



Lieutenant Governor Byron Mallott
STATE OF ALASKA

August 21, 2017

SENT VIA EMAIL: ElectionIntegrityStaff@ovp.eop.gov

Kris W. Kobach
Vice Chair
Presidential Advisory Commission on Election Integrity

Dear Mr. Kobach:

Our focus in Alaska is straightforward: to ensure that every eligible Alaskan has a meaningful opportunity to cast a ballot, have their vote count, and our Division of Elections conducts impartial, secure and accurate elections. Despite Alaska's unique geographic, cultural and logistical challenges, we believe our elections system is well on its way to becoming one of the most accurate and secure in the United States. Alaska is also one of the few states to explicitly protect the individual's right to privacy in our constitution (Article 1, Sec. 22). The privacy protections surrounding our voter and elections information are some of the strongest in the country.

Alaska will continue to employ best practices raised by election security experts such as having an all paper based system, including verifiable paper audit trails; independent testing; post-election audits; and physical security of tabulation equipment and software. The ballot tabulation system used in Alaska to produce and count ballots is fully integrated, federally certified and is thoroughly tested prior to each election.

In 2016, Alaska introduced more robust access control to the state's Voter Registration and Election Management Database. This effort further reduced the likelihood of unauthorized access to voter data. We have also introduced better intrusion detection processes and practices. There is no evidence that cyber intruders tried to delete or alter voter data prior to or after the November 8, 2016 election in Alaska.

Alaska's multi-layered election security model is continuously improving as technology and better practices become known. Alaska has introduced improved tools and practices in encrypted communication which reduces the risk of the loss of voter data during transmission. These added layers provide early warning of attacks in time for election officials to take action. The extensive process includes a number of security features that make it among the safest in the country.

Also, in 2016, Alaska Governor Bill Walker signed a bipartisan bill that allowed the state's Division of Elections to join the Electronic Registration Information Center (ERIC), a nonprofit organization whose

August 21, 2017
Kris W. Kobach
Page 2 of 3

mission is to assist states with improving the accuracy of America's voter rolls and increasing voter registration.

ERIC is a sophisticated interstate data exchange that will allow for more timely removal of voters registering in another member state, reduce the number of individuals voting in multiple states, increase voter registration, and ensure accurate voter registration rolls are maintained. Alaska is one of 20 states along with the District of Columbia that is participating in the program.

In 2016 Alaska voters approved a Permanent Fund Dividend (PFD) Automatic Voter Registration initiative, which is projected to make Alaska's voter rolls one of the most accurate in US history. We will leverage the intensive security and fraud detection resources we have invested in our PFD application system to further protect and strengthen our elections system.

In the June 28 letter, the Presidential Advisory Commission on Election Integrity requested certain voter roll data "if publicly available under the laws of" Alaska. In the July 26 letter, the Commission renewed its request and clarified that it has "only requested information that is readily available to the public under the laws of your State, which is information that States regularly provide to political candidates, journalists, and other interested members of the public."

I want to underscore that we will not provide any information about our residents that our state deems confidential. Please be advised that we will stand vigilant in protecting the privacy and independence of all Alaskans and will closely scrutinize all requests from any institution or individual to ensure that Alaskans' right to privacy is never compromised.

Alaska Statute 15.07.127 requires the Director of the Division of Elections to "prepare both a statewide list and a list by precinct of the names and addresses of all persons whose names appear on the master register and their political party affiliation. Subject to the limitations of Alaska Statute 15.07.195, any person may obtain a copy of the list, or a part of the list, or an electronic format containing both residence and mailing addresses of voters, by applying to the director and paying to the state treasury a fee as determined by the director." The fee is \$20. (The cost of the CD is an additional \$1.)

Accordingly, upon the receipt of \$21 (in the form of a check or money order made payable to the State of Alaska), the Division of Elections will provide the Commission a CD that contains the publicly available information that the state regularly provides to the public in response to a request under the Alaska Public Records Act (AS 40.25.100 – 40.25.295).

Please note that the CD will not contain—and the Division of Elections will not disclose—the following information in voter registration records because the information is confidential under AS 15.07.195:

- the voter's age or date of birth; the voter's social security number, or any part of that number;
- the voter's driver's license number;

August 21, 2017
Kris W. Kobach
Page 3 of 3

- the voter's voter identification number;
- the voter's place of birth;
- the voter's signature; and
- the voter's residential address if elected by the voter in writing to be kept confidential.

Alaska's elections have been, and will continue to be, conducted with integrity and transparency. We will be watching with interest the Commission's first public hearing and may submit comments at that time.

If you have any questions, please contact Josie Bahnke, Director, Alaska Division of Elections, at (907) 465-4611 or jocie.bahnke@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron R. Mallott", with a long, sweeping horizontal stroke extending to the right.

Byron R. Mallott
Lieutenant Governor
State of Alaska



MICHELE REAGAN
Secretary of State
State of Arizona

July 3, 2017

Dear Vice Chair Kobach,

I received your letter today on behalf of the Presidential Advisory Commission on Election Integrity. Obviously, I share the Commission's desire to enhance citizens' confidence in the electoral process and therefore welcome the opportunity to provide input into the Commission's efforts—especially how the federal government can play a more constructive role in cybersecurity.

However, while I appreciate the opportunity to shape the Commission's forthcoming recommendations, providing our state's entire voter roll does not appear reasonably related to that mission. Arizona diligently follows the voter registration list maintenance requirements under the National Voter Registration Act (NVRA) and, through the Interstate Voter Registration Crosscheck program (IVRC), thoroughly investigates instances of double registrations or double voting across state lines. Thus I remain skeptical that Arizona's voter roll would shed light on any "vulnerabilities and issues related to voter registration and voting" you appear to be investigating in other states.

More importantly, I share the concerns of many Arizona citizens that the Commission's request implicates serious privacy concerns. Not only has the Commission requested information that is confidential under Arizona law, but it intends to make Arizona voters' information publicly available without any explanation how this dissemination would serve the Commission's efforts. Since there is nothing in Executive Order 13799 (nor federal law) that gives the Commission authority to unilaterally acquire and disseminate such sensitive information, the Arizona Secretary of State's Office is not in position to fulfill your request.¹

¹ The Commission has acknowledged that information may be provided only "if publicly available under the laws of your state." See A.R.S. § 16-168(F) ("Any person in possession of a precinct register or list . . . shall not permit the register or list to be used, bought, sold or otherwise transferred for any purpose[.]"). Voter information is likewise protected from disclosure under the federal Privacy Act of 1974. See 5 U.S.C. § 552a(b) ("No agency shall disclose any [personal] record . . . by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains[.]"). Since voter information has no bearing on understanding the Commission's activities, the Commission would have no obligation to fulfill a FOIA request for such information and therefore the Privacy Act would continue to shield these records from production. See e.g. *Fort Hall Landowners Alliance, Inc. v. BIA*, No. CV-99-00052-E-BLW, slip op. at 7-14 (D. Idaho Mar. 17, 2000) (finding that document that contains "names and addresses . . . does not

Under normal circumstances, limited voter registration records could be provided to a member of the public upon payment of the requisite fee under Arizona law along with a statement of non-commercial use. But this appears to be no normal request. Centralizing sensitive voter registration information from every U.S. state is a potential target for nefarious actors who may be intent on further undermining our electoral process. As a recent Politico article cautioned, for example, "cybersecurity specialists are warning that President Donald Trump's voter-fraud commission may unintentionally expose voter data to even more hacking and digital manipulation." TRUMP VOTER-FRAUD PANEL'S DATA REQUEST A GOLD MINE FOR HACKERS, EXPERTS WARN, E. Geller and C. Bennett, Politico (July 1, 2017).

Without any explanation how Arizona's voter information would be safeguarded or what security protocols the Commission has put in place, I cannot in good conscience release Arizonans' sensitive voter data for this hastily organized experiment.

For reasons outlined in this letter, therefore, I have directed my staff to withhold any provision of voter registration records based on the best interests of the State of Arizona. *Arizona Bd. of Regents v. Phoenix Newspapers, Inc.*, 167 Ariz. 254, 258 (1991) ("Withholding based on best interests of the state" protects communications when "release of the information would have an important and harmful effect on the duties of the . . . agency in question."); *see also Scottsdale Unified Sch. Dist. No. 48 of Maricopa Cty. v. KPNX Broad. Co.*, 191 Ariz. 297, 300 (1998) (production of public records may "be curtailed in the interest of 'confidentiality, privacy, or the best interests of the state'").

While I do not intend to provide the voter roll as requested in your letter, I do stand willing to be a resource to assist the Commission in its efforts to enhance the integrity of elections nationwide.

Sincerely,

A handwritten signature in black ink that reads "Michele Reagan". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michele Reagan
Arizona Secretary of State

determined that disclosure of the information is not required by FOIA . . . the Privacy Act prohibits disclosure of the information").



DELBERT HOSEMAN
Secretary of State

July 19, 2017

The Honorable Kris W. Kobach
Presidential Advisory Commission on Election
Integrity
Eisenhower Executive Office Building, Room 268
1600 Pennsylvania Avenue NW
Washington, DC 20502

Dear Vice Chairman Kobach:

As of July 10, 2017, the Mississippi Secretary of State's Office is in receipt of the enclosed request from the Presidential Advisory Commission on Election Integrity.

