attorneys.

Jo Becker, *GOP Challenging Voter Registrations: Civil Rights Groups Accuse Republicans of Trying to Disenfranchise Minorities*, Washington Post, Oct. 29, 2004, at A05. Discusses Republican attempts to challenge voter registrations, and responses by labor unions and civil rights groups to prevent Republican attempts to purge voter rolls. The article notes that Republicans claim their challenges are necessary because unprecedented voter registration drives by Democratic-leaning groups have caused substantial numbers of fraudulent registrations. One of the main methods used by the Republican Party, according to the article, was sending non-forwardable mail to registered voters. This was done in predominately black neighborhoods in New Jersey, where 45,000 letters were returned as undeliverable, and in Louisiana, where 31,000 letters were returned as undeliverable.

Greg Borowski, *GOP Fails to Get 5,619 Names Removed from Voting Lists*, Milwaukee J. Sentinel, Oct. 29, 2004. Discusses the Milwaukee Election Commissions' dismissal of a Republican Party challenge to remove registered voters from the rolls if the voters' addresses did not match those in a U.S. Postal Service database. GOP leaders said that they still planned to challenge each of these voters on Election Day.

Greg Borowski, *GOP Demands IDs of 37,000 in City*, Milwaukee J. Sentinel, Oct. 30, 2004. Discusses the Republican Party's claim that there were 37,000 people at "bad addresses" in Milwaukee registered to vote in the 2004 Presidential election. Democrats challenged this claim saying that many of these addresses were valid. The article discusses the difficulty of reviewing this number of voter registration challenges in the weeks directly before an election.

Editorial, *Protect Voter Rights Today*, Milwaukee J. Sentinel, Nov. 1, 2004, at A14. Discusses a compromise reached in Milwaukee, Wisconsin whereby city officials let 5,512 people vote even though Republican Party officials claimed that these people registered using non-existent addresses. Poll workers would check for proof of residency of any of these 5,512 people and, for those who have no proof, a special "challenge ballot" would be issued.

Greg Gordon, *Ohio, Florida Laws Could Dampen Democratic Voting*, McClatchy, Sept., 26, 2007. Discusses new laws enacted in Ohio and Florida that could be used to facilitate illegal voter caging. The article notes that this is part of a movement among Republican state-legislatures to pass more restrictive voting laws, such as the photo identification laws in Indiana, Georgia, Missouri, Pennsylvania, and Wisconsin. The new Ohio law requires that the state's county elections boards send non-forwardable pre-election

notices to all registered voters. The Florida law deprives registered voters of the right to contest challenges at the polls.

Tom Infield, *Both Parties Complain of Vote Fraud*, Philadelphia Inquirer, Oct. 25, 2004, at B1. Discusses Republican concerns, stemming from returned mail from registered voters, that fraudulent voter registration practices would be the deciding factor in determining which presidential candidate carried the state of Pennsylvania in 2004. Democrats, by contrast, complained that Republicans were engaged in efforts to confuse, intimidate, and otherwise discourage voting.

Paul Kiel, *Cage Match: Did Griffin Try to Disenfranchise African-American Voters in 2004?*, Talking Points Memo, June 26, 2007. Analyzes the voter caging lists produced and distributed by the RNC's Tim Griffin and found that most of the names were of African-Americans. According to Kiel, this data strengthens the claim that the Republican National Committee was working to target African-American voters. The article notes that other reasons could explain the large number of minorities represented on the list, such as a disproportionate number of new registrants being African-American.

Erin Neff, *Challenge to 17,000 Voters Blocked*, Las Vegas Review-Journal, Oct. 12, 2004, at 3B. Discusses the Clark County, Nevada Registar of Voters decision to block a late challenge of 17,000 Democratic voters in Nevada.

Suzette Parmley et al., *Voting Access, Challenges Debated with Hours to Go*, Philadelphia Inquirer, Nov. 2, 2004. Discusses the clash between Democrats and Republicans in the hours before polls opened in Philadelphia concerning which people were eligible to vote in the 2004 election. Republican officials threatened to challenge thousands of voters based on returned mail. The article explores the intense political maneuvering that occurred directly before the election to restore or remove voters from the rolls.

Tim Reynolds, *Parties Trade Pre-Election Accusations in Florida*, Pittsburgh Post-Gazette, Oct. 29, 2004, at A12. Discusses pre-election tensions caused in Florida by claims of voter intimidation, promises that absentee ballots will reach citizens who did not have them, and concerns that Republicans would question the authenticity of thousands of votes on Election Day. The Republican Party compiled lists of registered voters who they planned to challenge on Election Day and Democrats promised not to make Election Day challenges.

John Riley, *Complications, Challenges Abound*, N.Y. Newsday, Oct. 31, 2004, at A37. Discusses the unprecedented 35,000 Republican "pre-challenges" in Ohio in 2004. The article notes the Democrats' view that these challenges are meant to intimidate voters.

Sides Debate Voter Registrations, Las Vegas Review-Journal, Oct. 10, 2004, at 2B. Discusses Democrats' opposition to a plan in Nevada to strike more than 17,000 Democrats from the voter rolls as a result of pre-election mailings to register voters'

homes. The article notes that Nevada law allows people to vote at their old precincts even if they have moved.

Sandy Theis, *Fraud-Busters Busted*, Cleveland Plain Dealer, Oct. 31, 2004, at H1. Recounts problems that caused the Ohio Republican Party's voter registration pre-election mailings to be returned. The article discusses mailings to soldiers, individuals who refused to accept the mail, computer glitches, and other problems.

Robert Vitale, *GOP Misfiled Some Voter Challenges, Board Says*, Columbus Dispatch, Oct. 24, 2004, at 1A. Discusses numerous Republican voter challenges that were thrown out in Franklin County, Ohio because they were misfiled. The article notes that some of the challenges, based on letters sent to voters at their homes, were done to members of the military and that this is the first time challenges were made prior to an election.

