Message

From: johnrlott@crimeresearch.org [johnrlott@crimeresearch.org]
Sent: 8/30/2017 10:25:40 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: Question on timing

Flag: Follow up

Thanks, Andrew. Are you all taking care of travel or am I? Thanks.

John R Lott, Jr.
President
Crime Prevention Research Center
(484) 802-5373
johnrlott@crimeresearch.org
>http://crime< research.org

Sent from my iPhone

On Aug 30, 2017, at 5:46 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Got it. Sorry about that. Here are directions to the NH Institute of Politics at St. Anselm: >http://www.anselm.edu/Academics/Institutes-Centers-and-the-Arts/NH-Institute-of-Politics/About/Directions.htm<. Hope you can make it work – sounds like another nice opportunity.
>
> Thanks,
> Andrew
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
> ---
>
> **From:** John Lott [mailto:johnrlott@crimeresearch.org]
> **Sent:** Wednesday, August 30, 2017 5:29 PM
> **To:** Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> **Subject:** Re: Question on timing
>
> Thanks, Andrew. I just realized that your hearing is in New Hampshire. When you said the Institute of Politics, I just assumed that it was someplace in DC that I didn't know about. OK, let me see what I can do about setting up something remotely with them. For some reason I don't think that will be an option. They wanted me to talk about the reciprocity bill that will considered in September.
>
> John R. Lott, Jr., Ph.D.
> President
> Crime Prevention Research Center
> >>http://crimeresearch.org<<
> johnrlott@crimeresearch.org
> (484) 802-5373
>
> <image001.jpg>

AMERICAN OVERSIGHT

On Wednesday, August30, 2017, at Wednesday, August 30, 5:19 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

Hi John,

Sounds like you're in high demand! You're on the first panel, and we would certainly anticipate you being done by noon. The meeting will come to order at 10:00 a.m., so the panel will likely start around 10:30 or so following some introductory remarks. It should be done within 90 minutes and finish by noon. Is the House R meeting something you could join remotely?

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: John Lott [mailto:johnrlott@crimeresearch.org]
Sent: Wednesday, August 30, 2017 4:22 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Question on timing

Dear Andrew:

I was just asked to give a talk to the Republican Caucus in the House on September 12th at 12:30 PM. Before you thought that the panel might start at 10 AM. Are we talking about 2 hours or less from 10 AM to noon?

Thanks.
John

John R. Lott, Jr., Ph.D.
President
Crime Prevention Research Center
>>>http://crimeresearch.org<<<
johnrlott@crimeresearch.org
(484) 802-5373

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University of New Hampshire

Turnout and Voter Trust

Andrew E. Smith, Ph.D

Presentation to the Presidential Advisory Commission on Election Integrity

Goffstown, NH
September 12, 2017

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Why Vote?

- Rational to vote only if expected benefits of voting are greater than cost (Downs, Tullock, Riker & Ordeshook)

$$PB + D > C$$

P = Probability that individual vote will affect the outcome
B = Expected benefit of voting
D = Psychological benefit citizen receives from voting
C = Cost of voting (time, expense, opportunity costs)

- Low turnout due to either high costs, low expected benefits, or both

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Multiple Factors Correlated with Turnout

- Demographics
  - Age
  - Education
  - Income
- Barriers
- Civic Education
  - Confidence in elections
- Campaign factors
  - Competition
  - Interest in race
  - Economy
  - War

- No Single cause of increase or decrease in turnout

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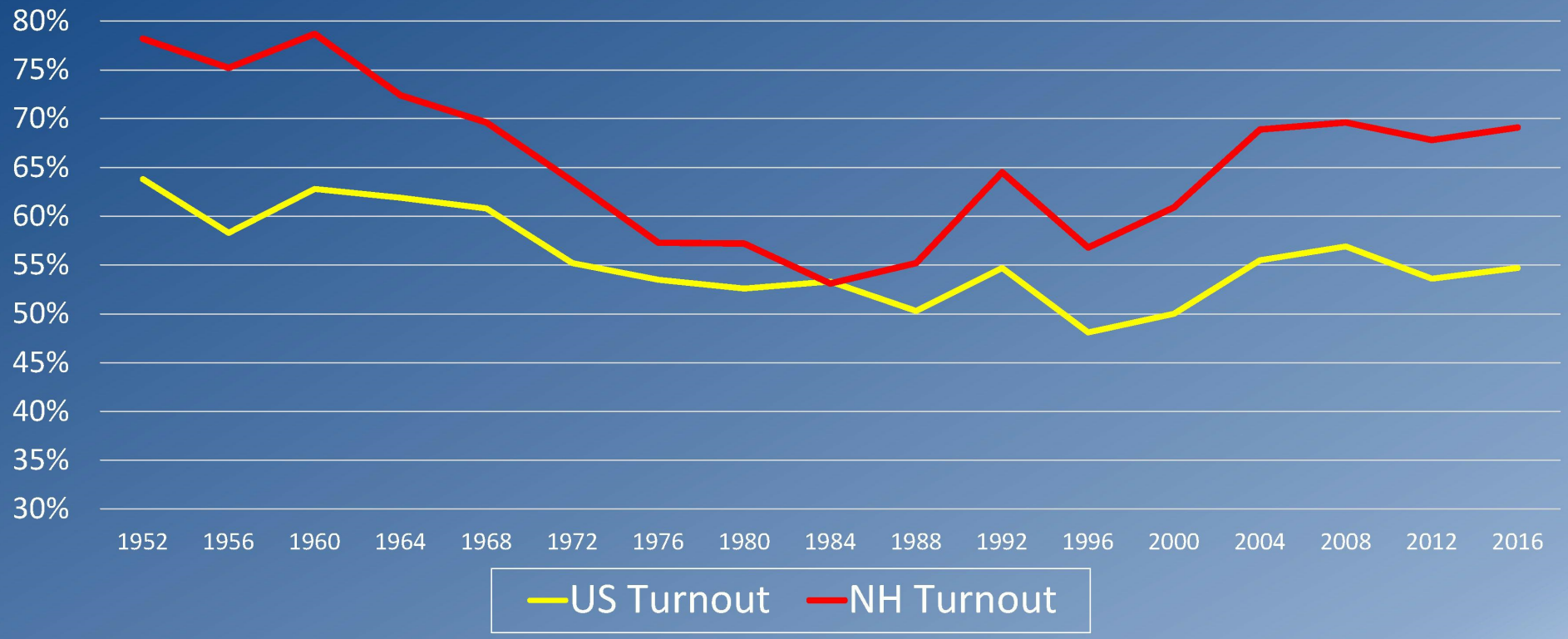
Turnout: US Presidential Elections (VAP)



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NH Sec. of State

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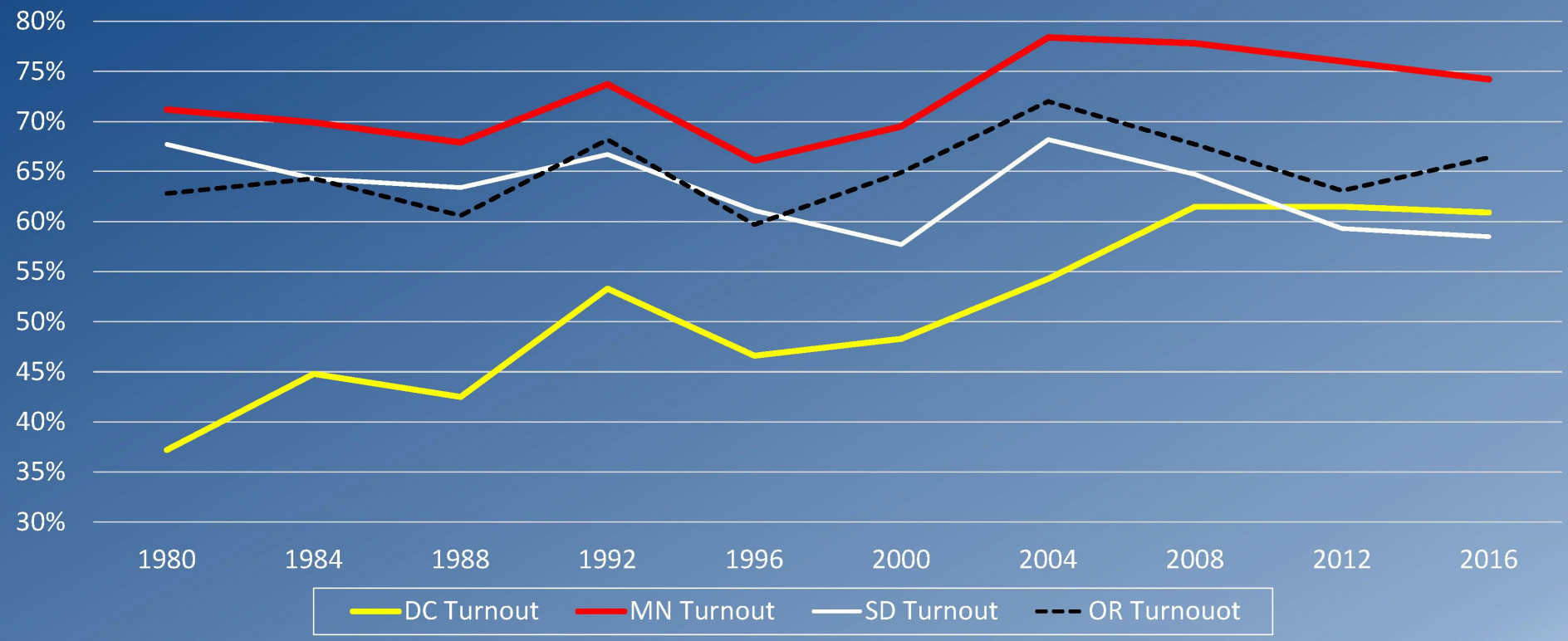
Turnout: US Presidential Elections (VEP)



McDonald, US Elections Project

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Why Differences?

- Varies by state
  - Some consistently high – Minnesota
  - Some consistently low - Hawaii
  - Some change over time
- Different reasons for changes in each state

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Why Turnout Decline after 1960s?

- 26th Amendment?
  - Turnout dropped for 20 years as Baby Boom was "digested"
- But is that what happened?

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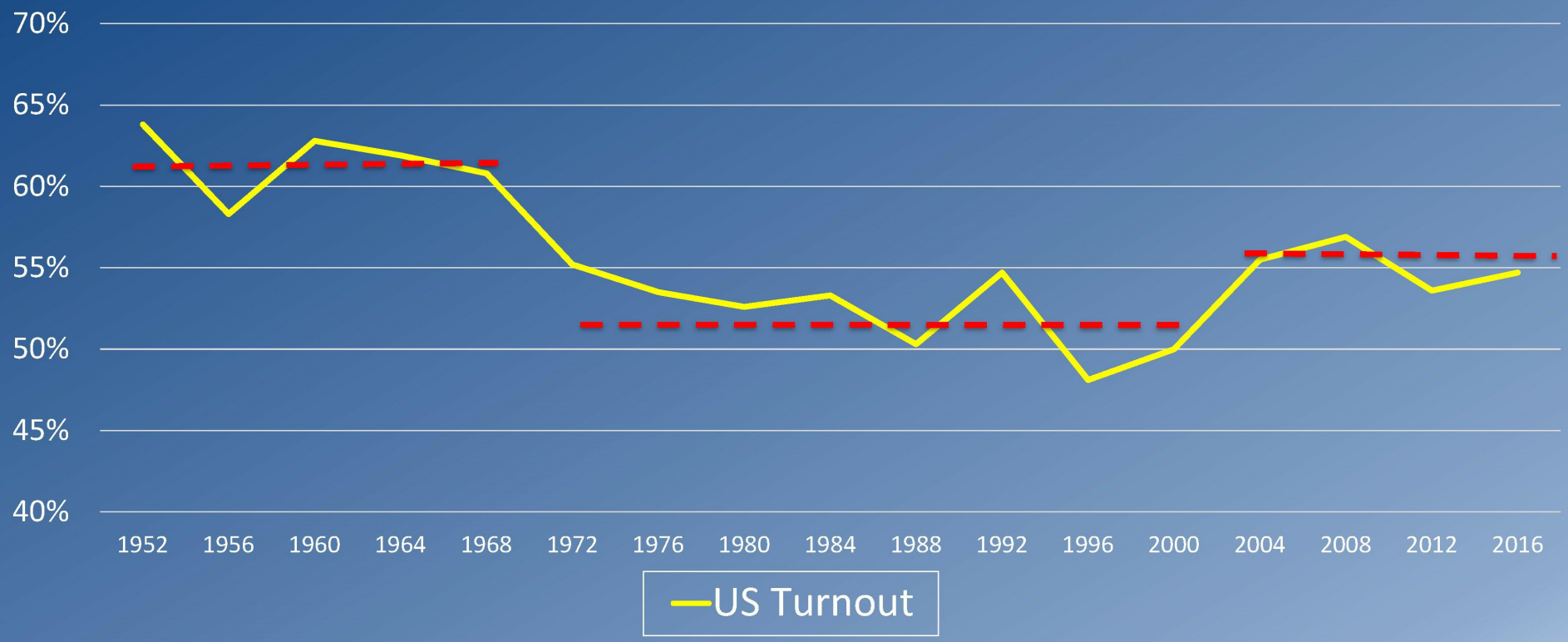
Turnout: US Presidential Elections (VAP)



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NH Sec. of State

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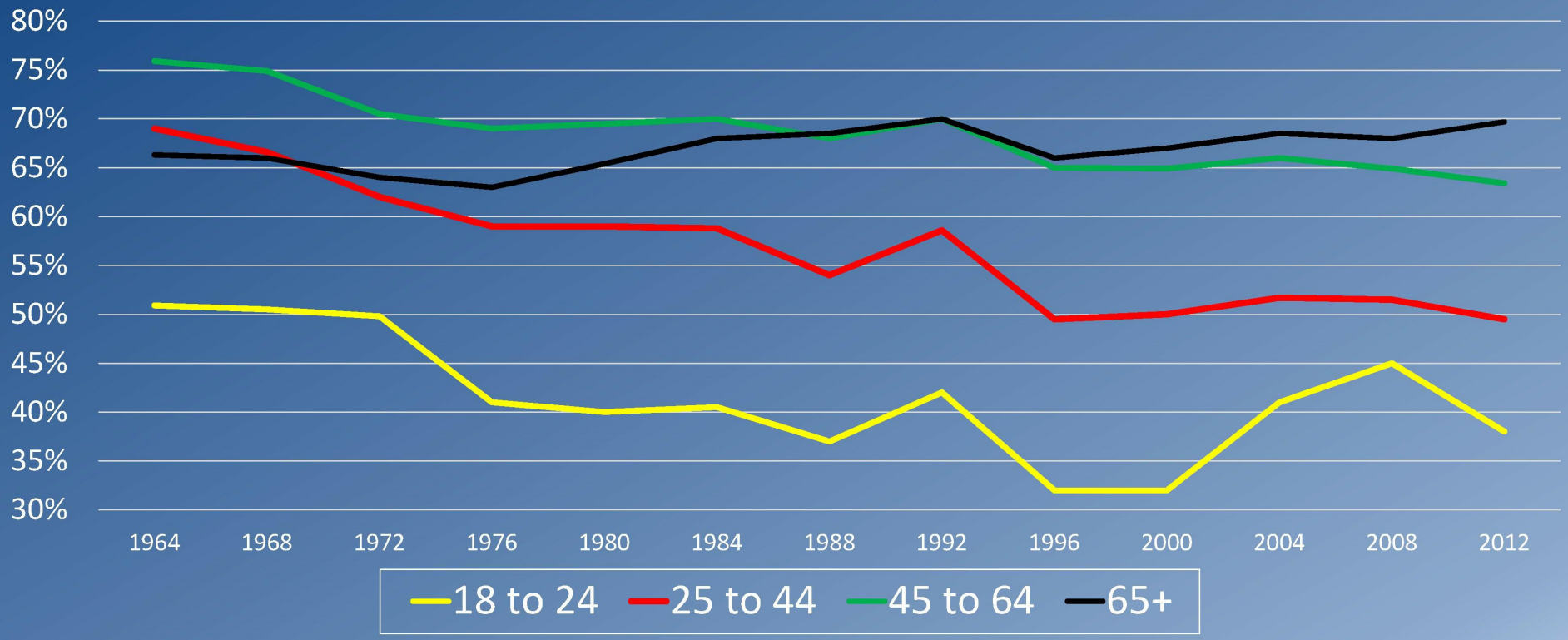
US Turnout 1964-2012 by Age (VAP)



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Young-Adult Voting: An Analysis of Presidential Elections, 1964-2012, Thom File, US Census Bureau

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Trust in Elections Essential

- For accepting results
- Trust/support of winning candidate & policies

"Finally, Indiana's interest in protecting public confidence in elections, while closely related to its interest in preventing voter fraud, has independent significance, because such confidence encourages citizen participation in the democratic process."