Due to the current case before the U.S. District Court for the District of Columbia (*Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity*), the Commission has requested our Office not submit any information to the Commission until the Court rules on the temporary restraining order.

Should the Commission desire to proceed with its initial request, a public records request for voter registration files may be submitted with the required payment of \$2,100.00 to the Mississippi Secretary of State's Office. The form is enclosed herein. Please note, by state law, only publicly-available information from voter registration files will be provided. Social security numbers, telephone numbers, dates of birth, and other information in voter registration files are exempt from disclosure by state law.

Should you need further assistance, please do not hesitate to contact the Mississippi Secretary of State's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Anna C. Moak".

Anna C. Moak
Senior Counsel
Executive Division

Enclosure(s)

Williams, Ronald E. EOP/OVP

From: Brandon Newell
Sent: Thursday, July 27, 2017 11:31 AM
To: FN-OVP-Election Integrity Staff
Cc: Leslie Bellamy; Peyton Murphy
Subject: Presidential Advisory Commission on Election Integrity

Good morning,

In response to the Presidential Advisory Commission on Election Integrity's letter dated July 26, 2017, I will be the point of **contact for the transfer of data requested by the Commission.**

Please provide details for the secure transfer of the data at your convenience.

Tbank you,

Brandon Newell
Office of the Secretary of State
Elections Division
Election Coordinator &
Voter Registration Supervisor



State of Delaware
Department of Elections

August 28, 2017

Kris W. Kobach, Vice Chair
Presidential Advisory Commission on Election Integrity

Via Email to: ElectionIntegrityStaff@ovp.eop.gov

Dear Vice Chair Kobach:

I am in receipt of your letter dated July 26, 2017, requesting Delaware's voter registration information. Following your initial request to Delaware's Secretary of State, all of our offices were inundated with phone calls and emails from Delaware voters asking that we not share their information with the Presidential Advisory Commission on Election Integrity.

I have great concerns about the creation of one database of all U.S. voters. With all of the recent attention about intrusion into our voter registration systems, it seems to make little sense to create one database rather than having separate databases for all states.

Therefore, due to the public outcry as well as security concerns over centralizing this information, Delaware will not send any information to the Presidential Advisory Commission on Election Integrity, unless and until you cite for me the legal authority for your request.

Very truly yours,

Elaine Manlove
State Election Commissioner

<https://ivote.de.gov>

State Election Commissioner
903 S Governors Ave Ste 170
Dover DE 19904
Phone: (302) 739-4277

New Castle County Office
Carvel State Office Bldg
820 N French St STE 400
Wilmington DE 19801
Phone: (302) 577-3464

Kent County Office
100 Enterprise Pl Ste 5
Dover DE 19904
Phone: (302) 739-4498

Sussex County Office
119 N Race St
PO Box 457
Georgetown DE 19947
Phone: (302) 856-5367
SDPE001 v4.1 7/7/2015



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

July 27, 2017

VIA EMAIL: ElectionIntegrityStaff@ovp.eop.gov

Kris Kobach, Vice Chair
Presidential Advisory Commission on Election Integrity

Dear Mr. Kobach:

This is written in response to your letter, dated July 26, 2017, in which you referenced an earlier letter, dated June 28, 2017, requesting voter registration data. As "[t]he county clerk shall be responsible for voter registration in the respective counties and the keeping of the general register and precinct lists within the county," your request is being forwarded to the county clerks to respond to. HRS § 11-11.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Nago", written over a horizontal line.

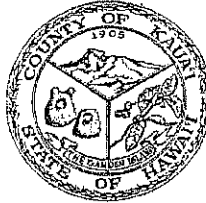
SCOTT T. NAGO
Chief Election Officer

STN:AS:jk
OE-17-061

c: Honorable Stewart Maeda, Clerk of the County of Hawaii
Honorable Danny A. Mateo, Clerk of the County of Maui
Honorable Jade K. Fountain-Tanigawa, Clerk of the County of Kauai
Honorable Glen I. Takahashi, Clerk of the City and County of Honolulu

JADE K. FOUNTAIN-TANIGAWA
County Clerk

Telephone: (808) 241-4800
TTY: (808) 241-5116



SCOTT K. SATO
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK**
4386 RICE STREET, SUITE 101
LIHUE, KAUAI, HAWAII 96766-1819

August 10, 2017

Kris Kobach, Vice Chair
Presidential Advisory Commission on Election Integrity
1650 Pennsylvania Avenue NW
Washington, D.C. 20502

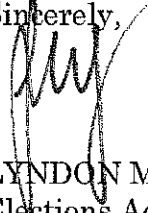
Dear Mr. Kobach:

**RE: REQUEST FOR PUBLICLY AVAILABLE VOTER REGISTRATION
RECORDS**

I am writing in response to your letter that was addressed to the chief election officer of the state of Hawai'i dated July 26, 2017, where you on behalf of the Presidential Advisory Commission on Election Integrity requested publicly available voter registration records. Pursuant to Section 11-97(a), Hawai'i Revised Statutes, and Section 3-172-31(b), Hawai'i Administrative Rules, enclosed please find a password protected CD containing voter registration records for the County of Kaua'i, State of Hawai'i.

A password to access the CD will be transmitted in separate correspondence. Should you have any questions, please feel free to contact the Office of the County Clerk, Elections Division at (808) 241-4800.

Sincerely,


LYNDON M. YOSHIOKA
Elections Administrator

Enclosure

cc: Mr. Scott Nago, Chief Election Officer

SECRETARY OF STATE

STATE OF INDIANA

200 W. WASHINGTON STREET, INDIANAPOLIS, IN 46204

WWW.SOS.IN.GOV

August 4, 2017

Secretary Kris Kobach, Vice Chair
Presidential Advisory Commission on Election Integrity
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500

Re: Request for voter registration information

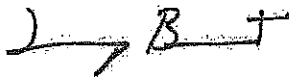
Dear Secretary Kobach,

I am writing in response to your recent correspondence on behalf of the Presidential Advisory Commission on Election Integrity by which the Indiana Secretary of State was asked to provide such voter roll information for Indiana as is available to the public. In Indiana, public access to statewide voter registration information is governed by Indiana Code 3-7-26.3 et seq. and Indiana Code 3-7-26.4 et seq.

Pursuant to Indiana law, limited statewide voter registration data is available to the public; however the Indiana Secretary of State is not the custodian or administrator of statewide voter registration records. Indiana's statewide voter registration database is administered by the *Indiana Election Division*, which is the state agency authorized to receive and respond to public access requests.

The Indiana Election Division has prescribed a request and user agreement, the IEC-3 form, for use in requesting publicly available state wide voter registration information. A copy of the IEC-3 form is enclosed. A request for a copy of Indiana's statewide voter registration list must be addressed to the Indiana Election Division on a fully completed and signed IEC-3 form. Mailing instructions are included on the form.

Truly yours,



Jerold A. Bonnet, General Counsel
Office of the Indiana Secretary of State

Enc.

PAUL O. PATE
SECRETARY OF STATE



LUCAS BUILDING
DES MOINES, IOWA 50319

OFFICE OF THE IOWA SECRETARY OF STATE

July 26, 2017

Andrew Kossack
Designated Federal Officer
Presidential Advisory Commission on Election Integrity

Dear Mr. Kossack:

This letter is in response to a request made to Iowa Secretary of State Paul Pate from the Presidential Advisory Commission on Election Integrity. According to Iowa law, requests for voter registration lists must comply with Iowa Code 47.8(4), 48A.38, 48A.39 and Iowa Administrative Code 821.3.

Per Iowa law, social security numbers, driver license numbers, non-operator identification numbers, and voter identification numbers are not included on any list.

Sincerely,

Paul D. Pate
Iowa Secretary of State

PDP/co

Williams, Ronald E. EOP/OVP

From: Caskey, Bryan [KSOS]
Sent: Thursday, July 27, 2017 2:58 PM
To: FN-OVP-Election Integrity Staff
Subject: Kansas submission of data

Dear Mr. Williams:

I am contacting you on behalf of the state of Kansas with my contact information below. I am the main point of contact for the transmittal of data requested by the Presidential Advisory Commission on Election Integrity. Our data is ready for transmittal at your convenience.

I look forward to hearing from you.

May your day be blessed!

BRYANA CASKEY | Director of Elections
Kansas Secretary of State >www.sos.ks.gov<
Memorial Hall, 1st Floor | 120 S.W. 10th Avenue | Topeka, KS 66612-1594

"Every election is determined by the people who show up."
-Larry L. Sabata, *Pendulum Swing*



TOM SCHEDLER
SECRETARY OF STATE

Secretary of State
State of Louisiana

P.O. Box 94125
BATON ROUGE, LA 70804-9125
www.sos.louisiana.gov

August 9, 2017

Presidential Advisory Commission on Election Integrity
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500
ElectionIntegrityStaff@ovp.eop.gov

Dear Members of the Presidential Commission on Election Integrity:

I respectfully provide the following response to your June 28, 2017 letter in which you asked states to contribute views and recommendations to the Presidential Advisory Commission on Election Integrity. Louisiana has an excellent reputation in the mechanics and execution of its elections as well as our innovations aimed at increasing voter participation while reducing fraud. Protecting the integrity of our elections is my number one priority and one that I take extremely seriously because if we lose faith in elections, we lose faith in our democracy.