Kate Zernike & William Yardley, *Charges of Dirty Tricks, Fraud, and Voter Suppression Already Flying in Several States*, N.Y. Times, Nov. 1, 2004, at B1. Discusses "voter suppression" techniques—including letters congratulating newly registered voters to check on the validity of addresses—in key states, such as Ohio, Pennsylvania, Michigan, and Florida, in the days leading up to the 2004 Presidential election.

The CHAIRWOMAN. Thank you very much, Professor. Ms. Clarke.

STATEMENT OF KRISTEN CLARKE

Ms. CLARKE. Madam Chair, Representative McCarthy, I am honored to have the opportunity to appear before you this afternoon to share our views regarding voter registration and list maintenance issues.

The NAACP Legal Defense Fund is the Nation's oldest civil rights law firm. We serve as legal counsel for African Americans in a number of important Federal voting rights cases and have also been very active in congressional efforts regarding all of the major legislation affecting minority voting rights over the last several decades.

In recent years, we have witnessed the emergence of several threats to the registration status of minority voters, including the development and implementation of purge programs that rely upon flawed matching methodology, challenges mounted against voters inside polling places, and noncompliance with the mandates of the National Voter Registration Act. Together, these trends threaten the fragile gains that have been made with respect to registration rates among minority voters.

The NVRA requires that any voter removal or purge program be both uniform and nondiscriminatory. Although purge programs ostensibly seek to preserve the integrity and accuracy of our election rolls, such programs also run the grave risk of disqualifying large numbers of qualified registrants if they are too broad in scope.

In addition, these programs place the great burden of reregistration squarely on impacted citizens and can thus discourage voters from participating in the electoral process.

A recent purge program carried out in Louisiana provides one stark example of a program that is both overly broad with respect to the persons targeted for removal and with respect to the amount of discretion given to election officials charged with the task of striking voters from the rolls.

Just this past June, Louisiana officials began implementing a purge program that sought to remove voters who were presumed to be ineligible because their names appeared on the registration rolls in more than one State. Over 55,000 voters were targeted for removal. Persons deemed to be dual registrants were identified through a database matching system that used out-of-state voter registration lists to conduct comparisons of last names, first names, and date of births for matching purposes. Now, where other States employed different voter registration list maintenance procedures, attempts to conduct out-of-state matches of this type can be both difficult and error prone.

In Louisiana, registrars were instructed that a "Lisa A. Anderson" and "Lisa Pruitt Anderson" could be considered a match, because with many female voters, according to one Louisiana election official, one registration may be under their middle name and one may be under their maiden name as their middle name.

Indeed, this particular purge program is one that has proven to be both overly broad in scope and unscientific in its matching methodology. Ultimately, over 12,000 voters were stricken from the rolls. These voters were removed and were likely ineligible to par-

ticipate in very important elections conducted this past Saturday in Louisiana.

Recent problems that emerged in Louisiana following a canvas of the State election rolls also suggest the need to revisit the rules and procedures used by registrars to update voter registration lists. Following Hurricane Katrina, Louisiana suspended its annual canvass of its rolls in light the mass displacement of voters. However, this spring, Orleans Parish proceeded to canvass its rolls relying upon change of address information supplied by the U.S. Postal Service.

The effects of this canvass were widely felt this past Saturday as voters went to their polling place only to learn that they had been reassigned to a new location. One voter, Sheronda Williams, was reassigned to a polling location outside of her home district to one near her place of business in the downtown New Orleans area where she had been receiving mail since the storm. The Registrar of Voters indicated this past Saturday that there were hundreds, if not thousands, of voters in New Orleans alone who were impacted by this prematurely conducted canvass.

In recent years, we have also witnessed challenges permitted under the laws of most States standing as a threat to the registration status of many voters, particularly minority voters. Notwithstanding the intimidating effect such challenges can have, it is important to consider whether the information presented by challengers can be used to prevent somebody from casting a ballot on election day and subsequently be used to strike that voter permanently from the rolls.

In conclusion, recent efforts to remove voters deemed no longer eligible to vote, including the recent purge program in Louisiana, should be carefully scrutinized and examined to ensure that they do not result in the removal of otherwise eligible voters.

Thank you.

[The statement of Ms. Clarke follows:]

Testimony of Kristen Clarke

Co-Director, Political Participation Group

NAACP Legal Defense and Educational Fund, Inc.

United States House

Committee on House Administration

Elections Subcommittee

Hearing on Voter Registration List Maintenance

October 23, 2007

2:00 p.m.

Chairwoman Zoe Lofgren and distinguished Members of the Committee, I am Kristen Clarke, Co-Director of the Political Participation Group of the NAACP Legal Defense and Educational Fund, Inc. (LDF). Founded under the direction of Thurgood Marshall, LDF is the nation's oldest civil rights law firm and has served as legal counsel for African Americans in a significant number of important federal voting rights cases, and has been very active in Congressional efforts regarding all of the major legislation affecting minority voting rights over the last several decades. Prior to joining LDF, I served for several years in the Civil Rights Division of the U.S. Department of Justice. Three of those years were spent handling matters arising under the Voting Rights Act of 1965 and the National Voter Registration Act as a Trial Attorney in the Voting Section of the Civil Rights Division. I am honored to have the opportunity to appear before you to share our views and perspective regarding voter registration list maintenance issues.

Introduction

In recent years, several threats to the registration status of minority voters have been in evidence in elections across the country including the development and implementation of purge programs aimed at removing presumptively ineligible voters from registration rolls; challenges mounted against voters inside polling places on Election Day; and non-compliance with the mandates of the National Voter Registration Act (NVRA or the Act)[1] at Departments of Motor Vehicles (DMV) and other designated state agencies. Together, these trends threaten the fragile gains that have been made with respect to registration rates among minority voters. Indeed, new or reemergent barriers to voter registration move the nation in the wrong direction and the recent problems suggest

[1] Many states have unsuccessfully challenged the National Voter Registration Act as an unconstitutional exercise of Congressional power. *See Voting Rights Coal. v. Wilson*, 60 F.3d 1411 (9th Cir.1995), *cert. denied*, 516 U.S. 1093, (1996); *Ass'n of Cmty. Orgs. for Reform Now v. Edgar*, 56 F.3d 791 (7th Cir.1995).

the need to strengthen compliance with and enforcement of the various voter registration requirements and purge program restrictions that are codified within the NVRA.