Justice Stevens, *Crawford v. Mario County Election Board*

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Perceived Threats to Electoral Trust

- Lack of Constitutional understanding
  - State variations in electoral procedures
  - Misunderstanding of Electoral College
- Inaccurate counting
  - Computer hacking
  - Paper trail
- Illegal voting
  - Non-residents
  - Non citizens
  - Multiple votes

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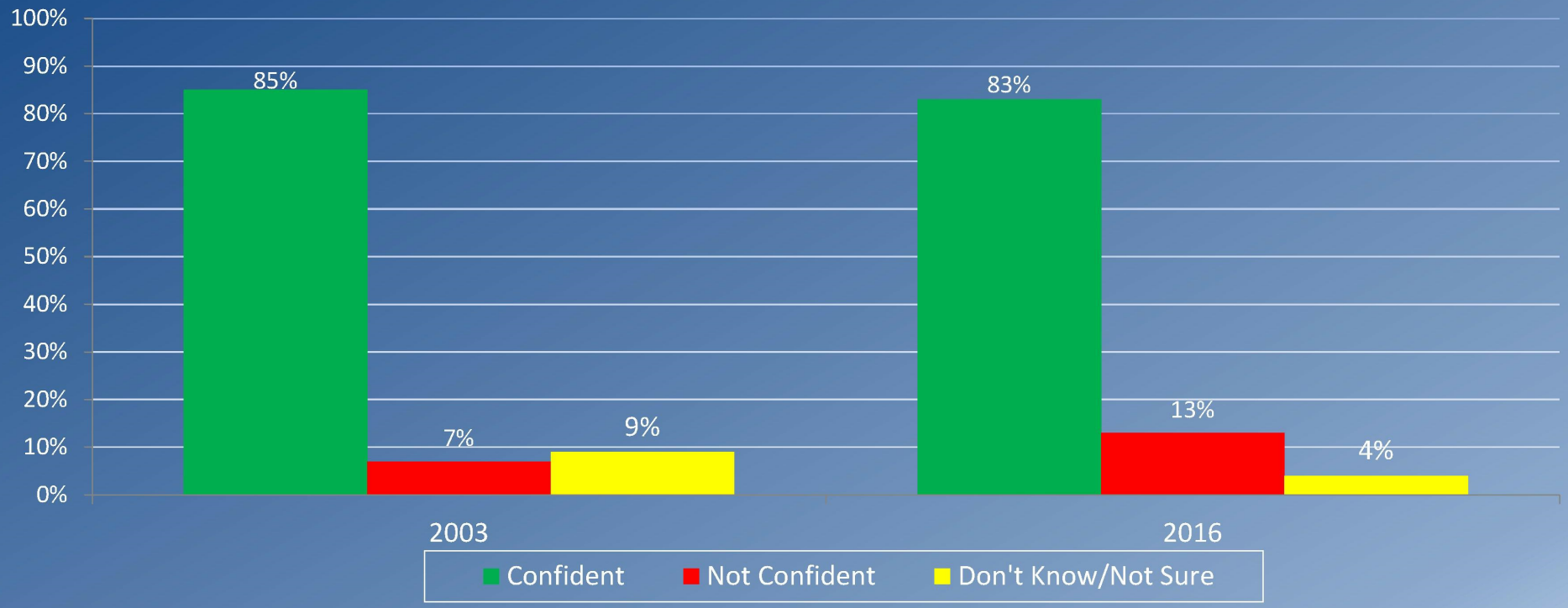
Trust in NH elections:

Confidence vote in previous election was accurately counted



Source: Granite State Poll
UNH Survey Center

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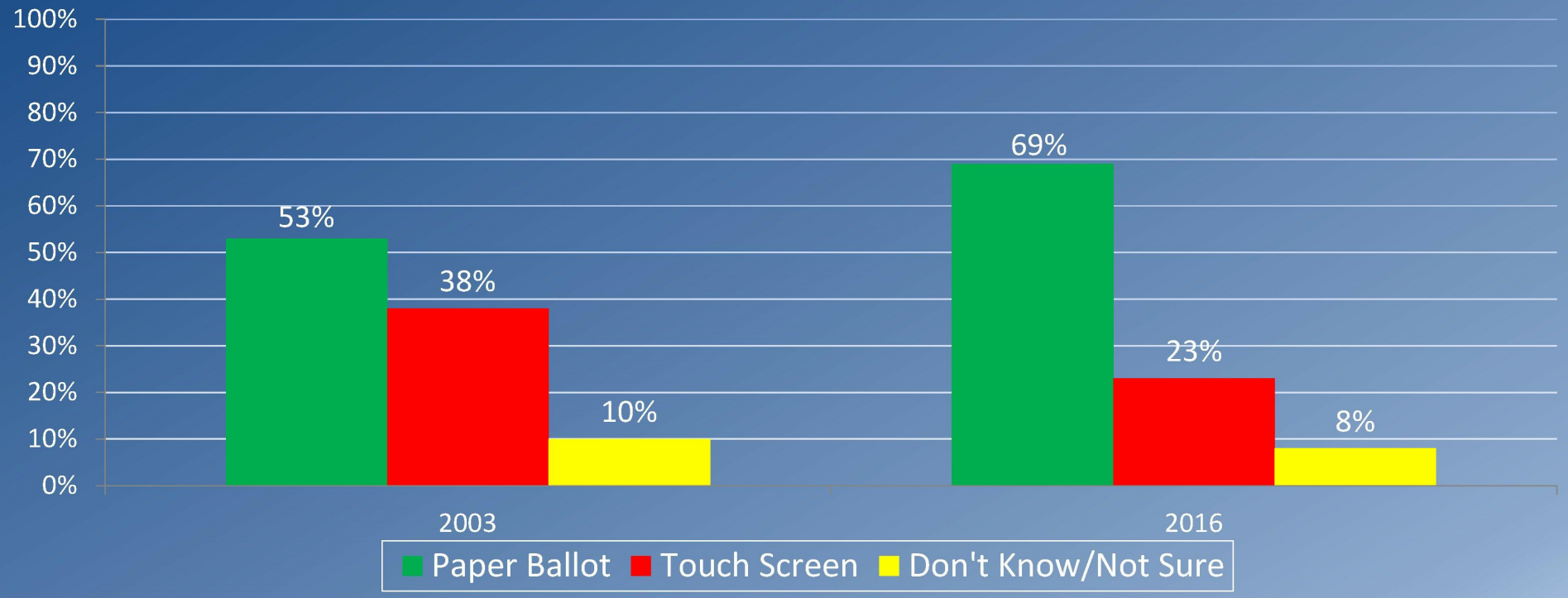
Less confidence in Electronic Voting than Paper Ballots: Increasing over recent years



Source: Granite State Poll
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17-2361-A-006006

Summary

- Many factors influence turnout. Very difficult to determine a specific cause for changes in turnout

- Citizens need to have confidence in elections:
  - Tradeoffs between stricter voting laws to increase trust and barriers that may discourage voting

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Thank You!

Andrew.Smith@unh.edu

University of New Hampshire

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University of New Hampshire

Turnout and Voter Trust

Andrew E. Smith, Ph.D

Presentation to the
Presidential Advisory Commission on Election Integrity

Goffstown, NH
September 12, 2017

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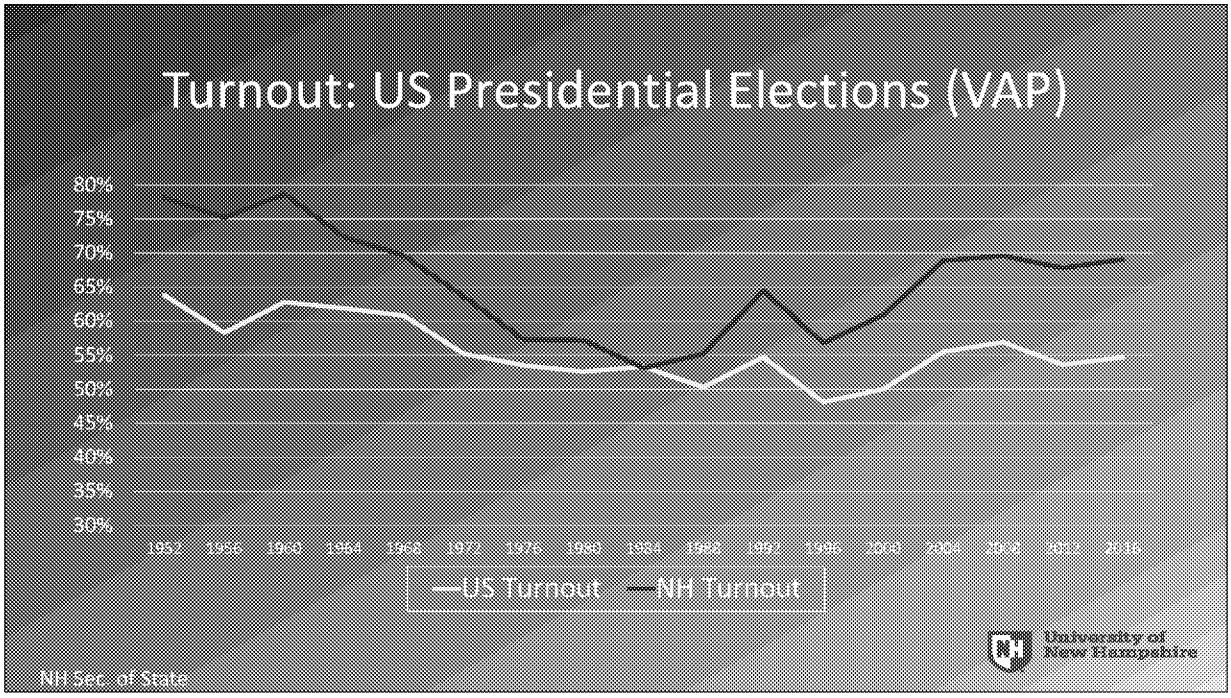

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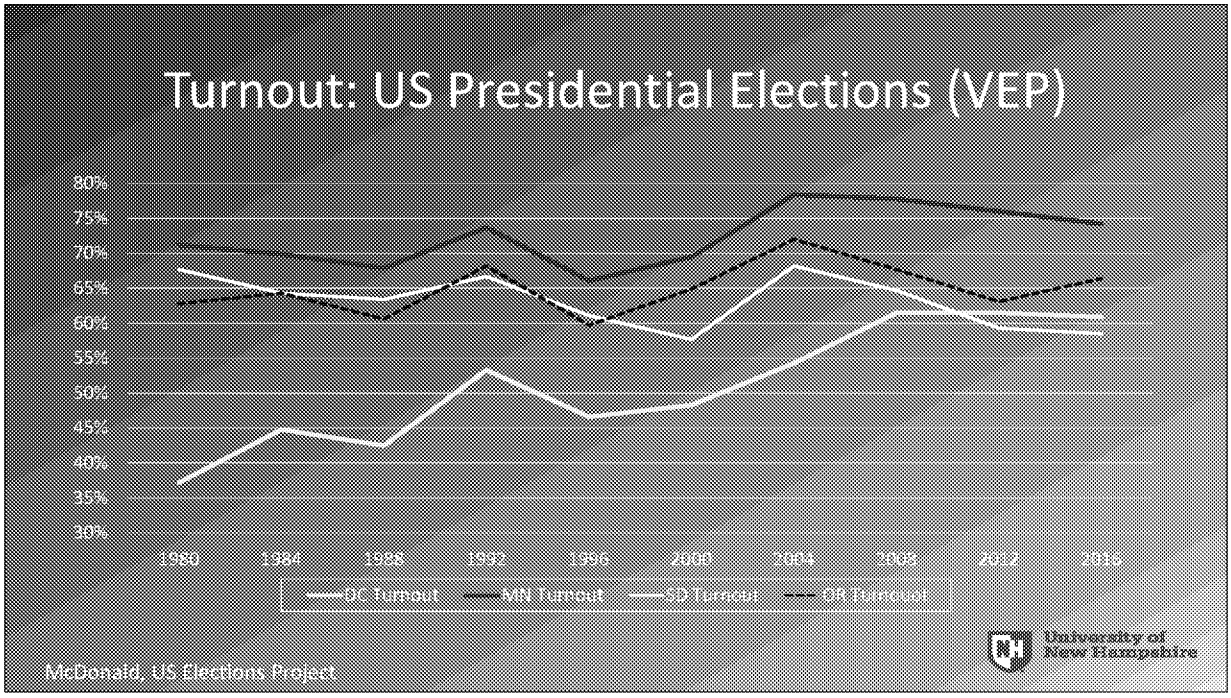

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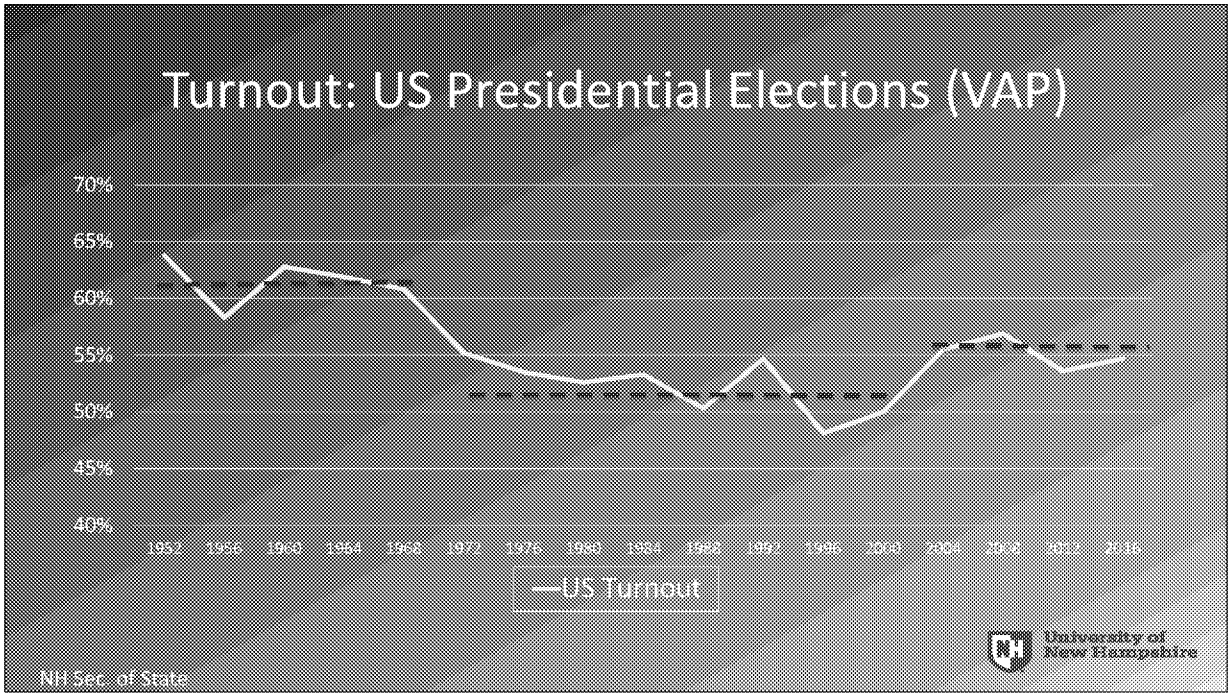

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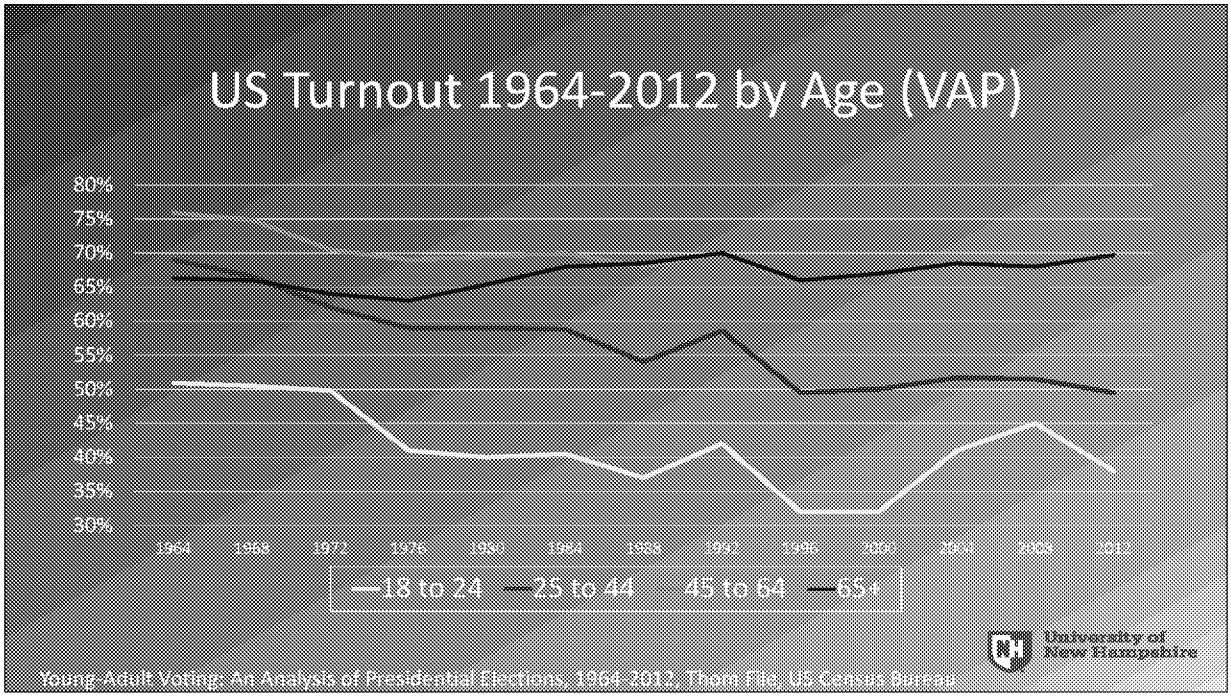

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UNH Polls have historically been the most accurate in NH.