As you know, the realm of election administration contains several distinct components, each with a specific value and purpose. There is a campaign component, an election component and a voting component. The campaign component is the set of tools used by candidates or parties to get people elected. It is the campaign component (the Democratic National Committee) which was successfully hacked during the 2016 Election Cycle. The election component covers voter registration systems and other data important for individual jurisdictions. This component covers the registration database hacks in Arizona and Illinois. Finally, there is the voting component which is the actual process of voting including ballots, machines and who votes on what. To date, there is no evidence that this system was breached in any way or that any votes were illegally changed through hacking, due in part to the complexity and diversity of state processes.

Voting systems security is a top priority in each and every state, and always has been. In the simplest terms, our job as chief elections officer in our state is to make voting easy and cheating hard. Much of what is done occurs with many eyes upon it from poll watchers from the parties, to election observers, civic groups and precinct commissioners. They are all present for machine testing, polling place activities, voter check-in's, absentee ballot counting, closing of the polls and recounts when necessary. We encourage that kind of openness and transparency because nothing builds trust in the system more than seeing it for yourself, in person.

On the voter registration side of the equation, Louisiana uses multiple resources to keep our records accurate and conduct our mandatory list maintenance as required by the National Voting Rights Act. Most recently, in 2015, Louisiana joined ERIC (Electronic Registration Information Center) and I strongly encourage the commission to support this tool by incentivizing more states to participate in its services. ERIC provides information to approximately 20 participating states as to voters who may have moved between or within states as well as who may have died or might not be registered. ERIC compares data from multiple sources including voter registration lists, motor vehicle records, social security records and the United States Postal System national change of address database. It protects the privacy of voter data by anonymizing each voter's data before that data leaves a state's control, so that no birthdates or other confidential information is revealed in the process. In addition, Louisiana also uses Interstate Crosscheck, Louisiana Department of Health and Hospitals' death files and felon lists from the Louisiana Department of Corrections and the United States Attorney General.

One area in which Louisiana could use federal assistance is in ensuring only U.S. citizens register to vote. Currently, there is no single source or database for citizenship verification available for states to use during initial registrations of voters or during the list maintenance processes. The Commission should consider how the U.S. Citizenship and Immigration SAVE database could be modified in order to provide relevant citizenship statuses to states wishing to verify voter's eligibility. While SAVE was not designed for this purpose, I believe this Commission could investigate its usefulness with modifications in assisting states to prevent improper voter registrations by non-citizens. Additionally, states should be provided federal jury questionnaire information which includes feedback from individuals who self-report they are ineligible to participate on a jury because they are not legal citizens.

In terms of election security, I understand the threat of foreign influence on our elections. It keeps me and my colleagues awake at night. There isn't a day in our operations that we are not discussing security, updating our processes, training our staff, learning about new protections and monitoring our systems. While I have publicly stated that I oppose the designation of elections system as critical infrastructure because I think it is an unnecessary federal over-reach, I do accept that it is a decision our President has chosen to support. The Presidential Commission on Election Integrity can assist states by helping us establish basic communication with Department of Homeland Security at the local/state level. Currently, we believe communication channels have not been necessarily reaching each states' chief election official when potential hacks are detected by DHS. I suggest DHS hire an individual with election administration experience to coordinate their efforts in terms of this new designation. I would also strongly support each chief states' elections officer getting the necessary security clearance in an expedited manner similar to members of Congress, so we can receive necessary classified information. Finally, I would ask that you investigate sources of federal funding to assist states in updating their voting technology and purchasing new election equipment.

Turning now to actual evidence of and/or convictions for voter fraud in Louisiana, I know you can appreciate what a complex topic this can become. Louisiana, by law, relies on an Election Compliance Unit (ECU) to "initiate independent inquiries and conduct independent investigations into allegations of election irregularities in any municipality or parish of the state.

(La. R.S. 18:49.1 (A) (1)). Most complaints to the ECU are not about people trying to vote more than once, they concern vote buying or voting out of parish. It is important to note that more often than not, verbal complaints never come to fruition with an actual report which becomes a legal affidavit of facts. Finally, if the ECU determines that there may be a violation of law, the findings of the investigation are turned over to the appropriate prosecutorial agency for further action or possible prosecution. I do not have prosecutorial power in Louisiana as the Secretary of State. Additionally, according to Louisiana Revised Statute 44:3 any records of prosecutive, investigative, and law enforcement agencies pertaining to pending criminal litigation or any criminal litigation which can be reasonably anticipated, until such litigation has been finally adjudicated or otherwise settled, are protected and cannot be released publicly. That includes investigatory reports from the Louisiana Secretary of State's Election Compliance Unit. In order to determine actual convictions for election-related crimes in Louisiana, you would need to request that information from each parish District Attorney. However, my office is aware of the following convictions in recent history which are public records:

2013, State of Louisiana vs. Wilfred Young, Case # 14-K-4942-A
27th Judicial District Court, St. Landry Parish, Louisiana
Pled guilty to two counts of Bribery of Voters

2015, State of Louisiana vs. Stanley Leger, Case # 102902-M
13th Judicial District Court, Evangeline Parish, Louisiana
Pled Guilty to Illegal Electioneering.

To summarize my thoughts on voter fraud, while I appreciate and support each states' right to administer elections in the manner in which they deem most appropriate, I am proud that Louisiana has not supported same day or automatic voter registration. I am proud that Louisiana voters have protected the privacy of their ballot by mandating voting machine use throughout our state instead of using paper ballots which are highly susceptible to fraud in my opinion. If we had those components, I would probably lose some sleep worrying about people voting more than once, but we don't. What we do have is a long-standing photo ID law, which received pre-clearance approval by the Department of Justice in 1997, as well as a top-down process so every parish is following the identical procedures and processes, unlike most states where it varies by county. Our voting machines are pre-election and post-election tested in public before being equipped with tamper proof seals for added security. After an election our machine counts have proven to be extremely accurate and can be backed up with a paper audit at the conclusion of any election. Our machines are NEVER connected to the internet or handled by anyone other than our employees. Again, that's not the case in other states where contractors are brought in to program machines or service them when they break. Only our staff have access to the machines. Our processes are recognized nationally as some of the most robust so that individuals CAN NOT vote more than once, and if they tried, it would be easy to detect and remedy.

Louisiana also takes a strong stance on preventing any activity that depresses voter participation in any way, and I would encourage other states to make sure their election laws include similar language. La R.S. 18:1462 (A) states: "The Legislature of Louisiana recognizes that the right to vote is a right that is essential to the effective operation of a democratic

government. Due to a past, longstanding history of election problems such as multiple voting, votes being recorded for persons who did not vote, votes being recorded for deceased persons, voting by non-residents, vote buying and voter intimidations, the legislature finds that the state has a compelling interest in securing a person's right to vote in an environment which is free from intimidation, harassment, confusion, obstruction and undue influence." This section of the law goes on to outline strict rules to avoid any electioneering or possible intimidation during elections.

There is strong data to show that Louisiana has in fact eliminated any vestige of voter disenfranchisement. In the Shelby County Supreme Court decision, the court writes: "things have dramatically changed because of the Voting Rights Act." The ruling goes on to include a chart that shows in 1965 there was a 49 point gap between white voter turnout and African American turnout in Louisiana, but by 2004, that gap had shrunk to just 4 points. According to more up-to-date statistics, in 2012 that number was down to 2 points and in 2016, down to a one point gap. The facts show that our laws, processes and procedures have effectively eliminated our past history, which we all agree was unacceptable, and I am proud of our current record and efforts to increase voter participation statewide. It is my sincere hope that moving forward, any legislation that is considered, which would re-establish Section 5 of the NVRA, include a new baseline built from current conditions and data upon which states could be fairly judged. Additionally, local jurisdictions should be held fully responsible for compliance with the law instead of implementing remedies statewide for decisions made at the local level by a limited number of individuals, over which the state has no legal control.

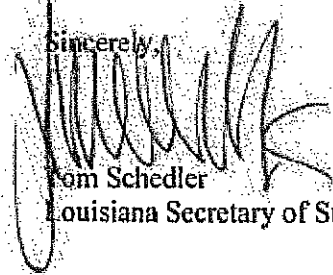
Finally, in response to the commission's July 26th follow up request for Louisiana's voter registration data, under my leadership, our state has been fighting to protect voter's private information including social security number, mother's maiden name and date of birth from an overzealous Obama Administration Department of Justice request and now, I feel as though I must be consistent in considering this request. DOJ v. Schedler as well as a similar case, Scott v. Schedler, which has already cleared the 5th Circuit Court of Appeals, has cost our state millions of dollars and extensive energy to vigorously defend the rights of our citizens to keep their private information private. The integrity of the election system is built on a platform of trust and on my watch voters can trust I will defend our data. Basic voter information (name, address, parish, party, voter history) is, by law, publicly available for any political party, candidate or citizen to access, however there is a cost attached to that data. If the commission wishes to access this publicly available data, it can download the state's voter list by filling out the online application at:
<http://www.sos.la.gov/ElectionsAndVoting/BecomeACandidate/PurchaseVoterLists/Pages/default.aspx>

Above all else, I hope this commission can finally put the issue of rampant voter fraud to rest. If it exists, let us bring it into the full light of day and commit to eliminating it immediately. If it does not exist, let us send a strong message of confidence in our election systems so that Americans can once again be proud of our democracy. Public confidence in elections and government are at an all-time low and I suspect it leads to depressed voter turnout not just in Louisiana, but across our country. The work of this commission could not be more important or

Presidential Advisory Commission on Election Integrity
August 9, 2017
Page 5

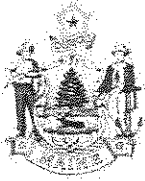
timely and I look forward to continued communication with the membership in an effort to collaborate and find effective solutions for our great country.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Schedler', written over a light gray grid background.