My comments and assessment of the problems are informed by LDF's recent experience addressing voting rights issues in the State of Louisiana and other parts of the Deep South. Although the right to vote is universally recognized as a fundamental constitutional right, that right can be rendered meaningless by actions that threaten the registration status of voters whose names appear on registration rolls are inadequately protected as well as by efforts that make it more difficult for citizens to register to vote.

Goals of the National Voter Registration Act

The National Voter Registration Act (NVRA) was passed, in part, to create uniform procedures for registering to vote in federal elections and to eliminate the discriminatory and burdensome registration practices that existed in many states.[2] In addition, the NVRA aims to increase electoral participation by setting important limits on the voter removal (or purge) programs that states may develop and implement, and by making registration opportunities widely available and accessible. The statutory text of the NVRA sets forth Congress's finding that "discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities." 42 U.S.C. § 1973gg(a)(3).

Congress enacted the NVRA after assessing evidence amassed following nearly 30 years of experience with the Voting Rights Act and after a decade of careful

[2] Article I, § 4 grants Congress a broad, discretionary power over the procedures for administering elections for federal office. Although states bear the primary responsibility to establish procedures for administering federal elections, Congress retains the ultimate supervisory power to alter or adopt new election regulations, and states are required to carry out those regulations. In addition, the NVRA constitutes "appropriate legislation" to enforce the Fourteenth and Fifteenth Amendments.

examination and investigation of then-existing voter registration procedures and purge programs.[3] The NVRA also sought to respond to the evidence amassed in part through extensive litigation under the Voting Rights Act concerning challenges to a range of discriminatory registration practices.[4] The considerable evidence developed during the period leading up to the adoption of the NVRA demonstrated that both voter registration laws and purge programs were often adopted or administered with the purpose and effect of disfranchising minority voters.[5] Congress concluded that problems surrounding the registration status of minority voters were often the direct result of the following obstacles: abuse of discretion by election officials; lack of access to forms; inconsistent purging; discrimination in the appointment of registrars and other election officials; inadequately trained poll workers; and antiquated election machinery.[6] Finally, Congress determined that the Act's uniform, nationwide procedures were necessary to remedy these practices.

Despite the important achievements of the NVRA, there are issues of compliance as well as some evidence that suggests that new and more sophisticated obstacles have emerged that stand as contemporary barriers to electoral participation today. For example, recent steps to remove voters from the registration rolls in Louisiana provide a stark illustration of efforts that serve to undermine the goals of the NVRA.

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[3] *See* Subcomm. on Civil and Constitutional Rights of the House Comm. on the Judiciary, 98th Cong., 2d Sess., After the Voting Rights Act: Registration Barriers, H.R. Ser. No. 18 (Comm. Print 1984).

[4] *See, e.g., United States v. Dallas County Comm'n*, 739 F.2d 1529, 1538-1539 (11th Cir. 1984); *United States v. Marengo County Comm'n*, 731 F.2d 1546, 1570 (11th Cir.), *appeal dismissed and cert. denied*, 469 U.S. 976 (1984); *Mississippi State Chapter, Operation PUSH v. Allain*, 674 F. Supp. 1245 (N.D. Miss. 1987), *aff'd*, 932 F.2d 400 (5th Cir. 1991).

[5] *See* J. Morgan Kousser, The Shaping of Southern Politics 47-50 (1974); Voter Registration: Hearing Before the Subcomm. on Elections of the House Comm. on House Administration, 101st Cong., 1st Sess. 138 (1989).

[6] *Id.* at 15.

2007 Louisiana Voter Removal Program

The NVRA contains a number of provisions concerning the maintenance of voter registration lists used to determine eligibility for participation in federal elections. In particular, the NVRA permits states to "conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters" because of the death of the registrant or a change in the registrant's residence. 42 U.S.C. § 1973gg-6(a)(4). The Act also allows states to undertake a general program for removing otherwise ineligible voters from the rolls as well. *Id.* §§ 1973gg-6(b); § 1973gg-6(c)(2)(A). However, the NVRA also establishes important limits and requires that any program that sets out to protect the integrity of voter registration rolls "shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965," 42 U.S.C. § 1973gg-6(b)(1). In addition, the NVRA prohibits voter removal programs that purge voters from the rolls "by reason of the person's failure to vote," 42 U.S.C. § 1973gg-6(b)(2). Although voter removal programs are generally aimed at preserving the integrity of the election rolls by identifying presumably unqualified voters, such programs also run the risk of disqualifying large numbers of qualified registrants.[7] In addition, these programs place the burden of re-registration squarely on impacted citizens and can thus, discourage voters from participating in the electoral process. For these reasons, voter removal programs should be carefully assessed and scrutinized to ensure that they are not over-inclusive with respect to the scope of persons targeted for removal.

[7] *See e.g.*, Florida's efforts to purge former felons from the registration rolls in advance of the 2000 federal election.

In recent years, it has become increasingly apparent that states are taking steps that may threaten the registration status of voters. A recent purge program carried out in Louisiana provides one stark example. In June 2007, officials in the State of Louisiana began implementing a voter registration cancellation program that sought to identify and remove voters who were presumed to be ineligible because they registered in more than one state. Of course, persons impacted by Hurricanes Katrina and Rita who remain displaced are the primary class of persons targeted by this purge program. The state's cancellation program raises a number of questions regarding the methodology used to identify or "match" Louisiana voters with voters whose names appeared on the registration rolls in other states and raises grave concerns given the apparent absence of any fail-safe procedures to help protect the rights of persons incorrectly targeted or falsely matched.[8] To the extent that Louisiana maintains a single voter registration list that applies to both federal and state elections, the requirements and protections codified within the NVRA are applicable to the purge program as a general matter.

