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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