Tom Schedler
Louisiana Secretary of State

TS/dnn



MATTHEW DUNLAP
SECRETARY OF STATE

STATE OF MAINE
OFFICE
OF THE
SECRETARY OF STATE

31 July 2017

The Honorable Kris Kobach, Vice-Chair
The Presidential Advisory Commission on Election Integrity
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Secretary Kobach,

I am in receipt of your letter of the 26th instant regarding the renewal of your June 28 request for the comprehensive voter data set that is legally available to qualified parties under the law. In that initial request, it was emphatically noted that state elections officials “be aware that **any documents submitted to the full Commission will also be made available to the public.**” (Emphasis mine). However, in your subsequent communication, you assure us that “the Commission will not publicly release any personally identifiable information regarding any individual voter or group of voters from the voter registration information you submit.”

Notwithstanding this assurance, I must decline your latest request for several reasons.

First, I am uncertain whether the Commission has adequate authority to protect data that the states might submit from public review. Is there an exemption under the federal Freedom of Information Act upon which you are relying and, if so, which one? The Commission should make a determination about this prior to gathering broad swaths of data.

Second, your correspondence of the 28th ultimo presented seven questions to the chief elections officers of the several states. Among those were requests for examples of suggestions for improved federal statutes, conviction data for election-related crimes, evidence of voter fraud, suggestions for prevention of voter intimidation, *et cetera*. It is unclear to me how the voter registration data you have requested could answer any of these questions. The Commission may wish instead to contemplate more specific process questions—for instance, who is responsible for maintaining the chain of custody of ballots; how are updates to the voter registration systems managed; how are complaints of potential wrongdoing investigated; and how those complaints are resolved, and by whom? Rather than gather a great deal of raw voter registration data that may prove too cumbersome to indicate anything, a summary survey of how jurisdictions deal with the types of questions pondered by the President in his reasoning for issuing the Executive Order establishing this Commission may aid in focusing our research and recommendations.

Finally, I am strongly devoted to process, and to the promise of democracy as manifested in the public's sole possession of governmental authority. While I understand our time is limited, I must emphasize that further requests on behalf of the Commission should come from the deliberations of the full Commission. I have no reason to doubt the capabilities of any one of my fellow Commissioners, but we are not a commission of one, and the nation will look to our recommendations as coming from a source of expertise and authority; we should share that burden and indeed live up to the Chair's repeated assurance—which I applaud and share—that nothing is predetermined in the work of this Commission.

To me, it seems doubly important, in order to fully cleave to that creed, that we understand as a body what our mission is; what questions we are seeking to answer; and at what juncture we can determine, with authority, what best illustrates the integrity of our elections.

I look forward to that deliberation, and shall remain

Very sincerely yours,



Matthew Dunlap
Secretary of State



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Steve Simon

August 22, 2017

The Honorable Kris W. Kobach
Presidential Advisory Commission on Election Integrity

Dear Secretary Kobach:

This is a response to your letters of June 28 and July 26, 2017, in which you requested extensive personal data on nearly four million registered voters in Minnesota, as well as views and recommendations on several topics.

A. The Data Request

As for the data request, Minnesota law is clear. My office has complete discretion to choose whether to produce to the Commission any data (including data that would otherwise be non-public) from the statewide voter registration system.¹ That discretion is a responsibility that I take seriously, and I interpret your request(s) as an invitation to produce all voter data that the law allows me to disclose.

As I've already announced, I will not be handing over Minnesota voters' personal information to the Commission. I don't think that any Minnesotan would ever have imagined when they registered to vote that such information would end up in some sort of ad hoc federal government database.

Just as importantly, I have serious doubts about the Commission's credibility and trustworthiness. Here's why:

1. The Commission arose out of President Trump's baseless and irresponsible claim of massive voter fraud. The Commission looks like a product of President Trump's post-election vow to substantiate his claim that between three million and five million people voted illegally in the 2016 election. Both you and Vice President Pence have repeatedly endorsed the President's claim, unsupported by

¹ Minn. Stat. § 201.091, subd. 4.

any credible facts, either by saying that such a scenario is possible or by saying that you are unsure about whether as many as five million people voted illegally last year.

2. The leadership of the Commission is unfairly slanted. Both you and Vice President Pence (as Vice Chair and Chair of the Commission, respectively) have been outspoken and articulate advocates for a distinct point of view about our election system, its challenges, and its best future course. You're entitled to your point of view, of course. But you're simply not objective. I have little faith that your direction of the Commission will produce analysis and conclusions that depart meaningfully from your longstanding views and preferences.
3. The membership of the Commission is not meaningfully bipartisan. People can easily spot political gamesmanship, and in this case the leadership of the Commission has done very little to hide it. There are time-honored ways to structure any commission in a bipartisan manner. Equal partisan or ideological representation is one obvious way to start. Another way would be to allow each political party to appoint its own members. You've declined both of those options, undercutting any plausible claim to true bipartisanship. That's a disappointment to me, and a missed opportunity for the Commission.
4. The Commission seems headed toward pre-determined outcomes. I have little faith in President Trump's words at the opening of the first Commission meeting, when he pledged that the work of the Commission will "fairly and objectively follow the facts wherever they lead." President Trump, for one, seems to have made up his mind a long time ago as to what the "facts" are. Without the benefit of a team of investigators, the Commission will have to rely on someone else's purported facts. Whose purported facts will they be? The Heritage Foundation's facts? The Justice Department's? Someone else's? There's even disagreement lately about what even constitutes a "fact," especially with respect to the President's allegation that at least three million people voted illegally in the U.S. last election. In any event, the Commission seems already to have decided what it wants to do.
5. The Commission seems poised to use sensitive voter data in methodologically unsound ways. The data request directed at the states, made before the Commission met even a single time publicly, seems like preparation to run voter information through some version of the "Interstate Crosscheck" (a.k.a. "Kansas Crosscheck") that your office administers. I assume that we'll have to agree to

disagree, but my assessment (based on evidence and statistical analysis) is that the Interstate Crosscheck is statistically flawed, and even dangerous – particularly because of its unacceptably high number of “false positives.” I won’t submit registered Minnesota voters to that kind of process.

6. The Commission is turning attention away from the cyber-security issues that are the biggest threat to election integrity. The Commission seems to be avoiding the most serious challenge to the integrity of our election system: The threat of cyber-attacks by outside forces, including foreign governments, who seek to disrupt and undermine our elections. Cyber-security is where we need to concentrate our attention and energy. Unfortunately, the Commission seems averse to discussing the issue meaningfully. At its first meeting, you yourself expressed a desire to leave that issue to congressional investigators and others. In my judgment, that’s a serious mistake. Cyber-security should be the focus of the Commission’s work. It’s the top threat to election integrity.

B. The Request for Views and Recommendations

In Minnesota, we’ve been fortunate. We have an election system that is clean, fair, open, honest, dependable, and accessible. It’s an election system that enjoys strong public confidence, which is one of the reasons that Minnesota returned to #1 in voter turnout in the U.S. this past election. We’re proud of that.

Our consistent record of success is based on laws, and on a culture, that reward and encourage voting. We were among the first states to adopt election-day voter registration. We’ve adopted online voter registration and no-excuses absentee voting. We consistently prize access to the ballot box, which is one reason that Minnesotans voted against a statewide constitutional ballot question in 2012 that would have imposed a restrictive photo ID requirement for voting.

One other notable feature of our system is a reliance on legislative bipartisanship. The past two governors of Minnesota (one Republican and one Democrat) have imposed a bipartisanship requirement for election-related legislation. No election bill will be signed into law unless it obtains some significant measure of support from legislators in both major parties. As a result, no single political party (even if it enjoys legislative majorities and a governor of the same party) can enact election-related legislation without forging some degree of bipartisan consensus.

From an administrative standpoint, our longstanding election safeguards have served us well. We have in place many procedures before, during, and after elections that help ensure clean and honest outcomes. We engage in continual data-matching of voter registrations against several state and federal databases. We

require multiple voter oaths to verify eligibility. We deploy election judges from all major political parties at each polling place. We perform post-election audits. As a result, we've maintained a high level of integrity.