Going into the election, we saw no reason to believe that the methods we used would not perform well in this election.

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Perceived Threats to Electoral Trust

- Lack of Constitutional understanding
  - State variations in electoral procedures
  - Misunderstanding of Electoral College
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  - Computer hacking
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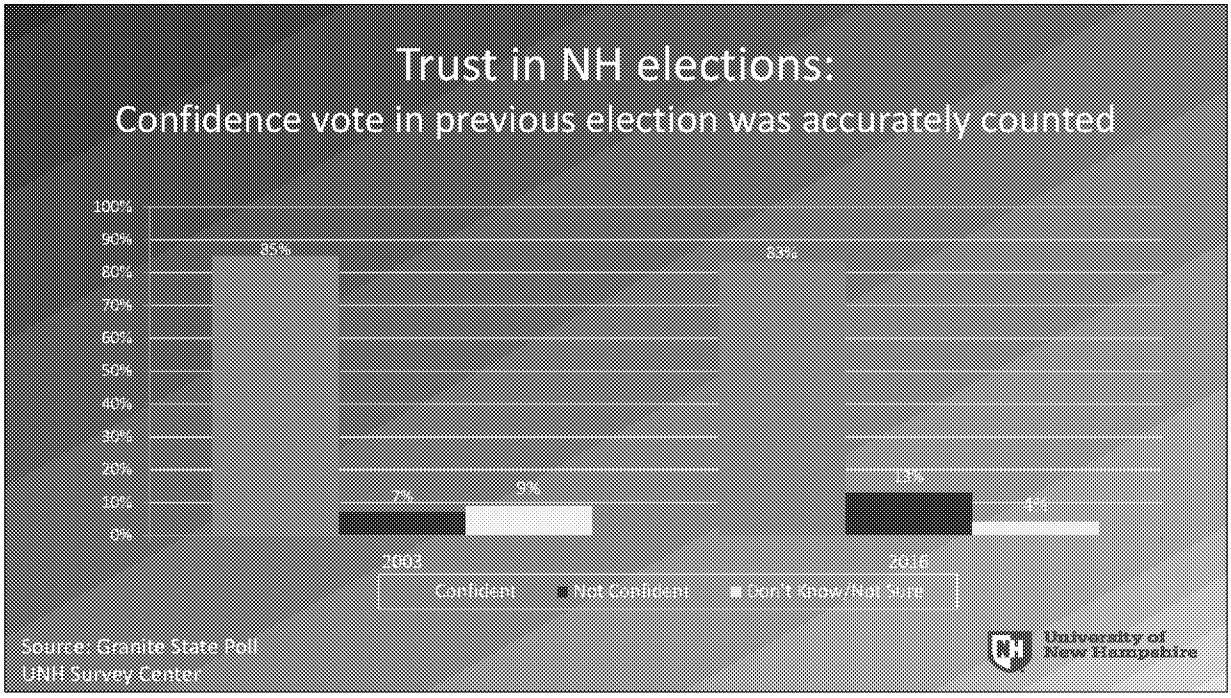

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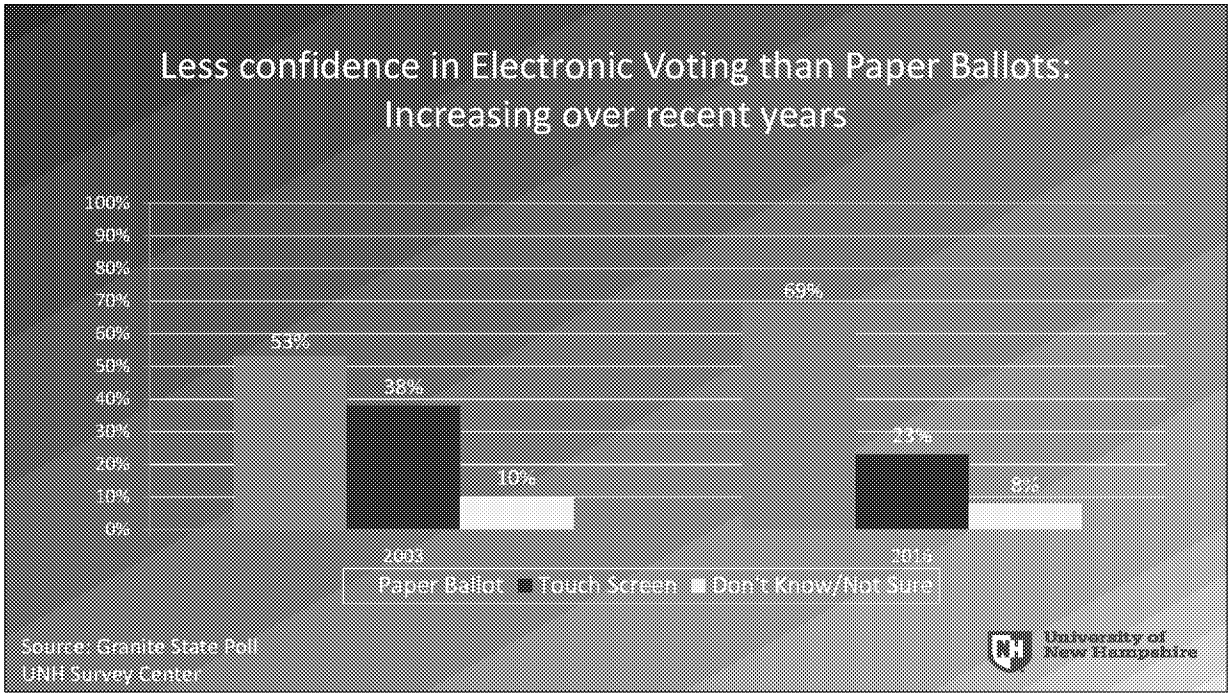

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Summary

- Many factors influence turnout. Very difficult to determine a specific cause for changes in turnout

- Citizens need to have confidence in elections:
  - Tradeoffs between stricter voting laws to increase trust and barriers that may discourage voting

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Thank You!

Andrew.Smith@unh.edu

University of New Hampshire

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Message

From: Andrew Appel [appel@CS.Princeton.EDU]
Sent: 9/4/2017 8:39:17 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
CC: Anthony Stevens [anthony.stevens@sos.nh.gov]
Subject: My written testimony

Dear Mr. Kossack:

You can find a written summary of my testimony, for the public record, at this URL:

>http://www.cs.princeton.edu/~appel/voting/PCIE-Appel-testimony-2017.pdf<

Please do send me the agenda, with list and schedule of panels and speakers, as soon as possible.

Sincerely,

Andrew Appel

From: "Andrew J. EOP Kossack" <Andrew.J.Kossack@ovp.eop.gov>
To: "appel@cs.princeton.edu" <appel@CS.Princeton.EDU>
Sent: Wednesday, August 23, 2017 8:15:57 AM
Subject: connection from Sec. Bill Gardner

Dr. Appel,

My name is Andrew Kossack, and I am contacting you regarding the Presidential Advisory Commission on Election Integrity. Secretary Gardner mentioned that he has spoken with you about appearing at an upcoming commission meeting and shared your contact information. I am hoping to connect with you soon to introduce myself and discuss the meeting with you. Are you available sometime in the next day or so for a brief call?

Looking forward to connecting with you soon. Thanks for your interest in participating.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Hello again. Thank you for having me here to give you a brief report on the Presidential Advisory Commission on Election Integrity.

As you probably know, there has been just one organizational meeting of the Commission and we have not started our substantive work. I was just notified by the Vice President's office that out next meeting will be on September 12th in New Hampshire. We have not received all the logistics or the agenda for that meeting yet.

So, I'd like make just 3 broad points for today.

First, about the mission of the Presidential Advisory Commission on Election Integrity –

The Executive Order creating the commission states that the mission of the commission is to study the registration and voting processes used in federal elections and to submit a report that identifies what increases the American people's confidence in the integrity of the voting processes used in Federal elections -- and also to look at what undermines that confidence.

It also tasks the commission with identifying the vulnerabilities in voting systems and practices used for Federal elections that COULD – not necessarily DOES – lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.

The commission does NOT have a secret plan or some malicious or pernicious purpose. If it does, I have not been included in that plan.

It does NOT seek to suppress voting or to harm any group of people.

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It is not looking to purge any eligible voter off the rolls.

The Commission cannot suppress anyone's vote. State and local election officials control the registration and voting process and the fact of this Commission does not and will not change that. Our Constitution grants authority to run our elections to our states, and I fully support that.

The Commission is NOT compiling a national voter registration list.

The commission is not going to make public any voters' private information - in fact, I doubt the commission members themselves will see any personally identifiable information.

The job of the commission is to systematically look at the registration and voting process used in federal elections and to identify vulnerabilities that have an impact on voter confidence.

The commission will look at a number of databases and will determine if any of them are helpful to election administrators in the maintenance of registration lists.

The Electronic Registration and Information Compact, or ERIC, which was originated by the Pew Charitable Trusts, and which I do support, already uses a database process – using motor vehicle info, social security death lists, the NCOA, and several others. The Commission wants to look at those as well as other databases to what is and is not helpful to the maintenance effort.

We expect to have several meetings around the country and at those meetings will take testimony from experts in the field.
As I mentioned, we have held just one meeting so far to introduce ourselves and to discuss the possible scope of the Commission's report. We have not looked at any data and we have not made

AMERICAN OVERSIGHT

any decisions. The data that has been sent in is being housed in a secure place in the Office of the Vice President. I am assured that it is being kept very secure and again, will not be released publicly.

At our initial meeting, I stated that I have worked directly with state and local election officials from every state and territory and that I see my role on the commission as representing a wide range of election officials.

I also stated at the meeting that we need to ensure that persons who are eligible to vote are not disenfranchised, that all who are eligible to vote must be able to register and vote, and that voters have confidence that our system is producing accurate, secure, and expeditious results.

The Commission's work will not simple -- but it is simply, to write a report that recommends and suggests ways to increase the integrity of our voter registration system and voter confidence.

What is done with the report is up to lawmakers, state election officials, and you. As with previous presidential commissions that examine election issues, some recommendations will be accepted and some will not. The Commission cannot force its will on those who make the decisions.

Second point, as academics and many others have suggested, it is important to have transparency and accountability in the entire election process.

Some academics and voting advocacy groups – and others - focus on post-election audits of the ballots and machines – how many votes were cast, how many were counted and whether any were challenged or cancelled, and to check the accuracy of the machine count.

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Auditing the voter registration system is also part of transparency and accountability in elections and I believe auditing the system serves the good purpose of increasing voter confidence in the entire voting process.

Wearing my other hat as a Commissioner on the Election Assistance Commission, as I discussed on Wednesday, we collect the most comprehensive statistics on elections in the country with the EAVS. The recent EAVS shows, as previous surveys have also shown, that we have some issues with voter registration rolls.

The survey showed that many voting jurisdictions have rolls that exceed 100% of the voting age population.

Of course, having more registered voters than the population is not in itself evidence of widespread fraud, and I am not suggesting it is. In some jurisdictions, the large number includes both active and inactive voters. Most Americans do not comprehend what that means and it does sound problematic to many.

I agree that there is not a lot of evidence of fraud. But there is some. Some compare the small percentage of fraud in elections to business and say that it is an acceptable risk. But elections is not a business. We need to be perfect. We are expected to be perfect. Let me illustrate this by asking you a question. When do you treat a small amount of cancer? Should we wait until it becomes a bigger problem?

We know for certain that inaccurate rolls can create problems.

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It causes lines. It pushes more people to provisional voting. It may create a poor voter experience. And, it breeds a lack of confidence in the system overall.

We do have dead people still on the rolls.

We do have duplicate registrations – our population is mobile and most voters do not inform their registrar that they are moving and to cancel their registration.

We do have some non-citizens on the registration rolls – I do not ascribe any nefarious intent to non-citizens. I suspect that when they are asked by a government official at a DMV office if they'd like to register to vote, they assume that they are allowed to do so. I also understand that voter registration is not the main mission of our departments of motor vehicles.

Recent studies show that voter confidence is going down. The Democracy Fund recently reported that even though most Americans believe that the 2016 election was fairly determined, almost half expressed concern about the integrity of our electoral system. 45% of all voters, including 46% of Democrats and 47% of Republicans believe that voter fraud takes place, including people voting multiple times or voting without being registered.

Just last week, a Rassmusen survey found that a majority of Likely U.S. Voters say voter fraud is at least a somewhat serious problem in America today, with half of those saying it's a Very Serious problem. That is down a little from similar surveys done in the past, but shows we still have a problem. It may be a perception problem, but it is still a problem.

Another Rassmusen poll also last week found that the vast majority of this country favors voter ID laws – though that number is also down slightly from past voter ID surveys. Surprisingly, the

AMERICAN OVERSIGHT

survey results showed that 80% of African Americans strongly favor voter ID laws – that is higher than whites and other minority voters. And they support them, even though they're also the most likely to say such laws can be discriminatory.

Another survey found that the vast majority of Americans also believe that only eligible voters should be counted.

We need to understand the extent of these issues and look for solutions. Do we actually have problems – or do we have a perception or education problem?

Another important question, which I posed at the first meeting of the commission, is, who is being disenfranchised in this country and why. While they are the most supportive of voter ID, 14% of African Americans say that they have been illegally denied their right to vote. We need to look at that, because if that is true, it is unacceptable.

If there are citizens who are eligible to vote and are not able to register or to vote, we need to know so we can look for solutions to fix that problem. No eligible voter should be disenfranchised.

Research sharply conflicts on whether we have a problem with duplicate and/or non-citizen voting. We need to determine the truth of the matter, whatever that is. While we would need to study this further, I am concerned that IF there are illegitimate votes, they may be more likely dilute the votes of our minority citizens more, because those votes are most likely being cast in majority-minority districts.

If we do discover that illegitimate votes are being cast, we ought to ask where those votes are being counted. I think that is an important question.

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It does not help voter confidence that election administrators are being sued constantly. These suits are coming from both the left and the right – they are not only expensive, but they create paralysis.

No matter what you do as an election administrator, someone will take issue with it.