In mid-June 2007, those voters identified and targeted as dual-registrants were mailed a notice that warned recipients that the only way to remain on the Louisiana registration rolls was to submit a certified statement of cancellation of any out-of-state voter registration to their parish's Registrar of Voters. A June 15, 2007 press release issued by the State indicated that this letter was mailed to 55,278 voters. Given the transient status of many displaced Louisianans and given the widely-known problems with mail forwarding services, it remains unclear how many voters actually received these notices. Nevertheless, targeted individuals were given 30 days to mail or fax the

[8] Inadequate match criteria can lead to the purging or cancellation of eligible voters who are misidentified by state authorities and targeted for removal. *See e.g.*, Florida's implementation, and attempted reliance upon, a faulty felon list in the 2004 and 2006 federal elections.

statement of cancellation in order to preserve their names on the state's voter registration rolls and remain eligible to vote in Louisiana. In mid-July 2007, many of the voters who had not satisfied the requirements of the first notice were mailed a second notice requiring that they appear in person at their parish's Registrar's office to provide evidence as to why their names should not be removed from the voter registration list. In mid-August, 2007, following the mailing of both notices, approximately 12,000 voters were removed from the State's voter registration lists.[9] Those voters who were removed, unless they successfully re-registered by the state's voter registration deadline, were ineligible to participate in the most recent gubernatorial and state primary election that took place on October 20, 2007, and may also be ineligible to participate in the upcoming November 17, 2007 general election.

Additional details regarding the State of Louisiana's voter registration cancellation program are yielded through the State's submission of the program to the U.S. Department of Justice for administrative review as required under Section 5 of the Voting Rights Act.[10] The State describes its program as one that seeks to identify and

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[9] Interestingly, the State of Louisiana has not undertaken an even match that compares the registration lists of Louisiana with the registration lists of all other 49 states. Rather, Louisiana's program, as of September 2007, only sought to compare its registration lists with those of a select number of states and cities including Texas; Georgia; Florida; Tennessee; Colorado; New York, New York; Las Vegas, Nevada; and San Diego, California. It is worth noting that four of the five states that are the focus of the voter registration cancellation program are states where significant numbers of displaced voters have maintained residences since the hurricanes.

[10] As a result of its long history of voting discrimination against African Americans, the State of Louisiana, and all jurisdictions that lie within it, are subject to the preclearance requirements of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c ("Section 5"). 30 Fed. Reg. 9897 (1965). Section 5 provides that any "voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting" different from that in force or effect in the State of Louisiana and its respective political subdivisions on November 1, 1964, may not be lawfully implemented unless the state or its subdivisions obtains a declaratory judgment from the United States District Court for the District of Columbia that the change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, except that such change may be implemented without such judgment if it has been submitted to the Attorney General and the Attorney General has not interposed an objection within sixty days. 42 U.S.C. § 1973c.

remove "possible duplicates in Louisiana voter registration files and other states' registration files." Louisiana officials believe that there are a number of existing provisions in their election code that permit them to identify and cancel voters who are ineligible to vote by virtue of having registered to vote in another state. In particular, officials observe that Louisiana Revised Statute (La. Rev. Stat.) 18:193(G) provides that when a parish Registrar has reason to believe that a person is no longer qualified to be registered for a reason other than a change of address, a voter will be given 21 days to appear in person before his or her parish Registrar to show cause why the voter's registration should not be canceled. Here, state officials developed the program and underlying methodology that resulted in the lists of persons deemed to be dual-registrants and these lists were relied upon by Registrars in making assessments regarding voter eligibility.

Flawed Matching Methodology Underlying Louisiana's Voter Removal Program

Persons deemed to be dual-registrants in Louisiana were identified through a database matching system that was put in place after state officials obtained out-of-state voter registration lists from a select number of states and cities. The Secretary of State and Commissioner of Elections developed and subsequently provided a list of these "possible out of state registrants" to Registrars throughout Louisiana. According to state officials, the methodology used to identify these particular individuals entailed comparisons of "name (last, first) and date of birth for matching purposes."

The State indicates that it legitimately obtained out of state voter registration data pursuant to La. Rev. Stat. 18:18(D), which allows the Secretary of State to enter into cooperative agreements with other states to share voter registration information to

determine whether a voter is registered in more than one state. However, there does not appear any evidence that the state entered into any formal cooperative agreements with the five states or three cities that are the focus of the Louisiana's voter registration cancellation program. Copies of these agreements would be helpful in assessing the process and methodology underlying other states maintenance of their respective registration lists. Moreover, to the extent that other states canvass their rolls on a different schedule than Louisiana or use different rules in updating voters' information on the registration rolls, such variations could create problems in attempting to match Louisiana voter registration information with that of other states.

Commissioner of Elections Angie LaPlace identified several scenarios that Registrars may encounter when dealing with "voters who appear to be matches" and proposed an approach for dealing with persons who are registered in Louisiana and out of state but who want to cancel their out-of-state registration; and persons who are registered in Louisiana and indicate that they have never registered out of state; among others. In a June 28, 2007 e-mail to Louisiana Voter Registrars, Commissioner LaPlace indicated, by way of example, that "Lisa A. Anderson" and "Lisa Pruitt Anderson" should be considered a match because with many female voters, "one registration may be under their middle name and one may be under their maiden name as their middle name." A June 21, 2007 e-mail informed Registrars that they had the discretion to "close any event that does not appear to be a match upon visual inspection of the data" but notes that it may be difficult to determine whether there is a match for women "because their names change more frequently." The apparent discretion and broad latitude given to Registrars under this scheme appears to both undercut the goals of the NVRA and defy the NVRA's

requirement that voter removal programs be designed in a manner that is both uniform and discriminatory.