Over the years, we have experienced very minimal instances of election-related misconduct. In Minnesota, our county attorneys are legally obligated to catalog various election-related investigations, even before any charging or conviction. Only a small fraction of the small number of reported misconduct constitutes possible fraud. "Fraud" means an intentional act of deception. Almost all of the reported cases of possible election-related misconduct stem from misunderstandings or human error - not any intentional act to deceive.

I welcome any federal help in maintaining the integrity of Minnesota's elections, and in particular a focus on the most significant threat to our election integrity: The prospect of cyber-attacks by outside forces, including foreign governments, who seek to disrupt and undermine our elections. That federal help could take several forms, such as:

- continuation by the Department of Homeland Security of the "critical infrastructure" designation for election systems
- continuation of the Election Assistance Commission (EAC) as a partner in identifying cyber-security best practices
- additional help by other federal agencies in assessing cyber-threats and solutions
- federal resources for state improvements to cyber-security
- federal assistance for the purchase of new election equipment by local governments.

The Commission could be helpful either by endorsing those approaches - or by simply declining to undermine them.

More broadly, I urge the Commission to look at, and defer to, the work of the Election Registration Information Center (ERIC). As you know, twenty states (including Minnesota) and the District of Columbia belong to the group. Using comparisons of anonymized data, ERIC has helped states to improve the accuracy of voter rolls. In particular, ERIC has helped states identify and correct instances of voter registrations in more than one jurisdiction. ERIC's methodology is much more comprehensive, fair, and effective than the methodology used by the Interstate Crosscheck. Moreover, the data that the Commission has requested (which I've declined to produce to the Commission on behalf of Minnesota) would provide no comparative advantage over ERIC. The data that ERIC employs provides better results, at less risk of identifying false positives, than the data the Commission is

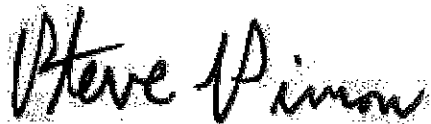
demanding from the states. I hope that the Commission ceases any effort to gather personal data in an attempt to duplicate the work of ERIC.

I have one more broad challenge for the Commission: Prove me wrong about your intentions, your motives, your biases, your methodologies, and your pre-determined outcomes. Specifically:

- Add additional members from both political parties, giving authority to representatives of each party to appoint its members.
- Don't needlessly undermine faith in our election system by legitimizing (overtly or through your silence) unproven conspiracy theories - such as the President's baseless claim that three to five million people voted illegally in the last election.
- Don't play tricks with data by suggesting a high likelihood of misconduct that is a remote possibility.
- Beware the dangers of "false positives" that could misidentify individuals -- or distort views of entire populations.
- Don't use whatever conclusions you reach to push an agenda that restricts access for eligible voters.
- Always ask whether a proposed "cure" is worse than the "disease."

Whether the Commission can earn some small degree of credibility is up to you. Thanks for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Steve Simon". The signature is written in a cursive, slightly slanted style.

Steve Simon

From: [Wayne Thorley](#)
To: [FN-OVP-Election Integrity Staff](#)
Subject: Request for Voter Registration Information
Date: Friday, July 28, 2017 6:43:32 PM

Mr. Williams,

This email is in response to the letter our office received from Vice Chair Kobach dated July 26, 2017. The Nevada public voter list is available for free; however, our office will not be sending the voter list to the Presidential Advisory Commission on Election Integrity. Instead, the Commission can download the list from our website just as any other member of the public can do. Please be advised the public voter list only contains information that is considered public record under Nevada law (see NRS 293.558). Confidential information – Including last four of SSN, driver's license number, DMV identification card number, and email address – is not included in the public voter list.

There is a two-step process in order to access the public voter list in Nevada. First, the Commission must create an account on Nevada Secretary of State's website in order to access our data download service. To create an account, please fill out the online form at this link: <https://nvsos.gov/SOSWebAccountManager/user/CreateEditUser.aspx>. If you have any questions about this step, please refer to our Data Download User Guide (<https://nvsos.gov/sosservices/AnonymousAccess/HelpGuides/DataDownloadUserGuide.aspx>) or contact the Secretary of State's Elections Division at 775-684-5705.

The second step is to fill out and return an official Request for Access to the Statewide Voter Registration List form. This form can be found online here: <http://nvsos.gov/sos/home/showdocument?id=2398>. Once access to the publicly available voter registration information has been granted, you will be notified via email. Depending upon the volume of pending requests, access may be granted the following business day, or it can take up to 7 business days. Any questions on the status of an request, as well as technical inquires, should be directed to nv_voterlist@sos.nv.gov (note the underscore) or 775-684-5705.

Once the Commission has access, it will be able to download the Nevada public voter list and/or run a variety of custom reports. The information is updated nightly, and access will remain available for a year. Should you or the Commission have any additional questions or requests, please contact me directly. My contact information is below.

Regards,

Wayne Thorley

*Deputy Secretary of State for Elections
Office of Nevada Secretary of State Barbara K. Cegavske
101 North Carson Street, Suite 3
Carson City, NV 89701*

From: Conklin, John (ELECTIONS)
To: FN-OVP-Election Integrity Staff
Subject: Vice Chair Kobach's Letter to New York
Date: Thursday, July 27, 2017 5:12:59 PM

Dear Mr. Kossack:

The New York State Board of Elections is in receipt of Vice Chair Kris Kobach's letter dated July 26, 2017 asking for voter registration data from New York State.

It is not my intention to make the Commission jump through unnecessary hoops, however there is one statutory requirement in New York that is necessary for the release of voter registration information derived from the statewide voter database and that is an attestation by the requestor that the information will be used for "an elections purpose." It seems clear that a legally constituted federal commission investigating voter fraud certainly is using the information for an elections purpose, however, if you could specifically state that the information will be used for an elections purpose or better yet, complete our Freedom-of-Information-Law request form which includes checking a box making the attestation that the information will be used for an election purpose that would be of great assistance to us in being able to complete this request.

The FOIL form can be found here: <http://www.elections.ny.gov/FoijRequests.html>. (Scroll all the way down to the "How to Request Voter Registration Data" section. The first bullet in that section will allow you to easily submit the form online.)

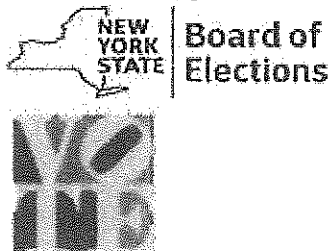
If you have any additional questions, please don't hesitate to contact me.

Sincerely yours,

J. Conklin

Director of Public Information
Records Access Officer
NYS Board of Elections
40 North Pearl Street, 5th Floor
Albany, NY 12207-2109

www.elections.ny.gov



From: ele.sm.info

Sent: Tuesday, July 11, 2017 6:10 PM

To: FN-OVP-Election Integrity Staff <ElectionIntegrityStaff@ovp.eop.gov>

Subject: RE: Request to Hold on Submitting Any Data Until Judge Rules on TRO

Dear Mr. Kossack:

The NY State Board of Elections never received any request for data from your organization as it was sent to the NY Secretary of State. In NY the Secretary of State has very little responsibility for elections. It would be greatly appreciated if you would submit a letter to the attention of our Commissioners or our Co-executive directors at the below mailing address and this email address:

Peter S. Kosinski / Co-Chair
Douglas A. Kellner / Co-Chair
Andrew J. Spano / Commissioner
Gregory P. Peterson / Commissioner

Todd D. Valentine / Co-Executive Director
Robert A. Brehm / Co-Executive Director

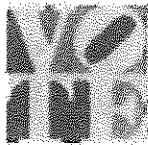
If you have any additional questions, please let me know.

Sincerely yours,

J. Conklin

Director of Public Information
Records Access Officer
NYS Board of Elections
40 North Pearl Street, 5th Floor
Albany, NY 12207-2109

>www.elections.ny.gov<



From: FN-OVP-Election Integrity Staff [<mailto:ElectionIntegrityStaff@ovp.eop.gov>]

Sent: Monday, July 10, 2017 9:40 AM

Subject: Request to Hold on Submitting Any Data Until Judge Rules on TRO

Dear Election Official,

As you may know, the Electronic Privacy Information Center filed a complaint seeking a Temporary Restraining Order ("TRO") in connection with the June 28, 2017 letter sent by Vice Chair Kris Kobach

requesting publicly-available voter data. See *Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity* filed in the U.S. District Court for the District of Columbia. Until the Judge rules on the TRO, we request that you hold on submitting any data. We will follow up with you with further instructions once the Judge issues her ruling.

Andrew Kossack
Designated Federal Officer
Presidential Advisory Commission on Election Integrity
ElectionIntegrityStaff@ovp.eop.gov

ALVIN A. JAEGER
SECRETARY OF STATE
HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900
FAX (701) 328-2992
E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT. 108
BISMARCK ND 58505-0500

To: The Presidential Advisory Commission on Election Integrity

From: Alvin A. Jaeger, North Dakota Secretary of State

A handwritten signature in cursive script, appearing to read "Alvin A. Jaeger".

Date: September 5, 2017

Re: North Dakota – response to voter data request

In your letters dated June 28, 2017 and July 26, 2017, you requested certain voter information be supplied to the Presidential Advisory Commission on Election Integrity.