We need clarity on what is acceptable list maintenance, and what is not. I have had numerous election officials across the country ask for new guidance on list maintenance, because they don't know how to proceed at this point given all the different decisions of the courts. It's extremely hard to keep up with it all. Do we really want the courts to make election policy?

Third point: security.

We need to make sure that our voter registration systems are safeguarded from any tampering from foreign entities or other bad actors. Obviously, this has been a major headline over the past year.

Although these threats have NOT been successful to date, we need to be sure that no intruder can add, delete, or alter voter data – or take voters personal information for other purposes – such as selling it on the dark web for identity theft purposes.

Scanning of databases of all types happens constantly, every day, but tampering with our voter registration systems could, at the least, slow down the voting check-in process and create havoc at the polls.

As I mentioned in my EAVS report the other day, more states are employing online voter registration and the use of e-pollbooks is up, which we have found reduces incorrect information in

AMERICAN OVERSIGHT

registrations and speeds the processes, but they also open the system to cyber vulnerabilities.

Most election administrators have redundant systems as we all know, the voter registrations systems are not connected to voting machines, but still, even if voters believe that our system is hackable, it erodes confidence in our system and our results.

The Democracy Fund survey showed that 39% of respondents, including 47% of Democrats and 31% of Republicans believe an electronic security breach or hack impacted the 2016 vote count.

It concerns me that we see so many stories – most of them false – about how our system has been or can be hacked. I'm not saying that it's impossible, but I am saying that the constant stories are already affecting confidence in the integrity of our system.

Our election administrators take very seriously their responsibility to keep our voter systems secure.

AS we have also heard, since the accusations of Russian hacking, there have been numerous meeting of elections officials at all levels to discuss the issue and what it can do enhance our election security even more.

We need to remain laser-focused on cybersecurity at all levels of government, and especially in our election process. The presidential commission – and as you have heard, the election assistance commission – will both be looking at those issues.

Finally, we should all want every eligible voter to vote and all legitimate votes to count fully and not be diluted by votes that are not legitimate.

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I want our voter confidence to be high and turnout to be as high as possible.

We need to start by asking the questions and determining the problems and issues – not by sticking our head in the sand and stating that we don't have a problem so we shouldn't be looking at it. I am at the Commission table, because I want the truth.

Only if we ask the questions and determine the facts can we then look for solutions to ensure a voting and election system that has integrity and full voter confidence from registration to results.

Thank you again for having me.

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/11/2017 9:13:32 PM
To: 'Kris Kobach' [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: NASS invitation, revised agenda
Attachments: revised Draft Agenda - First Meeting on 7.19.2017.docx; NASS invite letter.docx

Hi Kris,

Attached are a couple documents for your review. The agenda is slightly different than the last version we sent. Welcome your comments on this version.

Also attached is an invitation to NASS to speak at the meeting. We talked with Connie Lawson and she suggested inviting one D and one R member to present, and said she'd work with Leslie to select the members. I have this going out under my name (ED to ED), but let me know if you have another preference.

Please call anytime if you'd like to discuss or have any concerns.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

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[EMBED Acrobat.Document.11]

Initial Meeting of the Presidential Advisory Commission on Election Integrity

July 19, 2017
11:00 a.m. ET

Agenda

1. Welcome Remarks & Statement of Plan for the Meeting – Chairman, Vice President Mike Pence
2. Commissioners' Introductions – All Members (45 minutes total)
3. Short Break
4. Discussion – All Members, led by Vice Chairman, Secretary Kris Kobach
    - The Mission, per Executive Order 13799
    - Possible Topics for Commission to Address
        - Cybersecurity
        - Integrity of the Vote
        - Voter Intimidation and Disenfranchisement
        - Analysis of Election Crimes and Penalties
        - Auditability of Election Results
    - Policies and Procedures
    - Future Meetings
5. Invited Presentation: National Association of Secretaries of State
6. Adjourn

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[EMBED Acrobat.Document.11]

Via Electronic Mail

July 11, 2017

Dear Ms. Reynolds:

I serve as the Executive Director for the Presidential Advisory Commission on Election Integrity. It is my pleasure to invite the National Association of Secretaries of State (NASS) to appear at the Commission's first meeting on Wednesday, July 19, 2017, in Washington, D.C. The meeting begins at 11:00 a.m. Eastern and will be held in the Eisenhower Executive Office Building.

The President has charged this Commission with, among other things, studying the registration and voting processes used in Federal elections and identifying strategies to increase the American people's confidence in the integrity of our elections systems. Your members, including those we are privileged to have as members on the Commission, will be key partners throughout the life of the Commission. The Commission members would benefit from hearing the perspectives of a Democratic and a Republican secretary from NASS at its initial meeting, and we hope two of your members would be amenable to the opportunity.

If NASS accepts this invitation, please contact me at your convenience regarding next steps. We hope to see you on July 19th, and look forward to working with you in the months ahead.

Sincerely,

Andrew J. Kossack
Executive Director and Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

From: Christy McCormick [redacted]
To: Kossack, Andrew J. EOP/ Ovp <andrew.j.kossack@ovp.eop.gov>
Subject: NASS Resolutions
Date: Mon, Jul 24, 2017 8:14 pm
Attachments: nass-resolution-bipartisan-strengthening-elections-summer17.pdf (324K), attachment 1.pdf (299K)

Hi Andrew,

Congrats to all on winning the EPIC suit. That's great news.

I'm attaching a couple of resolutions that the National Secretaries of State (NASS) passed at their recent meeting. NASS emailed them to me today, so I thought send them along in case you hadn't received copies of them.

Best always,
Christy

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NASS
National Association of Secretaries of State

National Association of Secretaries of State (NASS) Resolution
Reaffirming Commitment to Strengthening Elections

WHEREAS, chief election officials received a request for input and publicly available voter roll data from the 2017 Presidential Commission on Election Integrity; and

WHEREAS, the United States Constitution recognizes the authority and autonomy of the states to regulate the manner of administration of federal, state, and local elections; and

WHEREAS, the election infrastructure in the U.S. is highly decentralized and constitutionally under the purview and control of the states and their local jurisdictions, including the maintenance of voter rolls; and

WHEREAS, states are responsible for preventing and detecting voter fraud and voter suppression, as well as increasing voter participation; and

WHEREAS, states are responsible for protecting the integrity of their elections including the secrecy of the ballot, security of their election infrastructures, and sensitive personal information included in the states' voter rolls;

NOW THEREFORE BE IT RESOLVED THAT Secretaries of State do hereby reaffirm their commitment to strengthening election cybersecurity and processes, and increasing voter participation.

Adopted the 10th day of July 2017
in Indianapolis, Indiana

EXPIRES: Summer 2022

AMERICAN OVERSIGHT
Hall of States, 444 N. Capitol Street, N.W., Suite 401, Washington, DC 20001
Phone (202) 624-3525 | Fax (202) 624.3527 | www.nass.org
17-2361-A-006038

Thank you for having me. Holding conferences like this is a ton of work and I want to thank Wendy Underhill and her elections team at NCSL for putting this panel together and for all the great work they do to ask questions, do research and educate, not just legislators, but us all, on our elections.

I'd like to make 3 broad points today.

First, about the mission of the Presidential Commission.

The Executive Order creating the commission states that the mission of the commission is to study the registration and voting processes used in federal elections and to submit a report that identifies what increases the American people's confidence in the integrity of the voting processes used in Federal elections and what undermines that confidence.

It also tasks the commission with identifying the vulnerabilities in voting systems and practices used for Federal elections that COULD lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.

The commission does not have a secret plan or some malicious or pernicious purpose. If it does, I have not been included in that plan.

It does not seek to suppress voting or to harm any group of people.

It is not compiling a national voter registration list.

It is not looking to purge any eligible voter off the rolls.

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The job of the commission is to systematically look at the registration and voting process used in federal elections and to identify vulnerabilities that have an impact on voter confidence.

The commission is not going to make public any voters' private information - in fact, I doubt the commission members themselves will see any personally identifiable information.

The commission will look at a number of databases and will determine if any of them are helpful to election administrators in the maintenance of registration lists.

The Electronic Registration and Information Compact, or ERIC, which was originated by the Pew Charitable Trusts, already uses this process – using motor vehicle info, social security death lists, the NCOA, or National Change of Address list maintained by the Postal Service and several others. The commission wants to look at those as well as other databases to see if they would help in the maintenance effort.

The commission is recommend and suggest ways to increase the integrity of our voter registration system and voter confidence.

Second point, as Academics and many others have suggested, it is important to have transparency and accountability in the entire election process.

Some academics and voting advocacy groups – and others - focus on post-election audits of the ballots – how many were cast, how many were counted and whether any were challenged or cancelled.

Auditing the voter registration system is also part of transparency and accountability in elections and I believe auditing the system

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serves the good purpose of increasing voter confidence in the entire voting process.

Wearing my other hat as a Commissioner on the Election Assistance Commission, we collect the most comprehensive statistics on elections in the country with our Election Administration and Voting Survey or EAVS. We collect extensive data after every federal general election – every two years. The data comes straight from the states and is certified by the chief state election official. Our most recent survey was delivered to Congress and released to the public at the end of June. The EAVS shows, as previous surveys have also shown, that we have some issues with voter registration rolls.

The survey showed that many voting jurisdictions have rolls that exceed 100% of the voting age population. ERIC has also released statistics that 1 out of every 8 voter registrations is incorrect.

Having more registered voters than the population is not in itself evidence of widespread fraud, and I don't believe anyone is suggesting it is. However, inaccurate rolls do leave open the possibility of fraud.

And, we do know that unclean rolls cause problems.

It causes lines, it pushes more people to provisional voting, it creates a poor voter experience, and it breeds a lack of confidence in the system overall.

We do have dead people still on the rolls.

We do have duplicate registrations – our population is mobile and most voters do not inform the registrar that they are moving and to cancel their registration.

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We do have some non-citizens on the registration rolls – I do not ascribe any nefarious intent to non-citizens. I suspect that when they are asked by a government official at a DMV office if they'd like to register to vote, they assume that they are allowed to do so. I also understand that voter registration is not the main mission of our departments of motor vehicles.

We need to understand the extent of these issues and look for solutions. When voters see that there are, for example, 144% of the population registered to vote, as Los Angeles County has recently revealed, and I very much respect Dean Logan, the Los Angeles registrar and his team and the incredible job they do in the most populous voting jurisdiction in the country, but THAT statistic alone is going to undermine voters' confidence in the system and belief that their own votes will count.

Another important question, which I posed at the first meeting of the commission, is, who is being disenfranchised in this country and why. We need to determine that.

If there are citizens who are eligible to vote and are not able to register or to vote, we need to know so we can look for solutions to fix that problem. No eligible voters should be disenfranchised.

I'll add that I'm also concerned, and I would need to study this further, that if there are illegitimate votes, they likely dilute the votes of our minority citizens more, because those votes are most likely being cast in majority-minority districts.

If we do discover that illegitimate votes are being cast, we ought to ask where those votes are being counted. I think that is an important question.

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Third point: security.

We also need to make sure that our voter registration systems are safeguarded from any tampering from foreign entities or other bad actors. Obviously, this has been a major headline over the past year.

Although these threats have NOT been successful to date, we need to be sure that no intruder can add, delete, or alter voter data – or take voters personal information for other purposes – such as selling it on the dark web for identity theft purposes.

Scanning of databases of all types happens constantly, every day, but tampering with our voter registration systems could, at the least, slow down the voting check-in process and create havoc at the polls.

More states are employing online voter registration and e-pollbooks, which we have found reduces incorrect information in registrations and speeds the processes, but they also open the system to cyber vulnerabilities.

Our election administrators have redundant systems and the voter registrations systems are not connected to voting machines, but still, even if voters believe that our system is hackable, it erodes confidence in our system and our results.

It concerns me that we see so many stories – most of them false – about how our system has been or can be hacked. I'm not saying that it's impossible, but I am saying that the constant stories are already affecting confidence in the integrity of our system.

Our election administrators take very seriously their responsibility to keep our voter systems secure.

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Since the accusations of Russian hacking, there have been numerous meeting of elections officials at all levels to discuss the issue and what it can do enhance security even more.

As most of you already know, the Department of Homeland Security has designated elections as critical infrastructure.

I am not here to address the critical infrastructure designation, but personally do not see and have not seen so far the benefit of the bureaucratic structure that DHS is building – it will be costly in time and funding for our elections administrators, however, I do agree that we need to remain laser-focused on cybersecurity at all levels of government, and especially in our election process. The presidential commission – and the election assistance commission – will both be looking at those issues.

Finally, we should all want every eligible voter to vote and all legitimate votes to count fully and not be diluted by votes that are not legitimate.

I want our voter confidence to be high and turnout to be as high as possible.

We need to start by asking the questions and determining the problems and issues – not by sticking our head in the sand and stating that we don't have a problem so we shouldn't be looking at it.

Only if we ask the questions can we then look for solutions to ensure a voting and election system that has integrity and full voter confidence from registration to results.

Thank you.

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Message

From: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Sent: 7/28/2017 6:15:35 PM
Subject: New Report Exposes Thousands of Illegal Votes in 2016 Election

http://dailysignal.com/2017/07/28/new-report-exposes-thousands-illegal-votes-2016-election/

THE DAILY SIGNAL

New Report Exposes Thousands of Illegal Votes in 2016 Election

Hans von Spakovsky / Ben Janacek / July 28, 2017

A new bombshell study released by the Government Accountability Institute shows why President Donald Trump's Advisory Commission on Election Integrity has such an important job ahead of it.

The Institute concluded in its report that thousands of votes in the 2016 election were illegal duplicate votes from people who registered and voted in more than one state.

The Government Accountability Institute, founded by Peter Schweizer, author of "Clinton Cash," seeks to "investigate and expose crony capitalism, misuse of taxpayer monies, and other governmental corruption or malfeasance."

Over the last few months, the Institute sought to obtain "public voter information" from every state in order to search for duplicate votes. This is the same type of information the president's Election Integrity Commission has requested.

With this report, we may have a clue as to why some states are resisting providing this data.

The Government Accountability Institute was able to obtain voter registration and voter history data from only 21 states because while some states shared it freely, "others impose exorbitant costs or refuse to comply with voter information requests."

These 21 states represent "about 17 percent of all possible state-to-state comparison combinations."

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The Institute compared the lists using an "extremely conservative matching approach that sought only to identify two votes cast in the same legal name." It found that 8,471 votes in 2016 were "highly likely" duplicates.

Extrapolating this to all 50 states would likely produce, with "high-confidence," around 45,000 duplicate votes.

The Institute obtained this level of confidence by matching not only names and birthdays—which can be the same for different individuals—but also by contracting with companies, such as Virtual DBS, that have commercial databases to further cross-check these individuals using their Social Security Numbers and other information.

According to the Government Accountability Institute's experts, "the probability of correctly matching two records with the same name, birthdate, and social security number is close to 100 percent." In fact, "using these match points will result in virtually zero false positives."

The probability of 45,000 illegal duplicate votes is the low end of the spectrum, and it does not even account for other types of fraud such as ineligible voting by noncitizens and felons and absentee ballot fraud.

To put this number of fraudulent votes in perspective, Hillary Clinton won New Hampshire by fewer than 3,000 votes out of over 700,000 cast. Just this number of duplicate votes alone has the power to swing state results and, in turn, elections.

Unfortunately, New Hampshire refused to turn over their data for this study.

There have been other razor-tight elections in recent years. In 2000, the presidency was decided by 537 votes out of a total of 105 million cast. In 2008, Al Franken won his Minnesota Senate race by a mere 312 votes. He ended up being the deciding vote that gave this country Obamacare.

Though the Institute did not look at the 2008 elections in this study, there is little doubt that the 2016 numbers show that duplicate voting and voter fraud are a real problem that can have serious consequential effects.

The Government Accountability Institute also used the state of Rhode Island as a test case. Over 30 percent of all registered voters in Rhode Island have no Social Security or driver's license number on file.

While it is legal to register without providing this information, the Institute notes that "confirming the identities of some of these voters is impossible using only the data contained in the state's voter registration system."

Without this "uniquely identifying information … there is no way to confirm a voter's identity or citizenship …" This shows the vulnerabilities that are ripe for any person or group wanting to take advantage of them.

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The Institute also found more than 15,000 voters registered at prohibited addresses "such as post office boxes, UPS stores, federal post offices, and public buildings." In some cases, more than 100 voters "were registered to the same UPS store locations."

