



Presidential Advisory Commission on Election Integrity

June 28, 2017

The Honorable Mark Hammond
Secretary of State
1205 Pendleton Street, Suite 525
Columbia, SC 29201

Dear Secretary Hammond,

I serve as the Vice Chair for the Presidential Advisory Commission on Election Integrity (“Commission”), which was formed pursuant to Executive Order 13799 of May 11, 2017. The Commission is charged with studying the registration and voting processes used in federal elections and submitting a report to the President of the United States that identifies laws, rules, policies, activities, strategies, and practices that enhance or undermine the American people’s confidence in the integrity of federal elections processes.

As the Commission begins its work, I invite you to contribute your views and recommendations throughout this process. In particular:

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 or 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 federal election?
6. What recommendations do you have for preventing voter intimidation or disenfranchisement?
7. What other issues do you believe the Commission should consider?

In addition, in order for the Commission to fully analyze vulnerabilities and issues related to voter registration and voting, I am requesting that you provide to the Commission the publicly-available voter roll data for South Carolina, including, if publicly available under the laws of your state, the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social

security number if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.

You may submit your responses electronically to ElectionIntegrityStaff@ovp.eop.gov or by utilizing the Safe Access File Exchange ("SAFE"), which is a secure FTP site the federal government uses for transferring large data files. You can access the SAFE site at <https://safe.amrdec.army.mil/safe/Welcome.aspx>. We would appreciate a response by July 14, 2017. Please be aware that any documents that are submitted to the full Commission will also be made available to the public. If you have any questions, please contact Commission staff at the same email address.

On behalf of my fellow commissioners, I also want to acknowledge your important leadership role in administering the elections within your state and the importance of state-level authority in our federalist system. It is crucial for the Commission to consider your input as it collects data and identifies areas of opportunity to increase the integrity of our election systems.

I look forward to hearing from you and working with you in the months ahead.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Kobach". The signature is written in a cursive, somewhat stylized font.

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

July 6, 2017

The Honorable Kris W. Kobach
Vice Chairman
Presidential Advisory Commission on Election Integrity
ElectionIntegrityStaff@ovp.eop.gov

Dear Vice Chairman Kobach:

As the chief state election official for the State of South Carolina, I am responding to your letter requesting recommendations and publicly-available voter roll data. The State Election Commission (SEC) is an independent agency with responsibility for the statewide voter registration system, statewide voting system, a training and certification program for county election officials, conduct of elections and supervisory responsibility over county boards of voter registration and elections.

The SEC supports efforts to improve the voter registration and election processes to ensure that every eligible citizen has the opportunity to register to vote, participate in fair and impartial elections and have the assurance that their vote will count.

The SEC has the following recommendations:

Federal laws that would enhance the integrity of federal elections:

- The National Voter Registration Act of 1993 has provided many citizens with the opportunity to register to vote; however, the Act is in need of modernization. First, many state agencies providing public assistance are no longer meeting with clients face-to-face. Allowances should be made for online transactions. Second, the Act relies heavily on the United States Postal Service (USPS) for mailing notifications to voters. The Act should be reviewed for compatibility with current USPS mailing requirements and should allow for the use of electronic communications with voters.

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Vice Chairman Kobach

Support state and local election administrators with regard to information technology security and vulnerabilities:

- Provide for improved communications between federal intelligence and law enforcement agencies and states.
- Provide federal funding for enhancements to critical election infrastructure including security of voter registration databases and replacement of voting systems.

The Commission has also requested publicly-available voter roll data for South Carolina. After careful consideration of your request and applicable state laws, we have concluded the SEC does not have the authority to provide publicly-available voter roll data to the Commission. South Carolina Code of Laws Section 7-3-20(12) allows the SEC to "furnish at reasonable price any precinct lists to a qualified elector requesting them."

Thank you for the opportunity to provide recommendations to improve voter registration and elections.

Sincerely,



Marci Andino

/mba

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June 30, 2017

National Association of
State Election Directors
21946 Royal Montreal Drive
Suite 100
Katy, TX 77450

Dear Members of the National Association of State Election Directors:

We write to you to express our most urgent concern that letters just issued by the Trump Administration will pave the way for nationwide voter suppression and purging, and violate the privacy of hundreds of millions of American citizens. The letters were issued by both the Justice Department and the partisan Pence-Kobach voting commission to the Secretaries of State and election officials in all 50 states.

We have little doubt that if complied with, these letters – issued unilaterally without any vote or public discussion – would lead to an unprecedented, nationwide voter suppression effort. The letter from the DOJ appears to signal the initiation of a federal effort to prevent lawful voters from being able to vote, either by bullying states into removing such voters from their rolls, or by suing the states outright. We have previously seen such purging efforts conducted at the state level, littered with errors and inaccuracies, and inevitably performed in a manner which discriminates against minority voters.