The state of North Dakota is unable to provide the requested information for two reasons: (1) North Dakota does not register voters for voting purposes; and (2) state law does not allow the information maintained in the Central Voter File to be shared except with certain individuals and groups and for a specific limited purpose.

Information in the Central Voter File is only available to candidates, political parties, and political committees, as defined in N.D.C.C. § 16.1-02-15, and may only be used for election-related purposes. The Commission does not qualify as an eligible recipient. In addition, the state's Central Voter File is a record of individuals who have voted in prior elections and is not a list of those eligible to vote in a future election. Also, it does not maintain a voter's political party designation or social security number.

Concerned citizens have contacted this office asking us to not provide tax information or information regarding which votes were cast by each citizen. This office has assured these individuals that the Central Voter File does not contain tax information, social security numbers, or a record of which vote was cast by which voter since voting is conducted by secret ballot, which would make it information that could not be provided by this office.

Although North Dakota is unable to provide the requested voter data, I encourage the Commission to publicly state how it will analyze the data it does receive and how it will arrive at its findings and recommendations. Will the Commission be utilizing a program similar to those that a number of states already use to compare voter data, such as the Kansas Crosscheck or the Electronic Registration Information Center system, to conduct its review of the data provided by other states? If matches are found in the data, what, if anything, will be done with the information discovered?

The integrity of the election process is essential and it is my sincere hope that the Commission will abide by its stated goal of improving the voting process.

JON HUSTED
Ohio Secretary of State



180 East Broad Street, 16th Floor
Columbus, OH 43215
(877) 767-6446 | (614) 466-2655
info@OhioSecretaryofState.gov
www.OhioSecretaryofState.gov

July 24, 2017

Sent via electronic mail to:

ElectionIntegrityStaff@ovp.eop.gov

Presidential Advisory Commission on Election Integrity
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Members of the Presidential Advisory Commission on Election Integrity,

I am providing the publicly available information requested in Commission Vice Chair Kris Kobach's June 28, 2017, letter sent on behalf of the Commission. We are unable to provide the last four digits of Social Security numbers and driver's license numbers, as they are not public information under Ohio law.¹

The relevant portions of Ohio's voter file that are public records under state law are available at <https://www6.sos.state.oh.us/ords/f?p=111:1> to the Commission, media, political parties, or any person.

I trust that in responding to the Commission, the information we are providing will assist you in sharing the facts about the system of elections that are carried out by each of the 50 states. It is my belief that should the other states cooperate, you will be able to provide a clear and honest assessment of our elections. When your work is completed, I believe that you will conclude as I have that voter fraud exists, it is rare and we should take reasonable measures to prevent it and hold violators accountable.

After each of the last three federal elections in Ohio, I instructed our state's bipartisan county boards of elections to review any credible accusations of election fraud or suppression.² No

¹ See R.C. 149.43(A)(1)(dd); see also R.C. 149.45(A)(1).

² Further, Ohio has engaged in careful maintenance and modernization of its voter registration rolls. We have removed 568,000 deceased voters and resolved 1.67 million duplicates from the voter file; improved the accuracy of the statewide voter registration database (SWVRD) by increasing the number of records with complete information to 90%, up from 20% in 2011; contacted 1.5 million Ohioans who needed to update their voter registration and another 1.67 million who were eligible but unregistered to vote; advocated for and won legislative approval for online voter registration (launched January 1, 2017); created an online change of address system through which 470,000 Ohioans have updated their address; brought Ohio into compliance with NVRA's Section 5(d) for the first time; and reduced the rate of provisional voting and increased the percentage of provisional ballots counted in 2016 compared to 2012 and 2008.

allegations of suppression were reported by the bipartisan boards; the results of their review of credible allegations of fraud were as follows:

- 153 irregularities were identified following the 2016 election cycle,³ from which 52 were referred for further investigation and prosecution, including 22 individuals identified through Crosscheck who voted in more than one state;
- 42 irregularities were identified following the 2014 election cycle,⁴ from which 14 were referred for further investigation and prosecution, including 2 individuals identified through Crosscheck who voted in more than one state; and
- 625 irregularities were identified following the 2012 election cycle,⁵ of which 270 were referred for further investigation and prosecution, including 20 individuals identified through Crosscheck who voted in more than one state.

In addition, my office has used what data-matching resources are available to us to identify non-citizens on Ohio's voter rolls. To date my office has identified 821 individuals on the voter rolls who were non-citizens, of whom 126 have cast ballots and have been referred for prosecution.⁶

Identifying and addressing any instance of voter fraud, no matter how limited, is important because every vote matters. Over the last four years, Ohio has had 112 elections decided by one vote or tied.⁷ While none of these elections were impacted by the cases of voter fraud we have uncovered, it serves as an example why we as election officials must remain diligent in our efforts to preserve the integrity of our elections. The federal government can help states in this effort by ensuring we have access to adequate resources and support.

This leads me to my first recommendation for consideration by the Commission. The federal government maintains a database of legally present non-citizens. However, access to this resource is limited, and searching it is difficult unless the individual's Alien Identification Number is a part of the state records. Since the federal government issues Social Security numbers to non-citizens and requires states to register a voter using the last four digits of that person's Social Security number, the federal government should give states better and more efficient access to federal databases to enable them to verify eligibility. Otherwise there is no way to know if a person using this information to register to vote is a citizen or not. I testified on

³ <https://www.sos.state.oh.us/sos/mediaCenter/2017/2017-05-19-a.aspx>

⁴ <https://www.sos.state.oh.us/sos/mediaCenter/2015/2015-06-25.aspx>

⁵ <https://www.sos.state.oh.us/sos/mediaCenter/2013/2013-05-23.aspx>

⁶ <https://www.sos.state.oh.us/sos/mediaCenter/2017/2017-02-27.aspx>. It should be noted that at least some of these individuals may have registered to vote as a result of the National Voter Registration Act's Section 5 requirement for the state registrar of motor vehicles to solicit voter registration from every driver license applicant, even if the registrar has information that the person would not otherwise be eligible to register to vote.

⁷ <https://www.sos.state.oh.us/sos/mediaCenter/2016/2016-12-16.aspx>

this topic before the U.S. House of Representatives Subcommittees on National Security & Healthcare, Benefits & Administrative Rules,⁸ and brought this issue to the attention of the Obama Administration,⁹ without reply.

My second recommendation for the Commission's consideration is the question of election security. While the Commission and other federal entities investigate concerns around elections-related cybersecurity, one thing the federal government can do immediately is provide adequate and ongoing funding for updated voting equipment. Outdated technology can be more vulnerable than modern, more sophisticated systems. More practically, current technology builds greater confidence. Most of the voting technology used in the country, as has been noted by others, was purchased before Apple launched its first-generation iPhone. Congress created new requirements for the voting systems used by states and only partially funded the purchase of voting systems that met those requirements in 2002. If Congress is not going to relax the functional requirements of those systems, it should continue to fund its mandate.

On behalf of the State of Ohio, I hope you will strongly consider our recommendations, which are the same recommendations we provided to the Presidential Commission on Election Administration under the Obama Administration.¹⁰ I encourage you to use the opportunity this Commission presents to assist us in building a more secure system of elections that will build more trust and confidence among voters.

Sincerely,


Jon Husted

⁸ <https://www.sos.state.oh.us/sos/mediaCenter/2015/2015-02-12.aspx>

⁹ <https://www.sos.state.oh.us/sos/mediaCenter/2015/2015-02-04.aspx> and
<https://www.sos.state.oh.us/sos/mediaCenter/2015/2015-07-08.aspx>

¹⁰ <https://www.sos.state.oh.us/sos/mediaCenter/2013/2013-09-20a.aspx>

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

July 14, 2017

The Honorable Kris W. Kobach
Vice Chair
Presidential Advisory Commission on Election Integrity
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Vice Chair Kobach,

I am writing in response to your letter dated June 28, 2017 regarding the new commission's mission to address election integrity. Thank you for the opportunity to contribute our views and recommendations regarding the voting process.

I start with the premise that elections are administered by state and local jurisdictions rather than the federal government. This decentralization is one of the greatest protectors of our election system. Elections are so decentralized it would be very difficult, if not impossible, to manipulate election results. Traditionally, each state and local jurisdiction bears the responsibility of protecting their own elections by developing their own election laws and procedures. As the commission develops recommendations, it is our desire that the commission recognizes whose ultimate authority it is to conduct elections. Therefore, most of the recommendations for federal practices, we believe, should be in the form of non-mandated assistance offered to the states.

The National Association of Secretaries of State meets annually in Washington D.C. to share ideas and provide updates on election administration. While the election officials are gathered, this would be an opportunity for the commission to include centralized training for state election officials either before or after the conference. The training could include identifying federal experts from DHS, FBI, and CIA in the field of information technology security who would train election officials on best practices to identify system vulnerabilities or prevent cyber-attacks.

In the past, we have used the Social Security Death Master File to maintain our voter registration rolls and have found this to be a great tool in reducing the number of deceased people on our voter rolls. In late 2016, the Social Security Administration implemented a certification program that has made it difficult to access the data.