They also found voters whose registered addresses were "gas stations, vacant lots, abandoned mill buildings, basketball courts, parks, warehouses, and office buildings."

The Institute tried to bring some of these problems to the attention of Rhode Island election officials as part of their test case. They provided officials with a list of 225 voters who "were registered using prohibited addresses."

But Rhode Island refused to do anything about the problem beyond sending a letter to the voters. If a voter did not respond, the state refused to take any further action.

Instead, in an obvious attempt to deter the Government Accountability Institute, the state said that the Institute would have to file a "voter challenge" and would be subject to a misdemeanor penalty if it filed a "false challenge."

The fact that these election officials did not want to thoroughly investigate possible voter fraud illustrates one of the problems in this area: Too many election officials don't want to know about these problems, and refuse to do anything when it is brought to their attention.

The Government Accountability Institute points out that the quality of the voter registration data in some states is very poor, with missing and obviously incorrect information. The Institute found 45,880 votes cast by individuals whose dates of birth were more than 115 years before the election.

Several hundred votes were cast by individuals whose registration birthdates "indicated they were under 18 years old at the time of the election," although some of these were through provisional ballots.

All of this is just the latest evidence that we have serious, substantive problems in our voter registration system across the country and that voter fraud is, without a doubt, real.

The Heritage Foundation has a database that is being constantly updated. It documents nearly 1,100 proven instances of voter fraud, including cases where elections were overturned because of proven fraud.

This kind of work, which the Government Accountability Institute has done, will be invaluable to the Election Integrity Commission as it researches the registration and voting process and looks for ways to fix its vulnerabilities and security problems, enhance our democratic process, and make sure every eligible American votes and is not disenfranchised by illegal votes.

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Election integrity and public confidence in the election process are fundamental to preserving our democratic republic.

Disclosure: Hans von Spakovsky is a member of the Presidential Advisory Commission on Election Integrity mentioned in this article.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
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AMERICAN OVERSIGHT

Message

From: Christian Adams [adams@electionlawcenter.com]
Sent: 9/15/2017 2:12:41 PM
To: Williams, Ronald E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ca04650680784b75b9b7571125b235d5-Wi]; Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]; Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]
CC: 'Noel Johnson' [njohnson@PublicInterestLegal.org]
Subject: Next meeting

Flag: Follow up

Ron Mark and Andrew:

Copying Noel. Noel has been doing much of the research nationwide on non-citizen voter registrations. I'd say he knows just about more about the topic than anyone in the country – largely because he is the one who has had to extract the noncitizen registration data from a variety of states – sometimes having to litigate the matters. Noel is an author behind the Pennsylvania and New Jersey examinations of noncitizen registrations PILF published.

He would be an excellent witness at the next meeting to describe what he has found, and perhaps more importantly, HOW to find it. As far as I know the Commission has not yet asked for the sort of data he has asked for, collected and compiled. It's true that I've edited and talked about his work, but he really knows the topic of noncitizen registration just about as well as anyone – how it happens, what defects in the system enable it, what happens when they are caught, how to prevent it, etc.

I think he would make an extremely good witness at the next meeting. In fact, there should be a panel on non-citizen registration and voting. Brian Kemp in Georgia implemented a citizenship verification program that was very successful, and should be invited to speak about what they did in Georgia. Scott Gessler in Colorado implemented the SAVE system review for Colorado and can talk about how DHS makes it harder to use than it needs to be. He'd be another good witness.

I can think of other witnesses on this topic if pressed. Perhaps a phone call?

States with problems of noncitizen voting are: Florida, Texas, Illinois, PA – these are jus the ones with demonstrable cases off the top of my head. And here's the worst part, the ones who are caught are not being prosecuted under federal law like they should be in the last 8 years.

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Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/3/2017 10:48:34 PM
To: [redacted]
Subject: next week

Hi Don,

Sorry I missed your call earlier. I checked with my colleagues, and it sounds like Tuesday would work better if you're available then. We should be able to make anytime on Tuesday work, so feel free to name your time and we'll book it. If Tuesday won't work for any reason, just let me know and we'll figure out something else that's better for you. Looking forward to it.

Thanks,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/7/2017 5:18:46 PM
To: 'Kris Kobach' [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: NH data

Washington Times just broke the story: http://www.washingtontimes.com/news/2017/sep/7/voter-fraud-alert-over-5000-new-hampshire-presiden/

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/7/2017 2:44:11 AM
To: 'Kris Kobach' [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: NH data

Kris,

This is not public yet, but Secretary Gardner shared the numbers from the analysis of 2016 same-day registrants. As of August 30, 2017, only 1,014 of the 6,540 same-day registrants who registered with an out-of-state license had obtained a New Hampshire driver's license. The other 5,526 individuals had not obtained a New Hampshire driver's license. Of those 5,526, 3.3 percent, or more than 180 individuals, registered a vehicle in New Hampshire sometime between the election and August 30, 2017. In other words, those 180 individuals visited a Department of Motor Vehicles branch to register a vehicle in New Hampshire, but still did not obtain a driver's license in spite of claiming to be a resident for purposes of the 2016 election.

To put the 5,526 figure in context, the vote margin between President Trump and Hillary Clinton was 2,732. Senator Kelly Ayotte lost by 743 votes to Maggie Hassan.

Secretary Gardner expects the New Hampshire Speaker of the House, Shawn Jasper (R), to release this information sometime tomorrow (Thursday the 7th). The analysis compared New Hampshire voter data with New Hampshire DMV data.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

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Message

From: Alan L. King [[redacted]]
Sent: 9/10/2017 6:53:20 PM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
Subject: NH

Andrew, if possible if you could ask Sec Kobach to verbally state that I am at a court technology conference that is held every 2 years that I have had plans to attend for over 6 months. I regret the conflict and my absence in New Hampshire but it is unavoidable. Thanks so much. Alan

Sent from my iPhone

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Message

From: Google Calendar [calendar-notification@google.com]
Sent: 6/28/2017 3:19:46 PM
To: Kris Kobach [redacted]
Subject: Notification: HOLD: Organizational Call - PCEI @ Wed Jun 28, 2017 10:30am - 11:30am (Kris Kobach)

more details »

HOLD: Organizational Call - PCEI

Instructions for call attendees:

Beginning as early as 11:00am, Signal via the White House Communications Agency will call you directly on the either of the numbers you provided below. This process is done to ensure that all conferees are in the conference on time, and line quality is validated before adding the Vice President into the conference last at 11:30 am. If you have any difficulties connecting, please call: 202-757-6000.

Commission Member

Primary Phone

Secondary Phone

1

Michael R. Pence

n/a

n/a

2

Kris Kobach

(c) [redacted]

(w) 785-296-4575

3

Connie Lawson

(c) [redacted]

(w) 317-232-6531

4

Bill Gardner

AMERICAN OVERSIGHT

(c) [redacted]

(w) 603-271-2403

5

Matt Dunlap

(c) [redacted]

(w) 207-626-8401

6

Ken Blackwell

(c) [redacted]

(w) 513-221-6703

7

Christy McCormick

(c) [redacted]

(w) 301-563-3965

8

David Dunn

(c) [redacted]

n/a

9

Luis Borunda

(c) [redacted]

(w) 410-260-3868

10

Mark Rhodes

(c) [redacted]

(w) 304-424-1892

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When	Wed Jun 28, 2017 10:30am – 11:30am Central Time
Where	conference call details added (map)
Calendar	Kris Kobach
Who	• Kossack, Andrew J. EOP/OVP - organizer • Kris Kobach - creator • [redacted] • mrhodes@woodcountywv.com • [redacted]

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- cmccormick@eac.gov
- luis.borunda@maryland.gov
- david@capitolpartnersar.com
- Paoletta, Mark R. EOP/OVP
- Morgan, Matthew E. EOP/OVP
- [redacted]
- Christy McCormick
- [redacted]

Attachments Organizational Conference Call 6.28.2017.pdf

Going? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this email at the account [redacted] because you are subscribed for notifications on calendar Kris Kobach.

To stop receiving these emails, please log in to https://www.google.com/calendar/ and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.

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Possible Topics for Commission to Address

1. Accuracy of Voter Rolls (voters who have moved, non-citizens, deceased individuals, felons)
    - Strategies to Increase Accuracy
    - Obstacles to Increasing Accuracy
2. Fraudulent or Improper Voting
    - Scope of the Problem
    - Strategies to Address the Problem
3. Voting by Mail
4. Cybersecurity Regarding State Voter Databases
5. Voter Intimidation and Consequences of State Efforts to Increase Election Integrity
6. Additional Topics

Auto Voter Registration
matic

Look at jury lists records

get courts to send us info. on checklists

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AFTER OUR FEDERAL CONSTITUTION WAS RATIFIED A PERSON ASKED GEORGE WASHINGTON THIS QUESTION: "WHAT IS THE MOST IMPORTANT THING I CAN DO FOR MY COUNTRY"

WASHINGTON ANSWERED WITH 5 WORDS "EXPRESS YOUR VIEWS BEYOND YOURSELF."

WHEN I FIRST BECAME AWARE OF THIS, I TOOK IT TO MEAN EVERYONES VOICE MATTERED, BE WILLING TO SHARE YOUR VIEWS, HAVE DIALOGUE WITH OTHERS AND LET OTHERS SHARE THEIR VIEWS WITH YOU FOR IT WILL STRENGTHEN OUR COUNTRY.

IT CAN ALSO BE APPLIED TO VOTING WHERE WE COLLECTIVELY EXPRESS OUR VIEWS BEYOND OURSELVES BY WAY OF THE BALLOT BOX AND THE MORE OFTEN WE GET TO DO THAT THE MORE WE FULFILL THE WILL OF OUR FIRST PRESIDENT.

I WOULD LIKE MORE AMERICANS TO VOTE NOT FEWER. FOR OVER HALF A CENTURY SINCE THE CIVIL RIGHTS ERA OF THE SIXTIES OUR FEDERAL GOVERNMENT AND THE STATES HAVE BEEN TRYING TO FIND MORE AND MORE

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WAYS TO MAKE IT EASIER TO VOTE BUT WHEN STATES TRY TO BALANCE THAT EASE OF VOTING WITH MEASURES TO INCREASE VOTING INTEGRITY IT IS OFTEN MET WITH HOSTILE RESISTANCE AND CHARGES OF SUPRESSION.

I WILL RESPECT THE FACTS THAT THIS COMMISSION RECEIVES BUT IT HAS BEEN MY BELIEF OVER MANY YEARS OF ADMINISTERING ELECTIONS THAT WE WILL SEE AN INCREASE IN VOTER TURNOUT ONLY WHEN EASE OF VOTING IS BALANCED WITH SECURITY AND INTEGRITY. MAKING VOTING EASIER BY ITSELF DOES NOT RESULT IN HIGHER TURNOUT AS WE HAVE SEEN IN OUR RECENT ELECTIONS. POLLS CONDUCTED JUST BEFORE THE LAST PRESIDENTIAL ELECTION FOUND OVER HALF THE COUNTRY BELIEVES THERE IS VOTER FRAUD AND POLLS AFTER THE ELECTION SHOW A DECLINING LEVEL OF CONFIDENCE IN THE BALLOTING.

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DURING THIS CENTURY THERE HAVE BEEN 3 NATIONAL ELECTION COMMISSIONS PREVIOUS TO THIS ONE. THEY SPENT TIME CONTINUING THE QUEST FOR WAYS TO MAKE VOTING EASIER. IN MY OPINION WE NEED TO FIRST UNDERSTAND WHY TURNOUT HAS NOT INCREASED AS A RESULT. ONE OF THE PREVIOUS COMMISSIONS RECOMMENDED STATES ADOPT PHOTO ID REQUIREMENTS FOR VOTING AND THAT COMMISSION WAS SEVERELY CRITICIZED FOR DOING SO.

WE ALSO NEED TO COMPARE STATES THAT HAVE VOTER ID LAWS TO THOSE WITHOUT. I MIGHT ADD THAT THE TWO HIGHEST STATES IN TURNOUT DURING THE PRESIDENTIAL PRIMARIES LAST YEAR WERE BOTH PHOTO ID STATES.

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WHY IS IT IMPORTANT FOR THE PUBLIC TO HAVE CONFIDENCE IN THEIR ELECTIONS?

THE REASON IS, CONTRARY TO COMMON BELIEF, ONE VOTE DOES MATTER.

I HAVE CONDUCTED NEARLY 500 RECOUNTS. ALL DONE BY HAND COUNTING PAPER BALLOTS IN A PUBLIC PROCESS INCLUDING STATEWIDE, CONGRESSIONAL AND VARIOUS SMALLER DISTRICT RACES. 11 OF THOSE RECOUNTS HAVE ENDED IN A TIE, 32 WERE DECIDED BY 1 VOTE AND A TOTAL OF 202 BY LESS THAN 10 VOTES.

WHILE SERVING AS A STATE REPRESENTATIVE IN THE 1970'S, MY STATE HAD A US SENATE RACE THAT WAS DECIDED BY 2 VOTES. THE US SENATE TRIED TO DO A RECOUNT OF THAT RACE AND GAVE UP AFTER TRYING FOR 5 MONTHS.

I AM A WITNESS THAT EVERY VOTE MATTERS AND THERE DOESN'T NEED TO BE MASSIVE VOTER FRAUD TO SWAY THE OUTCOME. THESE ARE THE EXPERIENCES I WILL BRING TO THIS COMMISSION AND I WILL WORK WITH ALL OF YOU ENDEAVERING TO LET THE FACTS WE RECEIVE SPEAK FOR THEMSELVES.

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Voter Turnout Ranking of States: 1980 - 2016 Presidential Elections, Based on Vote for Highest Office Divided by Voting Age Population (VAP)