Compliance Problems Among NVRA-Designated Agencies

The NVRA also requires that states make voter registration opportunities widely available at Department of Motor Vehicles and other state agencies.[11] Congress sought to mandate voter registration opportunities at public assistance offices to reach not only those citizens who drive, but also those citizens who are poor or disabled, and who do not drive but participate in public assistance programs.[12] The NVRA requires entities that provide public assistance to integrate voter registration opportunities into the process during which an individual interacts with the agency (i.e., while the citizen seeks benefits or services.)[13] A designated entity must include voter registration forms when it distributes its own application forms for benefits, renewal, or change of address; provide assistance in completing voter forms to the same degree it provides assistance with its own forms; and submit voter forms and data to the appropriate elections office.[14] Voter registration applications are to be forwarded to the "appropriate State election official" for processing in a timely manner. 42 U.S.C. § 1973gg-3(e); § 1973gg-5(d).

Despite these NVRA requirements, recent evidence suggests that NVRA-designated agencies too often fail to implement training programs regarding the requirements of the NVRA; fail to carry out accurately their registration responsibilities and/or fail to submit completed applications to the appropriate election official. These

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[11] States are required to accept voter registration applications "made simultaneously with an application for a motor vehicle driver's license," 42 U.S.C. § 1973gg-2(a)(1), as well as applications submitted at the offices of other state agencies, 42 U.S.C. § 1973gg-2(a)(3).
[12] *See* H.R. Conf. Rep. No. 66, 103d Cong., 1st Sess. 18-19 (1993).
[13] *See* 42 U.S.C. § 1973gg-3, 1973gg-5(a), § 1973gg-5(a)(6).
[14] *See* 42 U.S.C. § 1973gg-5(a)(4)(A)(iii), § 1973gg-5(a)(6).

problems suggest a need to strengthen compliance with and training around the mandates of the NVRA.

At the time of NVRA's enactment, 22 states made registration opportunities available at DMVs. These programs, however, were implemented in a variety of ways and the rules regarding agency-based registration also proved to be inconsistent. The Act sought to make these disparate rules uniform and required that covered agencies include voter registration forms with the driver's license or social service applications they already provide, 42 U.S.C. § 1973gg-3(c), § 1973gg-5(a)(6); provide assistance in filling out the forms if and when asked, *see* 42 U.S.C. 1973 § gg-5(a)(6)(C); and forward the completed forms to the "appropriate State election official." 42 U.S.C. § 1973gg-3(e); § 1973gg-5(d). Recent evidence suggests poor compliance with the NVRA has resulted in the reemergence of disparate practices that undermine the goals of the NVRA.

In recent years, there have been increasing numbers of complaints from citizens who sought to register to vote while receiving a service at an NVRA-designated agency but did not learn until Election Day that their names were not added to the registration rolls. These problems are attributable, in part, to varying practices among agencies regarding the handling of voter registration applications. For example, some agencies consider a voter to have declined the opportunity to register to vote if they do not sign the form while other agencies consider a declination to be a form that was not completely filled out. Further, while some agencies have a rule of forwarding incomplete applications to the Registrar's office, others discard the forms on location.

There is also evidence which suggests that many NVRA-designated agencies fail to implement any training programs to educate new employees about the requirements of

the NVRA and thus, many employees are unfamiliar with the Act's transmittal deadline requirements and other substantive requirements. The lack of training may prove particularly acute during the period immediately preceding an election. During the weeks preceding an election, covered agencies are required to transmit voter registration applications to the appropriate election official on an expedited basis to ensure that these applications are processed in a timely manner. In particular, Section 5(e) of the NVRA states:

> (1)..... a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.
>
> (2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

42 U.S.C. § 1973gg-3. Thus, where officials fail to abide by the NVRA's requirements, the goals of the Act are undermined and potential voters are denied the right to avail themselves of meaningful voter registration opportunities as contemplated by Congress. A federal government sponsored study of compliance with the NVRA would likely reveal several areas for improved compliance and appears warranted given recent trends.

Public Perceptions Regarding the Voter Registration Process

It is important for the Committee to give consideration to prevailing public perceptions regarding the difficulties associated with the voter registration process as it stands today. A 2006 national survey conducted by International Communications Research determined that there are statistically significant differences among racial

groups regarding the difficulty associated with the voter registration process. In particular, the study found that nearly 10 percent of whites perceived difficulty with the registration process compared to 16 percent of Blacks.[15] These disparities widen when looking at a sample of unregistered adults with 25 percent of minority respondents reporting difficulty compared to 13 percent for unregistered whites.[16] This survey data suggests that the NVRA has indeed been successful in addressing some of the perceptions regarding the voter registration process but also suggests that work remains to address the perceived barriers that may continue to impede minority electoral participation.[17] This data also suggests that perceptions of minority voters may be the result of real barriers encountered in their efforts to register to vote and remain on the registration rolls. Efforts must be made to ensure that these racially disparate perceptions do not translate into lowered political participation among minority voters.

Conclusion

The National Voter Registration Act has played a significant role in making voter registration opportunities more widely available, and it has resulted in a measurable increase in the number of eligible voters nationwide.[18] However, the programs and procedures used by states to maintain voter registration lists pose new threats to the fragile gains of the Act. Recent efforts to remove voters deemed no longer eligible to vote, including a recent purge program in Louisiana that targeted and removed persons

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[15] R. Michael Alvarez, et al., *How Hard Can It Be: Do Citizens Think It is Difficult to Register to Vote*, 18 STAN. LAW & POL'Y REV. 382, 397-98 (2007).
[16] *Id.* at 404.
[17] *Id.* at 406.
[18] *See* Benjamin Highton and Raymond E. Wolfinger, *Estimating the Effects of the National Voter Registration Act of 1993*, 20 POL. BEHAVIOR 2 (1998).

presumed to be registrants in more than one state, should be carefully scrutinized and examined to ensure that they do not result in the removal of otherwise eligible voters.

In addition, efforts should be taken to strengthen compliance with the mandates of the NVRA among designated agencies, including encouraging the Attorney General to improve enforcement efforts under the Act. Although states have a legitimate responsibility to preserve the integrity of their registration lists, maintenance efforts and purge programs should be carried out in a manner that will preserve the place of eligible voters on voter registration lists and thus, ensure that these citizens are able to exercise their right to vote on Election Day.