The fact that the Pence-Kobach commission is being led by individuals with a known and notorious history of voter suppression severely compounds our concerns. Commission Vice-Chair Kris Kobach has been sued four times by the ACLU and was sanctioned by a federal court last week for “deceptive conduct and lack of candor.”¹ We learned just yesterday that Hans von Spakovsky was appointed to the Pence-Kobach commission. Von Spokavsky has been publicly rebuked in a letter signed by six former professionals in the DOJ voting section as being “the point person for undermining the Civil Rights Division mandate to protect voting rights” under the George W. Bush Administration.

¹ *Fish v. Kobach*, No. 16-2105, 2017 (Fed. D. Ct. KS, Jun. 23, 2017).

We also have grave concerns that compliance with Mr. Kobach's letter would result in unprecedented violations of American's privacy rights and potentially violate federal law. The breadth of the information requested, including name, address, birth dates, political party affiliation, voting history, Social Security numbers, and military status, among other personal information is not only overwhelming, but chilling from a civil rights and liberties perspective. In addition to being used to conduct further discriminatory voter purges, one shudders to think of the many ways this information could be misused. Kobach's request could potentially violate the federal Privacy Act² (a point emphasized by Loyola Law School Professor Justin Levitt today), including provisions which specifically limit use of data, such as voting history and party affiliation; and set forth specific procedural limits relating to public notification, transparency, security, and congressional approvals.

It is for these and other reasons that Secretaries of State and other officials from both political parties have expressed concerns with the Trump Administration's actions, including at the time of this writing, officials in California, Connecticut, Kentucky, Virginia, New York, Oklahoma, and Massachusetts.

We believe it is imperative that you place the interests of your own voters and the United States Constitution above any ill-thought partisan effort to disenfranchise American voters and justify President Trump's grossly inaccurate misstatement that "3-5 million" unauthorized immigrants had robbed him of a popular vote majority.

Sincerely,



Cedric Richmond
Chairman

Congressional Black Caucus



John Conyers, Jr.
Co-Chair

Civil and Voting Rights Task Force



Terri A. Sewell
Co-Chair

Civil and Voting Rights Task Force

² Privacy Act of 1974, 5 U.S.C. § 552a



THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA

PO BOX 8453, COLUMBIA, SC, 29202, (803) 251-2726, WWW.LWVSC.ORG

July 1, 2017

Billy Way, Jr., Chair
State Election Commission
1122 Lady Street, Suite 500
Columbia, SC 29201

Dear Mr. Way:

As you know, the newly formed Presidential Election Integrity Commission (PEIC) has demanded that states turn over extensive information about citizens on their voting rolls (including, to the extent permitted by state law, the first, middle and last name, address, birthdates, party identification, voting history from 2006 onward, military status, criminal record, overseas status and last 4 digits of social security number) to the White House. How this information will be used, why it being requested and how the privacy of individuals will be protected from identity theft or other misuse is not known. Further, the PEIC Director has conceded that there is no legal basis for their demanding this information.

We are confident that our State Elections Commission (SEC) effectively controls the accuracy of our voter registration rolls, removing voters who have died or moved out of state and adding new voters as they register. The accuracy of South Carolina voting rolls was verified in 2012, when numerous state officials testified under oath in the federal case associated with our Photo ID law.

South Carolina has experience with the kind of review proposed by the PEIC. Only five years ago, review of voter records by the Department of Motor Vehicles led to claims that as many as 900 dead voters, quickly labeled "zombie voters," had voted in our 2012 election. This claim was made in support of demands for stricter voting laws. However, reviews by both SLED and the SEC showed that the claims were nonsense. Instead of voter fraud they found only a handful of clerical errors. The PEIC risks repeating the mistakes that were made here on a national scale.

The League of Women Voters strongly urges you to reject this demand. South Carolina must value the protection of its citizen's birthdates, social security numbers, and other personal data. Sensitive data collected by our state and counties should not be released without an assurance of a proven need and demonstration of secure protections against misuse or release. Other state leaders have stood up for their voters and the local integrity of their State and County Election Commissions. South Carolina should do the same and refuse the requests from federal EIC.

Sincerely yours,

A handwritten signature in blue ink that reads "Holley H. Ulbrich". The signature is written in a cursive style.

Holley H. Ulbrich, Co-President

A handwritten signature in blue ink that reads "Julie L. Hussey". The signature is written in a cursive style.

Julie Hussey, Co-President, Co-President

Cc: Ms. Marci Andino, Executive Director, SC State Election Commission

The Honorable Henry McMaster, Governor