It would be beneficial to the states if this data was made easily available to state election officials at no cost to ensure the timely removal of the deceased from the voter rolls. Another list that would be beneficial is a list of non-citizens who are residing in our respective states. Providing this data to the states would allow the states to conduct their own comparisons and remove ineligible voters at the state level without the need for creating a federal voter database.

Regarding instances of voter fraud in Tennessee, the Tennessee General Assembly has put in place laws aimed at ensuring that these instances rarely occur. Such laws include a voter photo ID law and a voter fraud hotline that help reduce the number of election-related crimes as well as detect potential crimes occurring in Tennessee.

In Tennessee the main authority for prosecuting election-related crimes rests with Tennessee's thirty-one (31) district attorneys general. Potential voter fraud may be detected or reported to either the state or county election commission office. If the state or local election commission office receives information or determines that voter fraud may have occurred, we forward the information to the offices of the district attorneys general for further investigation. Records of convictions are maintained by local offices of the district attorneys general.

Tennessee has various campaigns to encourage voter registration and participation. Although we realize the main driving force regarding voter participation is the candidates and the offices on the ballot, we do our best to encourage voter turnout. A few examples of our efforts include the #GoVoteTN campaign, which encourages voters to take their photos with #GoVoteTN signs and post the pictures on social media to spread awareness throughout Tennessee. The purpose of the campaign is to register voters as well as encourage voter turnout. Additionally, our office developed a mobile app and will offer online voter registration beginning September 1st. In 2016, our office held voter registration drives on 47 college campuses. In the past three years of hosting voter registration drives during National Voter Registration Month, which is September, we registered 12,250 students. Furthermore, over 165,000 students from 479 schools participated in a statewide mock election sponsored by our office.

Regarding the request for voter data, although I appreciate the commission's mission to address election-related issues, like voter fraud, Tennessee state law does not allow my office to release the voter information requested to the federal commission.

Thank you again for letting us provide our feedback. We hope that you consider our recommendations to keep election processes under state guidance.

Sincerely,



Tre Hargett
Secretary of State

Williams, Ronald E. EOP/OVP

From: Lindsey Aston
Sent: Monday, July 31, 2017 6:27 PM
To: FN-OVP-Election Integrity Staff
Subject: Form to Request Voter Registration Information and Voting History Information from Texas
Attachments: pi.pdf

Dear Mr. Kossack:

Please find attached the form used by the individuals and entities seeking (1) list information from Texas' Statewide Computerized Voter Registration List and/or (2) list information from Texas' Statewide Voting History Database, both of which are maintained by the Office of the Texas Secretary of State (the "Office").

Pursuant to Section 18.061 of the Texas Election Code, the Office maintains Texas' Statewide Computerized Voter Registration List, which contains over 14 million registered voters, representing all 254 counties in the State of Texas. The counties are required to update daily with the Office. The form permits one to order list information from the entire Statewide Computerized Voter Registration List with the estimated price of \$ 1200. It also permits one to order smaller increments of voter information, such as for a specific county or for selected precincts within a county, although this information is not available by congressional district. The price would be determined by the number of voters extracted. The Record Layout for list information from the Statewide Computerized Voter Registration List is included in the attached.


Our office also has voting history information available for most counties from Texas' Statewide Voting History Database. Please note that voting history data is limited since current law does not require counties to input all voting history results, such as results for local elections. *See, e.g.*, TEX. ELEC. CODE § 18.069. The current voting history information available includes voting history for the General, General Primary, General Primary Runoff and Constitutional Amendment Elections that occurred between 1996 to present. You may order the entire Statewide Voting History Database (1996 – present) or you may order smaller increments depending on which Election(s) you are interested in receiving. List information from the current Statewide Voting History Database available represents over 50 million records with an estimated cost of \$ 3,450.00. The Record Layout for list information from the Statewide Voting History Database is also included in the attached.

Data requested by the attached form is provided in electronic format. In order to request this information, the requester must also sign the Affidavit and have it notarized, which indicates that the requestor will not use the information to promote commercial products or services. Once the Office receives the complete form and the \$75.00 deposit, the Office begins processing the request. The Office will contact the requester with the remaining balance due. The balance must be paid before the information can be sent or made available via FTP.

Please let me know if you have any questions.

Regards,

Lindsey (Wolf) Aston
General Counsel
Texas Secretary of State



State of Vermont
Office of the Secretary of State
128 State Street
Montpelier, VT 05633-1101

[phone] 802-828-2363
[fax] 802-828-2496
www.sec.state.vt.us

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary

July 19, 2017

Presidential Advisory Commission on Election Integrity

Attn: Chair, US Vice President Mike Pence
Vice Chair, Kansas Secretary of State Kris Kobach

By Email: ElectionIntegrityStaff@ovp.eop.gov

Please circulate to all members.

This letter is in response to your questions in a letter dated June 28, 2017. You stated that ***"The commission is charged with studying the registration and voting processes used in federal elections..."***

The United States Constitution guarantees the right to vote and that right has evolved significantly over time – always expanding:

- Amendment XV, ratified by the states in 1870:
"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."
- Amendment XIX, ratified by the states in 1920:
"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."
- Amendment XXIV, ratified by the states in 1964:
"The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax."
- Amendment XXVI, ratified by the states in 1971:
"The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

If this Commission is truly interested in strengthening election integrity through reforms to the registration and voting processes, below are specific issues and policies that this Commission should review and pursue. Many of these best practices have been tested at the state level and have worked to increase voter registration, voter participation, and the accuracy and integrity of elections.

1. What changes, if any, to federal election laws would you recommend to enhance the integrity of federal elections?

- Reauthorization of Section 5 of the Voting Rights Act.
- Adoption of a national system of automatic voter registration through the States' Departments of Motor Vehicles.
- Provide a second round of Help America Vote Act funding for replacement of outdated voting systems and election technology, including improved cyber security.
- Support the Election Assistance Commission (EAC):
 - Restore/maintain funding.
 - Fully appoint commission members.
 - Provide for adequate staff.
- Prohibit gerrymandering.

2. How can the Commission support state and local election administrators with regard to information technology security and vulnerabilities?

- By immediately and permanently withdrawing the PCEI request for voter information.
 - The publicly available voter file of the vast majority of states is useless in determining duplicate registrations, deaths, and multiple votes – there are not enough data points for meaningful comparisons.
- By disbanding the Commission to alleviate the fear voters have of its true motives. If necessary, create a commission with true bipartisan support similar to the election commission created by President Obama with bipartisan co-chairs and trusted, experienced, nonpolitical appointees.
- By strongly advocating for funding for the states to upgrade their election systems.
- By strongly advocating for funding/staffing for the EAC.
 - The EAC is the one federal agency that can effectively assist the states and locals with Election administration.
- By strongly advocating that states join the Electronic Registration Information Center (ERIC) – a true bipartisan multistate checklist maintenance and voter outreach partnership managed by the states.

3. What laws, policies, or other issues hinder your ability to ensure the integrity of elections you administer?

- Statements by the President and his team that 3+ million illegal votes were cast in 2016 November election without any proof to support those claims.
- Establishment of the Presidential Commission on Election Integrity which, according to the comments of the President, Vice President, and Vice Chair is designed to look for voter fraud to support the President's claims.
- Lack of funding to states to invest in necessary upgrades to systems.
- Any suggestion of a federal requirement for Voter I.D. and/or proof of citizenship at the time of registering. These policies will disenfranchise otherwise eligible voters for failure to produce the required documentation.

4. *What evidence or information do you have regarding instances of voter fraud or registration fraud in your state?*

- None.

5. *What convictions for election-related crimes have occurred in your state since the November 2000 federal election?*

- None.

6. *What recommendations do you have for preventing voter intimidation or disenfranchisement?*

- Elimination of unnecessary I.D. and other documentation requirements as a prerequisite to registering and/or voting for otherwise eligible voters.
- Adoption of stronger prohibitions on gerrymandering.
- Adoption of Automatic Voter Registration through the DMV.
- Adoption of Election Day Voter Registration.
- Adoption of universal no excuse early/absentee voting.
- Expansion of early voting periods.
- Expansion of means of early voting.
- Increased funding for additional voting systems and poll workers in the interest of reducing wait times at the polls.
- On Line Voter Registration.
- Election Day as a national holiday.
- Immediate and permanent withdrawal of the PCEI's request for voter data.
- Immediate disbanding of the PCEI which has resulted in significant voter intimidation.
 - Thousands of people across the country are de-registering because of this commission's request for voter file data.

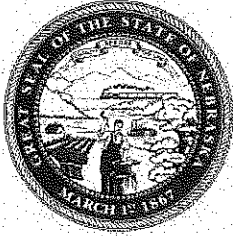
7. *What other issues do you believe the Commission should consider?*

- Most importantly, foreign interference and attacks on our voting systems.
- Requirements for paper ballots in all elections.
- Requirements for audits of all general elections.
- Potential expansion of voting by mail.
- Provision of more convenient and accessible polling places.