The CHAIRWOMAN. Thank you very much.

Now we turn to Mr. Driscoll for your 5 minutes of testimony.

STATEMENT OF ROBERT DRISCOLL

Mr. DRISCOLL. Thank you, Madam Chair, Ranking Member McCarthy. I am Bob Driscoll. I am a partner at Alston & Bird in Washington.

From 2001 to 2003, I was the Chief of Staff and Deputy Assistant Attorney General in the Civil Rights Division at the Department of Justice. In that role, I worked on a variety of issues, some voting related and also racial profiling issues, desegregation and police misconduct.

Today I want to talk some about balancing the voters' need for access to the polls with ensuring ballot integrity. I really think it is important because I have probably a different view from some of my colleagues on the panel. There really is a balance that needs to be struck in those areas, and I think that Congress tried to strike a balance with NVRA and with HAVA, and particularly I see the Justice Department today coming in for a lot of criticism for enforcing certain provisions of those laws, and I am here to point out that when one is sitting in the chair over at 950 Pennsylvania Avenue one isn't given the choice as to which laws to enforce. One enforces the laws that Congress passed. People may raise great issues as to whether the balance should be altered in terms of purges and voter rolls versus access issues, but those laws are on the books and they are there to be enforced. At least when I was there we viewed it as not optional.

Now, if anyone has any evidence that those laws are being enforced in an improperly or partisan or improper way, that would be great to hear, and that is the point of oversight hearings and things like that. I think the philosophical point is the voter access issues have to be balanced against concerns of voter integrity and voter fraud, and that is what Congress attempted to do both with NVRA and with HAVA.

I would disagree with my fellow panelist, Ms. Goldberg, that this equation between all we have adopted in the criminal law—the notion that it is better that four guilty men go free than one innocent man be convicted. I think in the voting rights context the analogy doesn't hold up because when someone votes who shouldn't it effectively cancels out the vote of a legitimate voter.

So one cannot have such a bias completely in favor of access at any cost with no consideration of fraud or integrity issues, or else you end up in a situation where legitimate voters are having their ballots ignored essentially at the polls. I think that is the balance that the Department tries to strike and the Congress tries to strike, and I think the subcommittee—it would be a disservice not to at least be reminded a little bit that the voter integrity issues are real and are legitimate.

I would point out the Carter-Baker Commission did note that these issues of voter integrity affect voter morale and can depress turnout if people don't have confidence that the system works well and that the vote is really going to count. The Supreme Court noted the same thing in its Purcell decision having do with Arizona last term as well.

So I think those are two sources that are recognized that this goes beyond the particular integrity issue one could point out in a given State about whether or not dead people have voted or whether or not people were voting in two different States. But there is also the perception of integrity that is important to encourage people to vote to maximize voter turnout at the end of the day.

My written statement is submitted for the record. I just wanted to touch on those issues in my oral testimony. Thank you very much, Madam Chair.

[The statement of Mr. Driscoll follows:]

TESTIMONY OF ROBERT N. DRISCOLL BEFORE THE ELECTION SUBCOMMITTEE HEARING ON VOTER REGISTRATION AND LIST MAINTENANCE

COMMITTEE ON HOUSE ADMINISTRATION, UNITED STATES HOUSE OF REPRESENTATIVES

October 23, 2007

Thank you, Madame Chair and members of the Subcommittee for the opportunity to discuss maintenance of voter registration lists pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA).

My name is Bob Driscoll and I am currently a partner at Alston & Bird LLP, here in Washington. From 2001 to 2003, I had the honor of serving as Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice. During that time I worked on a variety of issues, including racial profiling guidance to federal law enforcement, desegregation, and police misconduct.

The primary focus of my testimony today will be on the need to balance voters' access to the polls with ensuring ballot integrity. The failure to adequately address either of these area results in effectively disenfranchising rightful voters.

States Must Have Honest Voter Lists to Ensure Honest Voting.

Honest voter registration lists are a requirement to ensure that honest votes are being cast. If an outdated or inaccurate voter registration list is used, this could result in allowing someone to vote who should be not voting. This effectively results in the disenfranchisement of honest votes.

One of the most important rights in this country is to have one's vote counted. If an improper or unlawful vote is cast, a legitimate voter's choice is cancelled by someone who ought not to be voting. In addition, it is likely to increase voter turnout if voters know their vote will count and will not be diluted by improper or unlawful votes.

As an example of this principle, Congress has required that states ensure that applicants are citizens of the United States before registering to vote. This is not an issue of whether one favors or disfavors more or less immigration. As a descendant of Irish immigrants who has married into a family of Cuban immigrants, I am certainly not anti-immigration in any way. It is the simple matter of making sure that only people entitled to vote do so. To do otherwise does not honor and respect those immigrants who have entered the country legally and properly earned the precious right to vote that so many have fought to achieve and maintain.

Although to the uninitiated, these principles might sound non-controversial, in fact there has been substantial disagreement about whether the Department of Justice has gone too far in enforcing these provisions. I find it remarkable that the Department has come under criticism for enforcing the law that Congress has passed and the President has signed. While I think the law represents good public policy, it seems to me that those who disagree on that point should seek to amend the statutes in question, rather than criticize the Department of Justice for enforcing existing law.

The NVRA specifically requires that the following two "yes/no" questions be answered on a voter registration form: "Are you a citizen of the United States of America?" and "Will you be 18 years of age on or before election day?" Under the NVRA, if the citizenship question is not answered, the voter registrar "shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for the completion of the registration form prior to the next election for Federal office (subject to State law)."

Despite the clear language in this provision that requires individuals to answer the citizenship question before their voter registration can be accepted by election officials, many states have ignored the law, and have continued to register applicants who do not answer the citizenship question.

The addition of this citizenship question to the voter registration form was prompted by Congress's concern over the ability of noncitizens, both legal and illegal, to register to vote without detection. These states' refusal to follow Congress's mandate raises issues of compliance with federal law that go far beyond the narrow policy question of whether the law's provision represent good or bad policy. Clearly, we should all be able to agree that when Congress does pass a law governing federal elections, its will should be respected by those bound to comply with federal law.