	1980	%	1984	%	1988	%	1992	%	1996	%	2000	%	2004	%	2008	%	2012	%	2016	%
1	Minnesota	70.0%	Minnesota	68.6%	Minnesota	66.2%	Maine	73.1%	Maine	64.2%	Minnesota	66.6%	Minnesota	74.1%	Minnesota	73.2%	Minnesota	71.4%	Maine	69.50%
2	Idaho	67.9%	Montana	65.8%	Montana	63.7%	Minnesota	71.2%	Minnesota	63.1%	Maine	66.6%	Maine	72.5%	Maine	69.6%	Wisconsin	69.5%	Minnesota	69.40%
3	Wisconsin	67.4%	Maine	64.9%	North Dakota	63.2%	Montana	68.5%	Montana	62.3%	Alaska	64.9%	Wisconsin	71.8%	New Hampshire	69.6%	New Hampshire	67.8%	New Hampshire	69.20%
4	South Dakota	67.3%	South Dakota	63.8%	South Dakota	62.9%	Wisconsin	68.2%	South Dakota	60.3%	Wisconsin	64.7%	New Hampshire	68.8%	Wisconsin	69.3%	Iowa	67.1%	Wisconsin	66.10%
5	Montana	65.1%	Wisconsin	63.8%	Wisconsin	61.6%	Vermont	67.9%	Wyoming	59.9%	Vermont	63.5%	South Dakota	67.3%	Iowa	66.9%	Maine	67.0%	Iowa	64.90%
6	North Dakota	64.8%	North Dakota	63.5%	Maine	61.5%	South Dakota	66.1%	Vermont	58.2%	New Hampshire	60.9%	Iowa	67.3%	Michigan	66.4%	Colorado	64.5%	Colorado	64.40%
7	Utah	64.6%	Iowa	63.3%	Utah	60.5%	North Dakota	66.0%	Iowa	57.3%	Montana	60.8%	Oregon	67.1%	Vermont	66.0%	Ohio	62.7%	Vermont	62.10%
8	Maine	64.6%	Oregon	62.5%	Idaho	59.9%	Oregon	65.3%	Idaho	57.2%	Iowa	59.8%	Alaska	65.6%	Montana	65.1%	Michigan	62.0%	Michigan	61.90%
9	Iowa	62.9%	Utah	61.6%	Iowa	59.7%	Iowa	64.5%	Alaska	57.0%	North Dakota	59.8%	Ohio	65.3%	Ohio	65.1%	Montana	61.6%	Oregon	61.80%
10	Oregon	61.4%	Idaho	60.8%	Vermont	59.2%	New Hampshire	64.5%	New Hampshire	56.8%	Oregon	59.1%	Vermont	65.1%	Missouri	64.9%	Virginia	60.7%	Ohio	60.90%
11	Connecticut	61.0%	Vermont	60.5%	Oregon	58.5%	Connecticut	64.1%	Wisconsin	56.5%	Wyoming	58.3%	Michigan	64.4%	Colorado	64.7%	Massachusetts	60.2%	Massachusetts	60.70%
12	Michigan	60.0%	Connecticut	60.3%	Nebraska	57.8%	Idaho	63.8%	Louisiana	56.4%	Michigan	57.4%	Montana	63.3%	Alaska	64.3%	North Carolina	60.1%	Montana	60.50%
13	Massachusetts	59.0%	Washington	58.6%	Colorado	57.3%	Alaska	63.6%	Oregon	56.3%	South Dakota	57.0%	North Dakota	63.0%	South Dakota	63.4%	Vermont	59.6%	Virginia	60.50%
14	Missouri	58.8%	Alaska	58.6%	Connecticut	57.2%	Nebraska	62.6%	North Dakota	55.3%	Connecticut	56.7%	Missouri	62.9%	Oregon	62.7%	Missouri	59.6%	Pennsylvania	60.30%
15	Rhode Island	58.6%	Michigan	58.0%	Massachusetts	56.7%	Kansas	62.3%	Kansas	55.3%	Missouri	56.3%	Wyoming	62.9%	Virginia	61.8%	Maryland	59.5%	North Carolina	60.20%
16	Illinois	57.8%	Ohio	58.0%	Missouri	55.5%	Utah	61.8%	Connecticut	55.1%	Washington	56.3%	Colorado	61.9%	North Dakota	61.7%	North Dakota	58.7%	Missouri	59.50%
17	Vermont	57.8%	Illinois	57.9%	New Hampshire	55.2%	Missouri	61.6%	Nebraska	55.1%	Massachusetts	55.5%	Washington	61.0%	Pennsylvania	61.3%	Oregon	58.7%	Maryland	59.20%
18	Indiana	57.7%	Missouri	57.8%	Wyoming	55.1%	Michigan	61.1%	Washington	54.3%	Ohio	55.4%	Pennsylvania	60.4%	Wyoming	60.9%	Washington	58.6%	Delaware	58.80%
19	Washington	57.4%	Kansas	57.4%	Ohio	55.0%	Wyoming	60.6%	Ohio	54.2%	Delaware	55.1%	Nebraska	59.6%	Massachusetts	60.9%	Delaware	57.8%	Nebraska	58.60%
20	New Hampshire	57.2%	Massachusetts	57.0%	Kansas	54.9%	Colorado	60.3%	Massachusetts	54.2%	Nebraska	55.0%	Connecticut	59.5%	North Carolina	60.7%	South Dakota	57.6%	Washington	58.30%
21	Alaska	57.1%	Nebraska	56.6%	Illinois	54.2%	Ohio	60.2%	Missouri	53.5%	Louisiana	54.2%	Delaware	59.1%	Delaware	60.6%	Mississippi	57.2%	Connecticut	58.00%
22	Kansas	56.8%	New Jersey	56.5%	Alaska	54.2%	Washington	59.8%	Michigan	53.4%	Kansas	54.0%	Massachusetts	59.0%	Maryland	60.6%	Pennsylvania	57.2%	North Dakota	57.50%
23	Nebraska	56.7%	Indiana	56.4%	Louisiana	54.2%	Massachusetts	59.8%	Colorado	51.4%	Colorado	53.6%	Idaho	58.9%	Connecticut	60.4%	Louisiana	57.0%	Alaska	57.40%
24	Colorado	55.9%	Delaware	55.9%	Michigan	54.2%	Oklahoma	58.8%	New Jersey	50.0%	Idaho	53.6%	Kansas	58.4%	Washington	60.3%	Nebraska	56.9%	Wyoming	57.00%
25	Ohio	55.4%	Colorado	55.7%	Washington	53.8%	Louisiana	58.4%	Rhode Island	49.9%	Pennsylvania	52.4%	Louisiana	57.5%	Nebraska	59.4%	Wyoming	56.4%	Florida	56.70%
26	New Jersey	54.9%	Louisiana	55.6%	Indiana	53.6%	Rhode Island	58.2%	Oklahoma	49.0%	Illinois	51.5%	Maryland	57.1%	Mississippi	58.9%	Alabama	56.0%	South Dakota	56.70%
27	Delaware	54.7%	Rhode Island	55.5%	New Jersey	52.5%	Illinois	58.1%	Indiana	48.6%	Maryland	51.0%	Kentucky	56.9%	Kansas	58.8%	Connecticut	55.6%	Louisiana	56.60%
28	Wyoming	53.4%	Wyoming	54.9%	Rhode Island	52.5%	New Jersey	55.7%	Pennsylvania	48.5%	Virginia	50.8%	Illinois	56.2%	Louisiana	58.7%	Idaho	55.6%	Alabama	56.30%
29	Louisiana	53.2%	Pennsylvania	54.3%	Mississippi	51.3%	Delaware	55.3%	Delaware	48.4%	Rhode Island	50.6%	Virginia	56.1%	Virginia	58.6%	Idaho	58.6%	Dist. of Columbia	55.5%	Kentucky	56.10%
30	West Virginia	52.8%	United States	53.3%	Delaware	51.0%	United States	54.7%	Illinois	48.3%	Kentucky	50.5%	Florida	55.8%	Florida	58.4%	Alabama	56.4%	Alaska	55.3%	Illinois	55.80%
	United States	52.6%	New Hampshire	53.1%	Oklahoma	50.9%	Alabama	54.5%	United States	48.1%	Utah	50.2%	Utah	55.8%	New Jersey	58.2%	Florida	55.1%	Idaho	55.40%
31	Oklahoma	52.2%	Oklahoma	52.9%	United States	50.3%	Indiana	54.5%	Utah	47.7%	Alabama	50.2%	United States	55.5%	Florida	57.6%	South Carolina	53.6%	New Jersey	55.30%
32	Pennsylvania	52.0%	Mississippi	52.7%	Pennsylvania	50.2%	Pennsylvania	53.9%	Alabama	47.5%	New Jersey	50.1%	New Jersey	55.5%	Illinois	57.4%	United States	53.6%	Dist. of Columbia	54.80%
33	Mississippi	51.9%	West Virginia	52.5%	New Mexico	49.8%	Maryland	53.7%	Virginia	47.3%	United States	50.0%	Oklahoma	55.2%	Rhode Island	57.1%	Kansas	53.5%	Rhode Island	54.70%
34	Arkansas	51.5%	Arkansas	52.3%	Kentucky	48.8%	Arkansas	53.1%	Kentucky	47.3%	Indiana	48.2%	Alabama	54.9%	Indiana	57.0%	Rhode Island	53.4%	United States	54.40%
35	New Mexico	50.9%	New Mexico	51.9%	Maryland	48.5%	Kentucky	53.0%	Maryland	46.7%	Tennessee	48.1%	Tennessee	54.2%	United States	56.9%	Kentucky	53.4%	South Carolina	54.20%
36	Maryland	50.0%	Kentucky	51.2%	Arkansas	48.2%	Virginia	52.7%	Arkansas	46.5%	Oklahoma	48.1%	Mississippi	54.0%	Kentucky	55.7%	Illinois	53.3%	Indiana	53.90%
37	Kentucky	49.9%	Maryland	51.1%	West Virginia	48.1%	Mississippi	52.2%	Tennessee	46.3%	Mississippi	47.9%	North Carolina	53.8%	Georgia	55.6%	New Jersey	53.2%	Kansas	53.70%
38	California	48.9%	New York	50.9%	Virginia	47.9%	Tennessee	52.0%	Florida	46.1%	Florida	47.8%	New Mexico	53.6%	South Carolina	55.3%	Indiana	52.9%	Mississippi	53.30%
39	Tennessee	48.8%	Virginia	50.7%	New York	47.5%	Arizona	51.3%	West Virginia	45.5%	New York	47.6%	West Virginia	53.0%	Dist. of Columbia	55.2%	Georgia	52.3%	Utah	52.80%
40	Alabama	48.7%	Alabama	50.3%	Alabama	46.7%	New Mexico	50.4%	New York	45.3%	North Carolina	47.4%	Indiana	53.0%	New Mexico	55.1%	Utah	51.4%	Georgia	52.40%
41	Florida	48.7%	Tennessee	49.4%	California	46.5%	New York	50.2%	Mississippi	45.0%	West Virginia	46.1%	Rhode Island	52.8%	Tennessee	54.5%	New Mexico	49.8%	New Mexico	50.10%
42	New York	48.0%	California	49.3%	Texas	45.7%	Florida	50.2%	New Mexico	44.5%	Arkansas	46.0%	Arkansas	50.9%	Georgia	50.8%	Oklahoma	52.8%	Tennessee	49.40%	Arkansas	49.40%
43	Virginia	47.5%	Florida	48.3%	Tennessee	45.3%	North Carolina	49.7%	North Carolina	44.0%	South Carolina	45.7%	Georgia	50.8%	Utah	51.8%	Nevada	48.2%	Nevada	49.30%
44	Texas	44.9%	Texas	47.4%	Arizona	44.9%	West Virginia	49.6%	California	43.4%	New Mexico	45.4%	New York	50.6%	New York	51.4%	Arkansas	47.7%	New York	49.20%
45	Arizona	44.4%	North Carolina	47.3%	Florida	44.6%	California	49.3%	Georgia	41.4%	California	44.1%	South Carolina	50.6%	Arkansas	50.0%	Arizona	46.5%	West Virginia	48.90%
46	Hawaii	43.6%	Arizona	45.3%	Hawaii	44.1%	Nevada	49.3%	Dist. of Columbia	41.3%	Dist. of Columbia	43.9%	Dist. of Columbia	49.6%	California	49.5%	Oklahoma	46.3%	Oklahoma	48.70%
47	North Carolina	43.4%	Hawaii	44.7%	North Carolina	43.5%	Texas	48.3%	Arizona	41.1%	Georgia	42.4%	Arizona	47.7%	West Virginia	49.1%	New York	46.1%	Tennessee	48.50%
48	Georgia	41.3%	Georgia	41.9%	Nevada	42.5%	Dist.of Columbia	47.7%	South Carolina	40.8%	Texas	42.3%	California	47.3%	Arizona	49.1%	West Virginia	45.5%	Arizona	48.30%
49	Nevada	41.1%	Dist.of Columbia	41.8%	South Carolina	39.4%	Georgia	45.9%	Texas	40.4%	Arizona	40.1%	Nevada	46.7%	Nevada	48.4%	California	45.1%	California	46.50%
50	South Carolina	40.4%	Nevada	41.1%	Georgia	39.1%	South Carolina	44.8%	Hawaii	40.2%	Nevada	40.0%	Texas	45.5%	Texas	45.5%	Texas	41.7%	Texas	43.10%
51	Dist. of Columbia	35.3%	South Carolina	40.9%	Dist. of Columbia	38.4%	Hawaii	43.0%	Nevada	36.5%	Hawaii	39.8%	Hawaii	43.6%	Hawaii	43.8%	Hawaii	39.9%	Hawaii	37.80%

Source: Dr. Michael P. McDonald, United States Elections Project, Turnout Data, Jan. 17, 2017, with Turnout Calculations in 2000 and 2004 corrected to reflect Vote for Highest Office divided by Voting Age Population (VAP)

17-23611-A-006063

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William M. Gardner
New Hampshire Secretary of State
June 27, 2016

In the 2016 Presidential Primary, New Hampshire scored first in voter turnout, followed by Wisconsin, Vermont, Oregon and Illinois, using total ballots cast divided by voting-eligible population (VEP).

The Measure of American Elections, 2014, edited by Barry C. Burden and Charles Stewart III; "Registration and Voting: A View from the Top", by Barry C. Burden, University of Wisconsin – Madison:

> "Simply put, people are more likely to participate if they are confident in the system and find it relatively easy to take part. Although turnout is affected by many things outside the control of the election administrator, high turnout is frequently regarded as a sign that the democracy is functioning well. One might even view turnout as a sort of "grand indicator" that encompasses all others, coming as it does at the end of the electoral cycle, which includes many registration and balloting activities."
>
> "Although the media often write at great length about how participation in the most recent election compares with the previous one, the most important source of variation is not temporal. *Registration and turnout rates vary much more across states than over time*. The seesaw of up-and-down activity between presidential and midterm years is predictable and well understood. In contrast the greater variation across states has received less acknowledgment that it deserves."
>
> "It is true that "battleground" states tend to have higher levels of participation than do uncompetitive states, but the variation across states far exceeds these impacts."

Boston Globe, March 15, 2016 Article entitled "Vote early, vote foolish", by Jeff Jacoby:

> "The transformation of Election Day into Election Month has proved one of our less successful democratic experiments."

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"In a 2013 study published in the American Journal of Political Science, researchers found that early voting appears to "lower the likelihood of turnout by three to four percentage points."

Election Law Journal, June 8, 2015, Article entitled "Early Voting: Do More Sites Lead to Higher Turnout?" by Elliott B. Fulmer, Randolph Macon College:

"Burden, et al, interpret their findings as evidence that early voting, while decreasing the short term costs of voting, actually leads to interactive effects that depress turnout."

"Research on whether voter ID laws depress turnout has been abundant in recent years. Findings are split, though most believe the effects are minimal (if they exist at all). Vercellotti and Anderson (2006) reported a small but significant relationship between county-level voter turnout and ID laws in 2004, while Alvarez, Bailey and Katz (2008) use CPS data to show that having to present photo identification does depress the turnout of registered voters when compared to those living in states that required one to simply state their name. Others, however, have argued that no noticeable drop-off in turnout due to ID laws is apparent (Milyo 2007; Mycoff, Wagner, and Wilson 2007; Ericson and Minnite 2009)."

New York Times, June 4, 2016, Article entitled "Jury Out on Effectiveness as Some States Make Voting Easier," by Michael Wines:

"Most studies show that election reforms don't affect turnout very much, and when they do, the people who turn out look a lot like they are people who are already voting," said Barry C. Burden, the Director of the University of Wisconsin - Madison's Election Research Center.

American Journal of Political Science, January 18, 2016: "Early Voting is Convenient but Decreases Overall Turnout" by Barry Burden, University of Wisconsin – Madison:

"We argue that turnout actually declines when early voting is an option... All of this information and social pressure helps to get out the vote on a traditional election day but is diluted during a lengthy early voting period... In other words, early voting is a treat for regular voters but not a great way to mobilize new voters... Even more surprising, turnout was slightly lower for each additional day of early voting that is offered."

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Presidential Advisory Commission on Election Integrity
By-Laws and Operating Procedures

The following By-Laws and Operating Procedures ("By-Laws") will govern the operations of the Presidential Advisory Commission on Election Integrity ("Commission").

Section I: Purpose, Organization, and Operation

Pursuant to Executive Order 13799 of May 11, 2017, the Commission shall, consistent with applicable law, study the registration and voting processes used in Federal elections. The Commission shall be solely advisory and shall submit a report to the President that identifies those laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections; those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of voting processes used in Federal elections; and those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting. The Commission shall provide its advice and recommendations, analysis, and information directly to the President.

Section II: Authority

The Commission was established by Executive Order 13799 of May 11, 2017, and by the authority vested in the President of the United States by the Constitution and the laws of the United States of America. The Commission has voluntarily agreed to operate in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.) ("FACA"). The Commission filed a charter on June 23, 2017, with the General Service Administration's Committee Management Secretariat.

Section III: Membership

(A) **In General.** The Commission shall be composed of the Vice President and not more than fifteen (15) additional members ("Members"). The Members shall be appointed by the President and shall represent a bipartisan set of perspectives and experience in elections, election management, election fraud detection, and voter integrity efforts, and may include any other individuals with knowledge or experience determined by the President to be of value to the Commission. The Members of the Commission may include both regular Government Employees and Special Government Employees.

(B) **Chair and Vice Chair.** The Vice President shall chair the Commission. The Vice President may select a Vice Chair from among those Members appointed by the President, who may perform the duties of the Chair if so directed by the Vice President.

(C) **Commission Staff.** The Vice President may select an Executive Director of the Commission and any additional staff he determines necessary to support the Commission.