Sincerely,



Jim Condos
Vermont Secretary of State



STATE OF NEBRASKA

JOHN A. GALE
SECRETARY OF STATE

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The Honorable Kris Kobach, Vice Chair
Presidential Advisory Commission on Election Integrity
1650 Pennsylvania Ave. NW, Room 268
Washington, D.C. 20504

September 19, 2017

Dear Secretary Kobach and Members of the Commission,

This letter acknowledges receipt of the signed Public Service Request Form to my office dated August 31, 2017 and signed by Ron Williams, representing the Presidential Advisory Commission on Election Integrity. As you are well aware, the issue of providing personally identifiable information is one that deeply concerns many citizens. This was enhanced by the recent breach of Equifax that exposed the personal data of 143 million Americans. Due to public sensitivity regarding personal identity theft, I have to act with extreme caution and certainty about the release of our voter registration data.

Prior to submitting any data, I am requesting the commission answer the following questions which, in part, were posed in my letter of July 14, 2017:

1. In your second letter to the states on July 26, 2017, you assure "*...that the Commission will not publically release any personally identifiable information regarding any individual voter or any group of voters from the voter registration records you submit.*" Given all records kept by the Commission are subject to the Presidential Records Act and sent to the National Archives after the remainder of the President's term, what assurances can you give the voters of the State of Nebraska that their information will not be released under a Freedom of Information Act (FOIA) request? Such a distribution of the list under a FOIA request would be a violation of the oath taken under Neb. Rev. Stat. §32-330.
2. Your July letter also states "*...the Commission will dispose of the data, as permitted by federal law.*" Given your Commission's obligations under the Presidential Records Act, we request the specific authority the Commission has to dispose of the data under federal law. If the Commission finds that in fact that the data cannot be destroyed, I request to know specifically how the commission will secure Nebraska's voter data. In addition, I

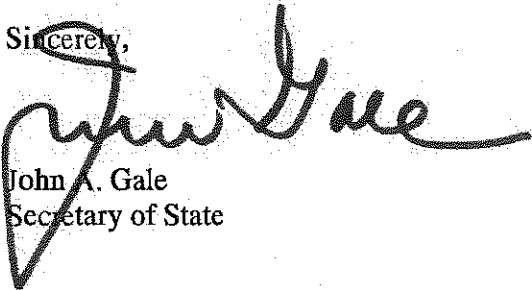
request to know what level of data security and privacy will be provided to Nebraska's voter data once the Commission terminates.

3. Additionally, despite the dismissal of one lawsuit that had held up collection of voter data by the Commission, there are a number of other lawsuits pending which might preclude my office from sending any voter data at this time. Please provide clarification as to status of other lawsuits, which may or may not affect the commission from receiving data and using it.

Finally, as I noted in my written response to the Commission, the statewide list of registered voters is available in Nebraska subject to a fee as well as the signing of an oath. Now that the oath has been signed, once the Commission has addressed our questions to my satisfaction, we can coordinate the payment method for the list.

We appreciate your cooperation. Feel free to reach out to my office, should you need further clarification on addressing these follow-up issues.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Gale". The signature is written in a cursive style with a large, sweeping initial "J".

John A. Gale
Secretary of State

STATE BOARD OF ELECTIONS

STATE OF ILLINOIS

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September 19, 2017

Hon. Kris W. Kobach
Vice Chair
Presidential Advisory Commission on Election Integrity
C/o ElectionIntegrityStaff@ovp.eop.gov

Re: Information Request of July 26, 2017

Vice Chair Kobach:

On July 27, 2017, the Illinois State Board of Elections (the "SBE") received your letter dated July 26, 2017 (the "Revised Request"), wherein the Presidential Advisory Commission on Election Integrity (the "Commission") followed up on your earlier letter dated June 28, 2017 (the "Initial Request"), seeking election related information, including voter data for the State of Illinois.

The Revised Request indicates that the Commission is asking for the voter "information that States regularly provide to political candidates, journalists, and other interested members of the public". The Revised Request further states that "[i]ndividuals' voter registration records will be kept confidential and secure" and will be will disposed of as permitted by federal law when the Commission has completed its work.

As I noted in my July 7, 2017 response to the Initial Request, Illinois does not make any voter data available to the general public. The Illinois Election Code, at 10 ILCS 5/1A-25, 4-8, 5-7 and 6-35, protects the confidentiality and privacy of voter registration data, limiting its release to registered political committees for political purposes and to governmental entities for governmental purposes, both subject to the restriction that voter data not be released to the public. The SBE is treating the Revised Request as a "governmental entity" request; accordingly, a proper governmental purpose for the release should be clear.

Please note that there is a fee for voter data in Illinois, whether the requester is a political committee or a governmental entity.¹ The statewide data file costs \$500. I have enclosed the Request for Voter Information form for your convenience.

¹ The Illinois voter data files available to political committees and governmental entities include names, addresses, dates of birth and registration, political subdivision, voter status (active or inactive), sex, telephone number and email address (if provided by the voter), and voting history for the 15 most recent elections to the extent the data exists. The files do not include driver's license numbers or any portion of the SSN.

Also, we must mention that the Illinois Attorney General has researched the issue, and advised us that the Commission does not appear to have the legal authority to keep the information provided to it confidential under the Federal Advisory Committee Act ("FACA") and/or the Federal Freedom of Information Act ("FOIA"). If and when you submit your completed Request for Voter Information and payment, please provide whatever legal support you have for the Commission's assertion that it may legally keep the voter information confidential.

The Illinois Attorney General raised further concern as to whether the information requested by the Commission is to be used in pursuing a proper governmental purpose. Please provide written detail as to the data analysis the Commission intends to undertake, along with the Commission's plans for the necessary follow up work that would be needed to draw any valid conclusions from the data.

As a final matter, the Initial Request invited a response to a series of seven questions, which is enclosed herewith.

If you have any questions or comments, please do not hesitate to contact me.

Respectfully submitted,



Kenneth R. Menzel
General Counsel,
Illinois State Board of Elections

1. What changes, if any, to federal election laws would you recommend to enhance the integrity of federal elections?
2. How can the Commission support state and local election administrators with regard to information technology security and vulnerabilities?
3. What laws, policies, or other issues hinder your ability to ensure the integrity of elections you administer?
4. What evidence of information do you have regarding instances of voter fraud or registration fraud in your state?
5. What convictions for election related crimes have occurred in your state since the November 2000 election?
6. What recommendations do you have for preventing voter intimidation or disenfranchisement?
7. What other issues do you believe the Commission should consider?

Illinois elections have a very low incidence of misconduct. We do not see a need to change federal laws in that regard.

We do note that the voting systems used throughout the state are mostly those purchased more than a decade ago with considerable federal funding assistance through HAVA grants. Those old voting systems are at, or beyond, their usual lifespans, and will need replacement in the very near future. The latest (2015) standards for voting systems include a number of security upgrades. It would be a tremendous (and much needed) help to all of the state and local election administrators if another round of HAVA funding would be made available to replace the old voting systems with new, more secure technology. It would also be helpful if the state could use HAVA funds (or other federal funds) for purposes of improving state's election related cybersecurity, both at the state level and through state administered grants to the County Clerks and the Boards of Election Commissioners.

While ADA requirements generally allow for the "grandfathering" of noncompliant buildings based on the date of construction, no such provisions apply when the same building is used as a polling place. The DOJ has recently tightened handicapped accessibility standards for polling places; while the requirements for accessibility compliance continue to tighten, no additional resources have been provided to state and/or locals for improvements since the initial HAVA funding. As currently promulgated, the standards leave many jurisdictions with few or no fully-compliant polling place options. A greater degree of flexibility for using the best options, even where less than perfectly compliant, would be helpful to the County Clerks and the Boards of Election Commissioners.

Insofar as voter list maintenance is concerned, Illinois is a participant in both the Interstate Crosscheck and ERIC programs. Our experience in both indicates that the more robust data-matching done by ERIC gives much more accurate results, with far fewer false positive results and very sound data security. We would recommend that ERIC membership be encouraged, or even monetarily subsidized, for all states.

We would also acknowledge the help that the DHS has provided to Illinois over the last year in securing our statewide voter database; we would like to see that sort of voluntary help continued in the future, and made available (again, on a voluntary basis) to the 109 County Clerks and Boards of Election Commissioners in Illinois who perform the majority of the election related functions.

Vote fraud and voter registration fraud are criminal violations, and as such, are prosecuted by the State's Attorneys offices in the 102 counties of Illinois. There is no central database of either prosecutions or convictions, so we are not in a position to provide precise figures on the same. However, the state does conduct regular cross checking of the statewide voter database to identify duplicate registrations and look for possible instances of double voting. Upon identification, the state provides that information to the County Clerks and the Boards of Election Commissioners so that they may reconcile duplicate registrations and further review any apparent instances of double voting (to filter out the common occurrences of data entry and/or poll worker error, which explain the great majority of these instances) and referral to prosecuting authorities where warranted. From that work, and from direct communications with the 109 Illinois election authorities, we can say that incidents of both vote fraud and registration fraud are very low in Illinois. At the 2016 General Election, 5,666,118 ballots were cast in Illinois. The State Board of Elections, working with the County Clerks and the Boards of Election Commissioners, identified fewer than 130 instances of suspected double voting. Only a handful of other instances of voter fraud (such as impersonation fraud or vote buying) were found. These matters have been referred to prosecutors for further action. The suspected instances we found equate to a fraud level of a couple thousandths of a single percent of the votes cast in the state.