Department of Justice Actions Relating to Voter Lists.

I have noted some criticism of the Department of Justice because it has enforced laws relating to maintenance of accurate voter lists. I find this criticism unwarranted. As an initial matter, it must be reiterated that the Department is simply enforcing laws that the Congress has passed – it is not up to the Department to ignore Congressional mandates in the voting arena anymore than it would be appropriate to ignore Congressional action relating to guns or drugs or violence against women.

It is the job of the Department to enforce all federal election laws enacted by Congress. The enforcement actions focus on ensuring that election officials properly apply all provisions of the NVRA – that voters are both properly added to the voter rolls, and provided the proper notice before any removal.

To ensure the integrity of voting registration lists, it appears that the Voting Section of the Civil Rights Division has selected states where the number of registered voters exceeds the number of voting aged persons in the state eligible to vote. Under

such circumstances, it seems clear that a state needs to review its voter rolls to eliminate voters who have moved, have duplicate registrations, or are deceased. It is my understanding that Voting Section lawyers contact state officials to see what remedial measures are in place to address the over-registration. The Voting Section then takes action where remedies are determined to be inadequate. I simply do not understand how anyone could defend a voter registration list that exceeds the number of qualified voters in the jurisdiction and claim that such a list is not in need of scrutiny. Furthermore, it is my understanding that the Department's enforcement actions have been taken against jurisdictions that are controlled by both Republicans and Democrats.

Steps Congress Can Take to Ensure the Proper Balance.

Today's hearing is part of appropriate Congressional action to determine whether laws relating to maintenance of voter registration lists are having their desired effect or need to be modified in any respect. This Subcommittee should listen carefully to the state-level experts who have testified to determine whether certain provisions of law relating to maintenance of voter lists should be modified or repealed. However, as a guiding principle, I continue to believe that the Subcommittee must recognize that illegally cast ballots dilute the vote of legally cast ballots, just as much as if those voters had been denied access to the polls. I could not disagree more strongly with those critics who seem to suggest that non-enforcement of any laws having to do with voter integrity is consistent with the advancement of civil rights. To the contrary, permitting or ignoring unauthorized or illegal voting is just as egregious as permitting a jurisdiction to deny a legal voter the right to vote.

Thank you for the opportunity to appear before the Subcommittee and I look forward to answering whatever questions the Subcommittee may have.

The CHAIRWOMAN. Thank you very much. I would invite the ranking member if he wishes to proceed first or I can go first.

Mr. MCCARTHY. I will just stay with tradition and allow you to go first.

The CHAIRWOMAN. All righty.

Let me ask you, Mr. Driscoll, you talk about enforcing all the laws at the DOJ and it may just be that I didn't hear about it, but NVRA enforcement has been stepped up, I think we all acknowledge that, but I don't think, at least I have not heard, that the DOJ has taken any steps to enforce section 7 requiring State social service agencies to provide registration opportunities to their clients. Am I incorrect on that?

Mr. DRISCOLL. You would have to talk to the Department to get the statistics. I recall just anecdotally from when I was there and I recall recently that there have been cases brought under both section 7 and 8.

The CHAIRWOMAN. I have never heard of one. I wonder if you know and, since you are not with the Department of Justice anymore, maybe we will ask them that directly.

Mr. DRISCOLL. I would ask the question, but I think several States have been compelled by the Department to step up. Providing, I think, access of social service agencies was the concern in some of those matters.

The CHAIRWOMAN. Let me ask you, Professor, you were a member of the Carter-Baker Commission. One of the things I recall your saying when you were here in the 109th Congress was that it would be improper to adversely impact the ability of 100 Americans to vote in an effort to find one fraudulent voter; that would be disenfranchising 100 Americans to one non-American. Was it the Commission's view otherwise that you should go ahead and do that because it was bad for morale?

Mr. OVERTON. Unfortunately, our commission didn't really look at data in terms of how many fraudulent voters would be excluded by, let's say, a photo ID requirement and how many legitimate voters would be excluded. One of the rationales was that particular voters might be discouraged and that might suppress voter turnout.

My criticism of the majority was that it wasn't based on data, it was totally speculative.

So for example, I could say, well, because of these photo ID requirements people are just not going to come out, they are going to think that people are trying to suppress their vote and that is going to drive down voter access. So it is all speculative. And that would also be like saying, hey, good people who are in a State like the literacy test and they believe that if we don't have it and uneducated people are casting a ballot, well, then, you know, the system doesn't have any integrity.

The CHAIRWOMAN. I see.

Mr. OVERTON. We have got these masses who are just making bad decisions and they won't come out. So I think evidence is important here.

The CHAIRWOMAN. Evidence is important.

Let me ask you about a court case that I recently learned about actually, a 1981 prohibition to the RNC from caging voters based

on race. As I understand it, that order was to the RNC only, it didn't affect State parties or other entities. That concerns me. Vote caging sounds like some innocent thing, but I recently did some more research more from the report we got from the U.S. Attorney's inquiry in the Judiciary Department. If you go in and do a proactive sample in a neighborhood that is heavily minority and the mail is returned for a lot of reasons, that can happen for a lot of reasons, you will have a disproportionate impact on minority voters. Is that why the 1981 judgment was made; do you know?

Mr. OVERTON. Well, actually, with that judgment in particular, the court prohibited the RNC to engage in balance integrity programs without permission from the court.

Now the response by the RNC in 2004 was, well, these are states that are engaging in this behavior, we are not engaging in this behavior. The response by others was, well, there are e-mails and there is other correspondence between the State parties and the RNC that suggests that the RNC is engaged and involved in this. And that New Jersey court, in fact, prohibited the RNC from continuing.

The CHAIRWOMAN. Let me ask you this in the remaining time I have, is there legislative action that could be taken that would prohibit any political party from engaging in caging that had an adverse impact on racial minorities or was motivated by suppressing minority votes?