(D) **Designated Federal Officer.** The Designated Federal Officer ("DFO") will be a full-time officer or employee of the Federal Government appointed by the GSA Administrator, pursuant to 41 CFR § 102-3.105 and in consultation with the Chair of the Commission. The DFO will approve or call all Commission meetings, prepare all meeting agendas, attend all meetings, and adjourn any meeting when the DFO determines adjournment to be in the public interest. Should the Chair designate any subcommittees, the DFO will similarly approve or call all subcommittee meetings,

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prepare all subcommittee meeting agendas, attend all subcommittee meetings, and adjourn any subcommittee meeting when the DFO determines adjournment to be in the public interest. In the DFO's discretion, the DFO may utilize other Federal employees as support staff to assist the DFO in fulfilling these responsibilities.

Section IV: Meetings

(A) In General. The Commission shall meet as frequently as needed and called and approved by the DFO. The Chair will preside at all Commission meetings, unless the Chair directs the Vice Chair to perform the duties of the Chair. Members who cannot attend meetings in person may participate by means of conference telephone or similar communications equipment if all Members can hear one another at the same time and members of the public entitled to hear them can do so. A Member who participates by such means will be counted as present for purposes of a quorum, and the Member may participate in any votes and other business as if the Member were physically present at the meeting.

(B) Notice. A notice of each Commission meeting will be published in the Federal Register at least 15 calendar days before the meeting, except in exceptional circumstances. The notice will include (1) the name of the Commission; (2) the time, date, place, and purpose of the meeting; (3) a summary of the agenda, and/or topics to be discussed; (4) a statement as to whether all or part of the meeting is open to the public and, if any part is closed, a statement as to why, citing the specific exemption(s) of the Government in the Sunshine Act (5 U.S.C. § 552b(c)) ("GISA") as the basis for closure; and (5) the name and telephone number of the DFO or other official who may be contacted for additional information concerning the meeting.

(C) Agenda. The Chair or, at the Chair's direction, the Vice Chair, shall establish the agenda for all Commission meetings. The DFO will prepare and distribute the agenda to the Members before each meeting and will make available copies of the agenda to members of the public. Items for the agenda may be submitted to the Chair by any Member. Items may also be suggested by any member of the public.

(D) Quorum. Commission meetings will be held only when a quorum is present. For this purpose, a quorum is defined as a simple majority of the Members (including the Chair) then serving on the Commission.

(E) Open Meetings. Unless otherwise determined in advance, all Commission meetings will be open to the public either in person as space permits or through electronic means as permitted by FACA and its implementing regulations. Once an open meeting has begun, it will not be closed for any reason. However, if, during the course of an open meeting, matters inappropriate for public disclosure arise during discussion, the Chair shall order such discussion to cease and will schedule the matter for closed session in accordance with FACA. All materials brought before, or presented to, the Commission during the conduct of an open meeting will be made available to the public. All such materials will be made available on the Commission's webpage as soon as practicable.

(F) Activities Not Subject to Notice and Open Meeting Requirements. Consistent with 41 CFR §102-3.160, the following activities of the Commission are excluded from the procedural requirements contained in Sections IV(B) and (E):

i. Preparatory work. Meetings of two or more Commission Members or subcommittee Members convened solely to gather information, conduct research, or analyze relevant

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issues and facts in preparation for a Commission meeting, or to draft position papers for deliberation by the Commission; and

ii. Administrative work. Meetings of two or more Commission Members or subcommittee Members convened solely to discuss administrative matters of the Commission or to receive administrative information from a Federal officer or agency.

(G) Closed Meetings. Meetings of the Commission will be closed only in limited circumstances and in accordance with applicable law. Where the DFO has determined in advance that a Commission meeting will disclose matters inappropriate for public disclosure, an advance notice of a closed meeting will be published in the Federal Register in accordance with GISA.

(H) Hearings. The Commission may hold hearings to receive testimony or oral comments, recommendations, and expressions of concern from the public. The Commission may hold hearings at open meetings or in closed session in accordance with the standards in these By-Laws for closing meetings to the public. The Chair may specify reasonable guidelines and procedures for conducting orderly hearings, such as requirements for submitting requests to testify and written testimony in advance and placing limitations on the number of persons who may testify and the duration of their testimony.

(I) Minutes. The DFO will prepare minutes of each meeting, distribute copies to each Member, and ensure that the Chair certifies the accuracy of all minutes within 90 calendar days of the meeting to which they relate. Minutes of open or closed meetings will be available to the public, subject to the withholding of matters which are exempt from disclosure under applicable law. The minutes will include: (1) the time, date, and place of the Commission meeting; (2) a list of the persons who were present at the place of the meeting; (3) an accurate description of each matter discussed and the resolution, if any, made by the Commission regarding such matter; and (4) a copy of each report or other document received, issued, or approved by the Commission at the meeting.

(J) Public Comment. Subject to Section IV(E), members of the public may, at the determination of the Chair, offer oral comment at any meeting open to the public. The Chair may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comment from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the Commission at any time.

Section V: Voting

(A) In General. When a decision or recommendation of the Commission is required, the Chair shall request or accept a motion for a vote. Any Member, including the Chair, may make a motion for a vote. No second after a proper motion will be required to bring any issue or recommendation to a vote. A quorum must be present when a vote is taken.

(B) Voting Eligibility. Only the Members, including the Chair, may vote on a motion.

(C) Voting Procedures. Votes will ordinarily be taken and tabulated by a show of hands or by voice vote.

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Section VI: Subcommittees

The Chair of the Commission, in consultation with the DFO, is authorized to create subcommittees as necessary to support the Commission's work. Subcommittees may not incur costs or expenses without prior written approval of the Chair or the Chair's designee and the DFO. Subcommittees must report directly to the Commission, and must not provide advice or work products directly to the President or any other official or agency.

Section VII: Administrative Support and Funding

Pursuant to Executive Order 13799, to the extent permitted by law, and subject to the availability of appropriations, the General Services Administration shall provide the Commission with such administrative services, funds, facilities, staff, equipment, and other support services as may be necessary to carry out its mission, to the extent permitted by law and on a reimbursable basis. However, the President's designee will be responsible for fulfilling the requirements of subsection 6(b) of the FACA.

Section VIII: Records

The records of the Commission and its subcommittees shall be handled in accordance with the Presidential Records Act of 1978 and FACA.

Section IX: Termination

The Commission shall terminate no more than two (2) years from the date of the Executive Order establishing the Commission, unless extended by the President, or thirty (30) days after it presents its final report to the President, whichever occurs first.

Section X: Amendment of By-Laws

Amendments to the By-Laws must conform to the requirements of the Executive Order, charter establishing the Commission, and FACA, and be agreed to by two-thirds of the Members. The DFO must ensure that all Members receive a copy of the proposed amendment before any vote is taken on it.

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Message

From: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Sent: 6/29/2017 3:48:57 PM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
Subject: NRO article on voter ID study that debunked earlier study

http://www.nationalreview.com/article/448765/hillary-clinton-wisconsin-voter-suppression-claim-dubious-excuse-flawed-campaign

NATIONAL REVIEW

No, Hillary, Voter-ID Laws Don't 'Suppress' Turnout

Mrs. Clinton maligns Wisconsin's effort to protect the integrity of its elections in an attempt to excuse her own fatally flawed campaign.

By Hans A. von Spakovsky & Benjamin Janacek — June 20, 2017

Hillary Clinton just doesn't know how to lose gracefully. She does, however, have a knack for coming up with ever more inventive excuses for her loss to Donald Trump.

Just last month, she chalked it up to "voter suppression" in Wisconsin. This spurious claim was a reference to the Badger State's common-sense voter-ID law, which has been upheld by the courts. It followed on the heels of a tweet from Wisconsin's Democratic senator, Tammy Baldwin, claiming the law had reduced voter turnout by 200,000 statewide.

Both claims relied on a study commissioned by Priorities USA Action and conducted by CIVIS USA, two liberal groups that actively supported Clinton's presidential bid. Unfortunately for Clinton and Baldwin, though, the study has been roundly debunked.

Politifact rated Baldwin's claim as "Mostly False," asserting that "experts . . . question the methodology of the report and say there is no way to put a number on how many people in Wisconsin didn't vote because of the ID requirement."

While it is true that 2016 saw Wisconsin's turnout drop from 2012, it is also true that the state still experienced higher turnout than in 2008, before the voter-ID law was passed. Moreover, according to the U.S. Elections Project, Wisconsin had the fifth-highest turnout rate in the country, far higher than that of many states with no ID requirement. 69.4 percent of the state's eligible voters showed up to the polls, far surpassing the national average of 59.3 percent and the 56.8 percent rate in Clinton's home state of New York, where there is no voter-ID law.

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Wisconsin's turnout decrease from 2012 is just as likely, or more likely, attributable to a natural regression from its unusually high 2012 turnout rate. President Obama's high-powered turnout operation, coupled with Wisconsin's own Paul Ryan being on the GOP ticket, would easily explain the 2012 surge in statewide voter turnout. Hillary Clinton's ineffective campaign, her decision not to visit the state, and the general leftward shift of the Democratic party may also have dampened enthusiasm for her candidacy.

Democrats have generally admitted that they failed to connect with blue-collar workers in 2016. In fact, their party chairman, Tom Perez, has organized a year-long outreach program to try to rectify the problem. Unfortunately for Democrats, these voters are highly concentrated in Rust Belt states, such as Wisconsin, Michigan, Iowa, Minnesota, Ohio, and Pennsylvania, that proved especially susceptible to Trump's economic message. None of those states saw any increase in voter turnout, but it wasn't because of voter-ID laws, which vary widely among them; it was because Clinton failed to rally their working-class voters to her side, convinced that she could rely on Obama's winning coalition from 2008 and 2012 to put her over the top.

The problem with that strategy was two-fold: (1) The voters of the Obama coalition make up disproportionately high percentages of state populations in already deep-blue states such as New York and California; and (2) they were not nearly as enthusiastic about Clinton as they had been about Obama. *FiveThirtyEight*'s David Wasserman warned last September that the demographic groups the Clinton campaign was targeting were concentrated in non-swing states. The Clinton campaign failed to heed that warning.

In fact, turnout data from 2012 and 2016 do not show any "voter suppression" because of ID requirements. Nine of the eleven states that have implemented so-called strict ID Laws either saw an increase in turnout or exceeded the national average in turnout in 2016. Two of them, Wisconsin and New Hampshire, finished in the top five nationally. Meanwhile only two of the 17 states plus Washington, D.C., that have no ID requirement finished among the top five.

In short, there is no credible evidence that voter-ID laws have impeded turnout, especially among minorities and Democrats, as their opponents suggest.

The debunked Wisconsin study is, unfortunately, not alone in misusing the data for political gain. A January 2017 study by three professors from the University of California San Diego and Bucknell University — frequently referenced in liberal media outlets — is another unfortunate example. The study erroneously claims that voter-ID laws have a disparate impact on minorities and "diminish the participation of Democrats and those on the left, while doing little to deter the vote of Republicans and those on the right." This sensational finding generated a media storm, with the help of several opinion pieces from the

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authors making the politically charged (and false) claim that voter-ID laws "lower minority turnout and benefit the Republican Party."

But these claims, too, were recently debunked by a group of professors from Yale, Stanford, and the University of Pennsylvania. Upon examining the data in the original study, the group found "no definitive relationship between strict voter ID laws and turnout." It also found that the original study contained measurement errors, omitted-variable bias, and misinterpreted data.

In reality, then, such studies are designed to obscure the truth. The Heritage Foundation has published numerous papers looking at turnout data in states that implemented voter-ID laws. All of those studies show that ID requirements do not keep voters from the polls, and that some states have even seen increases in turnout after their ID laws went into effect. A University of Missouri study found that Indiana's turnout increased 2 percent after its voter-ID law was implemented, with no negative impact on minority voters in particular, and increased turnout for Democrats as a whole. Yet another study, this one by the University of Delaware and the University of Nebraska-Lincoln, found that at both the aggregate and individual levels, voter-ID laws did not affect turnout across racial, ethnic, or socioeconomic lines during the 2000, 2002, 2004, and 2006 elections.

In short, there is no credible evidence that voter-ID laws have impeded turnout, especially among minorities and Democrats, as their opponents suggest. Meanwhile, a Heritage Foundation database tracking documented voter fraud now contains 492 cases and 773 criminal convictions, with untold other cases unreported and unprosecuted.

It is thus more important than ever that we implement voter-ID laws, while also taking steps to prevent non-citizens and individuals registered in multiple states from voting. Across the country, as Heritage's database shows, voter-fraud convictions include everything from impersonation fraud and false registrations to ineligible voting by felons and non-citizens. American voter fraud continues apace, and the United States remains one of the only democracies in the world without a uniform requirement for voter identification.

Ax-grinding politicians such as Clinton and Baldwin will doubtless continue to malign ID laws. But their spurious claims have not dissuaded state officials from trying to protect the integrity of their elections. Most recently, Arkansas instituted a law that requires voters to either show an ID when they vote or cast a provisional ballot and provide ID by the Monday after the election. After a long and contentious court battle, Texas recently amended its voter-ID law to require either photo ID or other documents listing the voter's name and address. And even as Clinton was losing at the polls, Missouri voters last year overwhelmingly approved a constitutional amendment that allows the state to require voters to prove they are whom they say they are when they vote, reversing a faulty decision by the state's Supreme Court.

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It is vital that states not let the politically expedient, dubious claims of Democrats hamper the important task of securing our elections' integrity. Otherwise, our ability to function as a democratic republic will be imperiled.

— Hans A. von Spakovsky is a senior legal fellow and Benjamin Janacek is a member of the Young Leaders' Program at the Heritage Foundation.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

AMERICAN OVERSIGHT

Kossack, Andrew

From: Christian Adams <
Sent: Wednesday, October 25, 2017 7:26 AM
To: Kossack, Andrew J Kris Kobach'
Cc:

Subject: [EXTERNAL] Pennsylvania Hearings Today on Non-Citizen registration
Attachments: 2017.10.23 PA SOS NVRA Request.pdf

Andrew and Kris:

Today the Pennsylvania House of Representatives is holding hearings on the problem of alien registration in the Commonwealth. For those of you who follow these matters nationwide, Pennsylvania was recently discovered to have serious failures in voter registration procedures that allowed large numbers of aliens to get on the voter rolls in the Motor Voter process. Their presence was undetected for many years, and about a third of them have been casting ballots. That this happened is not subject to any credible dispute. The Pennsylvania Secretary of State resigned after the facts were revealed.

Understanding how this happened and what practices should be in place to prevent it would be an extremely worthwhile exercise for the Commission. Today, Noel Johnson, an attorney at my organization is testifying before the Pennsylvania House State Government Committee about these problems. Our organization first discovered the presence of aliens on the voter rolls in Philadelphia earlier in 2016, and it turns out aliens on the rolls was a statewide problem and not confined to Philadelphia. We have been examining this issue carefully nationwide and you will recall our preliminary report about New Jersey - Garden State Gotcha - was submitted for the record at our New Hampshire hearing. The reasons why aliens are getting on the rolls are many, and it would seem something that no reasonable election administrator would want to ignore.

Yesterday my organization submitted the attached NVRA Section 8 inspection request to Pennsylvania. We hope the results will reveal the failures that resulted in thousands of aliens getting on the rolls and voting, and will provide facts that allow us to recommend procedures so it does not happen again. It's an excellent opportunity for the Commission to demonstrate it is serious about fixing real, undeniable, and significant illegal registration and voting. Perhaps staff can develop a similar information request about all of the problems which have plagued alien registration in Pennsylvania for over a decade. Perhaps the Commission can focus on something that no reasonable American would want to have happen, as happened in Pennsylvania. Rather than ignore or minimize this empirical problem, I would suggest we examine it.

Thanks everyone, and look forward to seeing you soon.

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17-2361-A-006074

J. Christian Adams

AMERICAN OVERSIGHT

VIA EMAIL, FACSIMILE

October 23, 2017

Mr. Jonathan M. Marks
Commissioner, Bureau of Commissions, Elections and Legislation
Pennsylvania Department of State
210 North Office Building, 401 North Street
Harrisburg, PA 17120
Email:
Fax:

RE: NVRA public disclosure request

Dear Disclosure Officer(s):

I am writing to request inspection or copies of records related to your office's voter list maintenance obligations under the National Voter Registration Act of 1993 (NVRA).

The National Voter Registration Act of 1993, 52 U.S.C. § 20501 *et seq.*, requires your office to make available for public inspection "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i).