Mr. OVERTON. Certainly caging legislation has been adopted in a place—like Minnesota has caging legislation. And we could have that type of legislation nationwide again. It is particularly important because in the days before an election, you know, judges, there is not much law out here, their political whims are pulling different judges in different ways. And so to have some clear guidance, based on hearings with experts, you know, extensive evidentiary effort that comes up with good law will provide guidance to judges and to political parties.

The CHAIRWOMAN. Inexplicably I have used up 5 minutes. I can't believe that. So I will stop and turn to the ranking member, Mr. McCarthy.

Mr. MCCARTHY. Thank you, Madam Chair.

I just want to follow up on caging and see if I understand it right. So one political party went and mailed into an area that was disproportionate of another party to determine an outcome?

Mr. OVERTON. Well, that is the assumption with some caging activities. Like in Nevada the former State Chair of the Republican Party explicitly said, hey, I am partisan, I am sending it to Democrats. With other places, like Florida, some Republicans were on the list.

Mr. MCCARTHY. Was it disproportionate like 3:1?

Mr. OVERTON. I think it was disproportionately Democrats who were on the list in Florida.

Mr. MCCARTHY. Just to determine an outcome, you would know the outcome that is going to happen that way?

Mr. OVERTON. I suppose so. I don't know about the motives of the people in Florida. I know it is about the motives of the person in Nevada only because he said what his motives were. With regard to the other people, I don't know the motives. I do know that this

caging is imprecise and I also know that it ended up that certain people, African Americans and Democrats, were disproportionately represented on these caging lists.

Mr. MCCARTHY. I agree with you, if you set something up where you take something 3:1 or 8:2, you are determining the outcome of the information that could be gathered. I feel what you are talking about.

Mrs. Goldberg, you had said in your policy testimony about no match, no vote. Based upon what Mr. Driscoll said—this is how I understand it, you correct me if I am wrong, and if I could dwell on a couple different conversations with you to try to see where it goes—if a person registers by mail and a person registers in person, do you think there is any more accountability to look at any information or should that all be treated exactly the same?

Ms. GOLDBERG. To be honest, I am not sure I have given that much thought to the question. I do know that under current law they are treated differently. A first-time registrant who registers by mail is going to be subject to different requirements than someone who registers in person, unless they can provide with their mail-in registration the data that is authorized under the Help America Vote Act.

Mr. MCCARTHY. What if a person registered for the first time, registers by mail, doesn't put down their driver's license or doesn't put down the Social Security number? Do you feel there is any rationale for accountability there to look for more information or you put them on the rolls and they are fine?

Ms. GOLDBERG. There is no evidence that we know of that the types of requirements that are being implemented under HAVA are disenfranchising people who are first-time mail-in registrants. None of this has anything to do with no match, no vote. No match, no vote has to do with people who actually do provide the information on their voter registration forms and then the State tries to match that information with other databases. And what we have documented is that those procedures, unless they are flexible and take into account a lot of common data entry errors, will disenfranchise substantial numbers of people, keep people off the voter registration rolls.

Mr. MCCARTHY. If you try to match them.

Ms. GOLDBERG. If you require a very strict match.

Mr. MCCARTHY. But if I didn't require the match, and I asked you the first question I asked, with the driver's license, no Social Security, and you were a mail-in and you were a first-time, am I correct in your answer saying there would be no disenfranchising of a person?

Ms. GOLDBERG. No. What I said was that if there is no match, then asking the voter to provide the evidence of identity at the polls that is required under HAVA has not been shown to disenfranchise people. The HAVA requirements are not requirements that at this point we take great issue with. What we do take great issue with is the very strict matching policies that keep people who do provide numbers off the voter rolls because of data entry errors or because there is somebody who is registered under one name and has a driver's license under a married name, different things of that sort.

Mr. MCCARTHY. If I go down the row—you give me a yes or no to this one—should State agencies like welfare offices be allowed to ask an individual if he or she is a citizen before offering that person a voter registration form?

Ms. GOLDBERG. The person who receives a voter registration form will be asked that question. It is on the voter registration form.

Mr. MCCARTHY. But prior to giving a person a voter registration form, should the welfare worker ask the individual if they are a citizen prior to giving it to them?

Ms. GOLDBERG. Off the top of my head, it seems to me that what I would prefer is have the person assist the client with the registration procedure, which would require asking that question.

Mr. MCCARTHY. I notice I am out of time.

Madam Chair, if I could just submit to you pursuant to House rules, clause 11, requesting minority member subcommittee hearing, and I yield back.

The CHAIRWOMAN. This will be received and dealt with according to the rules.

Let me just thank this panel for your excellent testimony. I wish we could be here all afternoon and ask additional questions, but that is not possible. Under the rules we have 5 legislative days to pose additional questions and we may take advantage of that. And if we do, the Chair will forward you the questions from all the committee members and we would ask if you would try to respond as promptly as possible.

With that, thank you so much. People don't realize that our witnesses here today and every day are volunteers just trying to make the country a better place, and we appreciate the contribution that each of you made in that regard. Thank you very much.

[The information follows:]

[Whereupon, at 4:10 p.m., the subcommittee was adjourned.]

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

VERNON J. EHLERS, MICHIGAN
RANKING MEMBER

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October 23, 2007

The Honorable Zoe Lofgren
Chairwoman
Subcommittee on Elections
1309 Longworth HOB
Washington, D.C. 20515

Dear Chairwoman Lofgren,

Pursuant to House Rule XI clause (2)(j)(1), we hereby request that the minority Members of the Subcommittee on Elections be granted a minority day of hearing on matters relating to "Voter Registration and List Maintenance."

Although the testimony of the panel members you have assembled will likely be valuable, it is essential that the Committee examine other perspectives. We feel that a minority day is our only option to ensure that we create a balanced record.

Pursuant to House Rules, you will find the signatures of a majority of the Republican Members of this Subcommittee below.

Kevin McCarthy
Ranking Member
Subcommittee on Elections

Vernon J. Ehlers
Ranking Member
Committee on House Administration