Pursuant to Section 20507(i) of NVRA, I request that your office reproduce or provide the opportunity to inspect the following records contained within SURE:

1. Documents regarding all registrants who were identified as potentially not satisfying the citizenship requirements for registration from any official information source, including information obtained from the various agencies within the U.S. Department of Homeland Security and the Pennsylvania Department of Transportation since January 1, 2006. This request extends to all documents that provide the name of the registrant, the voting history of such registrant, the nature and content of any notice sent to the registrant, including the date of the notice, the response (if any) of the registrant, and actions taken regarding the registrant's registration (if any) and the date of the action. This request extends to electronic records capable of compilation.
    a. This request includes all voter records that were referenced in recent news media reports regarding individuals improperly exposed to registration prompts due to a "glitch" in PennDOT's Motor Voter compliance system. At least one news report claims that "a Pennsylvania Department of State review is underway."[1] I seek all voter records contained in this review.

[1] The Philadelphia Inquirer; Glitch let ineligible immigrants vote in Philly elections, officials say (September 20, 2017), http://www.philly.com/philly/news/politics/city/philly-voter-fraud-trump-immigrants-registration-commissioners-penndot-20170920.html

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2. All documents and records of communication received or maintained by your office from registered voters, legal counsel, claimed relatives, or other agents since January 1, 2006 requesting a removal or cancellation from the voter roll for any reason related to non-U.S. citizenship/ineligibility. Please include any official records indicating maintenance actions undertaken thereafter.

3. All documents and records of communication received or maintained by your office from jury selection officials—state and federal--since January 1, 2006 referencing individuals who claimed to be non-U.S. citizens when attempting to avoid serving a duty call. This request seeks copies of the official referrals and documents indicating where your office or local registrars matched a claim of noncitizenship to an existing registered voter and extends to the communications and maintenance actions taken as a result that were memorialized in any written form.

4. All communications regarding list maintenance activities relating to #1 through 3 above to appropriate local prosecutors, Pennsylvania Attorney General, Pennsylvania State Police, any other state law enforcement agencies, the United States Attorney's office, or the Federal Bureau of Investigation.

Understanding that federal file retention laws may impact some disclosures, an optimal grouping of documents presented per registered voter disclosed would contain the following:

- The completed voter application form (redacted where necessary to prevent disclosures of claimed Social Security number and signature);

- Referral documents/transmissions for new or updated voter registration applications provided by state agencies charged with National Voter Registration Act (Motor Voter) duties;

- Records indicating the "voter profile" or "voter view" or similar feature provided within the Statewide Uniform Registry of Electors (SURE) which details all information kept per voter, to include but is not limited to:
    - Full name on file (including previous names)
    - Date of birth
    - Voter ID number
    - Voter registration date (including previous dates of registration)
    - Date of last maintenance/update action
    - Reason code(s) for previous maintenance action(s)
    - County of registration
    - Detailed address information history (residential and mailing)
    - Political party designation history (if claimed/recorded)
    - Registration method history (e.g. self, NVRA agency transaction, third-party, etc.)
    - Assigned voting districts history
    - Election participation history in full
    - All internal memoranda stored within each "profile"

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- All letters, postcards, and other mailings sent or maintained by your office to the voter in question with notations for types of postage or method of delivery indicated where possible;

- All letters, emails, logged phone calls, documents, and other communications from the voter in question maintained within SURE—including those communications from legal counsel or claimed relatives on their behalf;

- All documents your office may receive or maintain from federal entities to include but are not limited to the U.S. Department of Homeland Security/USCIS detailing inquiries regarding registered voters;

- All documents and communications contained in SURE between the registered voter in question and county registration officials with respect to pending immigration matters; and

- Any documents contained in SURE that were sent to the voter to require that an affirmation of citizenship or noncitizenship be given in writing with responses included, where applicable.

Should your office require any examples of the above data collected via NVRA request in other jurisdictions, I would be happy to supply them in electronic format.

If you would like to produce these requested documents in paper or digital form, I can dispense with the need to visit your office for inspection. I will be in Harrisburg on October 25, 2017 and would be available for a brief office visit to take delivery of responsive documents or further discuss this request, if necessary. My contact information is provided below.

Thank you for your service on this matter.

Sincerely,

Noel Johnson
Litigation Counsel
Public Interest Legal Foundation
Telephone

AMERICAN OVERSIGHT

Kossack, Andrew

From: Christian Adams <
Sent: Monday, November 13, 2017 1:55 PM
To: Kossack, Andrew J.
Cc:

Subject: [EXTERNAL] Commission Action Request

Andrew:

I would suggest that you request as soon as possible the annual report of the Election Crimes Branch over at the Criminal Div for 2016. It has not been posted at the DOJ website yet and is usually available by now.

I would strongly suggest you request form the same office the number of voter fraud cases prosecuted over the last 9 or 10 years. As far as I can tell, there has not been a single prosecution whatsoever for any double voting or any non-citizen voting. I know with certainty that multiple instances of double voting and alien voting have been brought to the attention of the appropriate federal officials, and no action has been taken. Of course when you don't prosecute crimes, you tend to have more crimes. The cross check program in which at least two Commission members participate has yielded a demonstrable inventory of potential double voting. It is not possible that every single one of those is a false positive, and those that are not represent likely federal felonies. I know in some instances these matches were brought to the attention of the appropriate federal officials. Understanding the extent of un-prosecuted and known election crimes can inform the Commission's recommendations.

To summarize:

1) Would you please take steps to request from the Election Crimes Branch of the Justice Department their report that should have been produced for CY 2016 regarding election crimes.
2) Would you please take steps to request from the OPA or the Election Crimes Branch (or both) the aggregate number of voter fraud prosecutions from 2008 to present by category, particularly for non-citizen voting and double voting.

Christian Adams

AMERICAN OVERSIGHT

Kossack, Andrew

From: Christian Adams
Sent: Monday, November 20, 2017 4:55 PM
To:

Subject: [EXTERNAL] Suggested data request for Commission

Andrew and Kris:

I would suggest that when you have the opportunity, that the Commission should obtain some public information prior to our next meeting.

You may recall that shortly before our Sept. 12 New Hampshire meeting, the Public Interest Legal Foundation released a preliminary report finding 616 non-U.S. citizens in the state of New Jersey in the voter registration system. A copy of the initial report entered into the record on September 12 can be found, here. The figure is no doubt under-inclusive as it represents only those who *admitted* to their foreign citizenship status.

After our last meeting, we completed our survey of every New Jersey county, a survey that was merely in-progress on September 12. The results should be of interest to the Commission.

The completed survey of self-reported alien voter registration in New Jersey nearly doubled the preliminary finding. In all, 1,069 noncitizens were given unique voter identification numbers. Many of them managed to vote, sometimes repeatedly. Seventy-five percent of these cases resulted from a flawed Motor Voter transaction system —typically from the DMV and community college admissions documents. Based on the records returned, PILF could comfortably determine that pending naturalization applications were the core drivers for noncitizens to self-report their unlawful registration.

Registration and voting by noncitizens violates both state and federal law, and are grounds for removal under 8 U.S.C. 1227(a)(6). Our systems should work better for the sake of citizens and immigrants alike. After all, even when an alien unwittingly registers to vote, they are jeopardizing their efforts to naturalize.

The Commission should:

1. Gathering similar cancellations/deletions of noncitizen registration like those found in the New Jersey survey. This isn't complicated, and I am surprised that nobody attempted to catalog this before PILF began doing so in 2016. Federal law already provides any requestor full access to this information in all but six states.
2. Contact the U.S. Customs and Immigration Services to access metadata or reports, where available, involving the number of applicants for citizenship whose applications were frozen, denied, or approved given their answers to questions involving registration and voting activity. Question 12 on the N-400 federal form specifically gathers such information from each prospective American. Many applicants note they have been registered to vote and are voting. We should find the actual volume on federal records. Who could deny this is relevant information to the extent of problems with election integrity and squarely within the charge of the Commission?
3. Obtain from the Executive Office for Immigration Review of the Justice Department of all current and past immigration court cases where aliens were considered removable due to their unlawful participation in elections under 8 U.S.C. 1227(a)(6).

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4. We should discuss building a survey or interview framework for each of the states subject to the NVRA to identify best practices and Motor Voter configurations in need of upgrades/fixes. I raise this issue in light of recent revelations in Pennsylvania, where state officials admitted that their registration system offered voter registration opportunities to all driver's license customers--even those with Green Cards--dating back to the mid-1990s. The state official responsible for the statewide election system resigned subsequent to the revelation that aliens were systematically getting on the voter rolls. It's worth noting that a cursory search of the most vocal critics of the commission in the mercenary media have failed to mention the circumstances in Pennsylvania even once, as if they do not exist.

I realize you have quite a bit to do right now. But beginning to do real research about the extent of alien registration and voting isn't difficult, and shouldn't be controversial. After all, who wouldn't want to improve a system that is showing real empirical flaws?

I'm happy to discuss with any of you this suggestion.

J. Christian Adams

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17-2361-A-006081

From:	Quin Hillyer
To:	Catherine Engelbrecht; john fund; Hans A. von Spakovsky; Kobach, Kris W.; Kris Kobach
Subject:	on the vote commission, and vote fraud in general
Date:	Tuesday, July 18, 2017 12:31:03 PM

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http://www.libertyheadlines.com/left-collectively-denies-obvious-vote-fraud/

Best wishes,
Quin

AMERICAN OVERSIGHT

Presidential Advisory Commission on Election Integrity

Organizational Conference Call

June 28, 2017
11:30 a.m. ET

Call Agenda

1. Welcome Remarks – Chairman, Vice President Pence
2. Overview of Presidential Advisory Commission on Election Integrity – Vice Chairman, Secretary Kris Kobach; Mark Paoletta, Counsel to the Vice President
    - First Meeting – July
        - Location: Washington, D.C.
        - Agenda
    - Overview of Election Integrity Commission staff
        - Andrew Kossack
        - Ron Williams
        - Support from the General Services Administration
    - Future meetings
        - August, September/October, November/December, February
    - Information Requests
3. Financial disclosures – Matt Morgan
4. Questions from Members

AMERICAN OVERSIGHT

Subject: Fw: Fwd: RE: ethics reminder regarding teaching, speaking, and writing

From: David Scanlan[redacted]

To: ericforcier@[redacted]

Date: Wednesday, September 6, 2017 8:43 AM

Sent from Yahoo Mail on Android

On Wed, Sep 6, 2017 at 8:33 AM, chipkate [redacted] wrote:

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov>
Date: 9/5/17 7:37 PM (GMT-05:00)
To: 'Kris Kobach' [redacted] cwlawson@sos.in.gov, [redacted] Christy McCormick [redacted], david@capitolpartnersar.com, Mark Rhodes <mrhodes@woodcountywv.com>, "von Spakovsky, Hans" [redacted] Christian Adams <adams@electionlawcenter.com>, "Alan L. King" [redacted] matthew.dunlap@maine.gov, "King, Alan" <kinga@jceal.org>, David Dunn [redacted]
Cc: "Paoletta, Mark R. EOP/OVP" <Mark.R.Paoletta@ovp.eop.gov>, "Morgan, Matthew E. EOP/OVP" <Matthew.E.Morgan@ovp.eop.gov>, "Williams, Ronald E. EOP/OVP" <Ronald.E.Williams@ovp.eop.gov>
Subject: RE: ethics reminder regarding teaching, speaking, and writing

Dear Members,

The agenda for next week's meeting is attached. We plan to post this publicly tomorrow. If you have any questions, please let me know.

Thanks,
Andrew

AMERICAN OVERSIGHT

Andrew J. Kossack

Executive Director, Presidential Advisory Commission on Election Integrity

Associate Counsel, Office of the Vice President

Cell: 202.881.8797

Email: Andrew.J.Kossack@ovp.eop.gov

Attachments

- Agenda for Sept. 12th Meeting.pdf (481.84KB)

AMERICAN OVERSIGHT

David Scanlan

From:	Susan Almy [redacted]
Sent:	Sunday, July 02, 2017 4:29 PM
To:	William Gardner
Cc:	~All Representatives; David Scanlan; "attorneygeneral@doj.nh.gov"; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
Subject:	Open letter to the Secretary of State about his work on the voter fraud commission

What kind of "fraud" will the voting fraud commission find? You should protest their creation of a massive national database - which I understand may be against federal law - before the commission even checks to see whether they can get enough data to do even the first match (age and name) -- and whether that would land them with so many false positives they'd be pursuing this inquiry for 100 years. Read on..

1) WhitePages lists 124 Susan Smiths in NH and 1091 in CA. Susan was the most common female baby name in 1946. Does that mean that every voting Susan Smith in NH voted maybe 15 times there and 100 in CA? Now try Jose Hernandez..

1a) What algorithm are you going to use, where you have last-4 SSNs? Experian once equated me with another Susan, different last name, address history, work history but 1 digit off between our SSNs. Algorithm said maybe the data puncher made a digit mistake, and women change their last names. Don't you dare stretch the algorithm!

2) Jerrod Ploot votes in Smalltown, moves to Smallburg, where he registers to vote, votes, and moves a year later to Tinytown, re-registers and votes the next year. It doesn't even occur to him his small towns haven't updated the voter list, he's only voted once each time. His state hasn't got a foolproof system in place to get towns to fix the lists every election. I haven't heard that NH has solved the problem, with all our tiny towns. Are you going to use Ploot's name on the three voter rolls to claim he voted three times in the same election?

Stop the commission from wasting public money! If they have to pursue a claim with no existing evidence just because a person in power wants to believe in it, make sure the commission only uses actual votes. Then they will waste a lot more of our money following up every single Susan Smith or Jose Hernandez of the same age find out if they're the same person. NH should know how much time this takes, since even following up the NH voters who register same-day and then move/die soon after voting takes you so long we had to increase the budget at the AG's and SoS.

The commission should find out first what the states can offer, and then figure out if they can use the data meaningfully, without implicit bias, before demanding compliance. This smells of 1984. And of quagmire and waste.

Rep. Susan Almy, Lebanon
Retired Socio-economist

Sent from BlueMail for iPad

AMERICAN OVERSIGHT

David Scanlan

From: Edwards, Jess <Jess.Edwards@leg.state.nh.us>
Sent: Sunday, July 02, 2017 4:51 PM
To: Almy, Susan; William Gardner
Cc: David Scanlan; "attorneygeneral@doj.nh.gov"; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
Subject: RE: Open letter to the Secretary of State about his work on the voter fraud commission

I'm in favor of full cooperation with this national effort.

Ever since the stories of JFK vote buying in West Virginia up through the massive voter registration frauds of the 2008 & 2012 elections, there are Republicans who worry that their franchise is being stolen from them. That the most corrupting of influences have infected the vote itself.

It is time to investigate that concern fully and openly.

Where there is fraud, let's prosecute it and stop it.

Where these is no fraud, let's let the sunshine brightly to eradicate the fears.

Best Regards,

Jess Edwards
NH State Representative (Auburn, Chester, Sandown)
Health, Human Services, & Elderly Affairs Committee
Vice Chair, NH General Court Veterans Caucus
Rockingham County Long-Term Care Services Committee
Auburn Planning Board
VAMC-Manchester Virtual Medicine Project Team
American Legislative Exchange Council Health and Human Services Task Force

(603) 370-7885
Jess.Edwards@leg.state.nh.us
Profile: http://gencourt.state.nh.us/house/members/member.aspx?member=408392

From: Susan Almy [redacted]
Sent: Sunday, July 02, 2017 4:29 PM
To: william.gardner@sos.nh.gov
Cc: ~All Representatives; david.scanlan@sos.nh.gov; "attorneygeneral@doj.nh.gov"; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
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Rep. Susan Almy, Lebanon
Retired Socio-economist

Sent from BlueMail for iPad

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David Scanlan

From: Lynne Ober [redacted]
Sent: Monday, July 03, 2017 7:33 AM
To: 'Susan Almy'
Cc: David Scanlan; attorneygeneral@doj.nh.gov; William Gardner
Subject: RE: Open letter to the Secretary of State about his work on the voter fraud commission

Susan,
Perhaps you have never traveled so never needed a passport. Perhaps you will choose not to get a Real ID Driver's License.

However, if you have a passport, as I do (and have had for more than 50 years), or if you choose to get a Real ID Driver's License, you will be required to provide your social security number.

Guess what? That's where the massive national database is getting its data.

Try not to focus so much on the minute detail that you overlook the very large forest.

Lynne Ober
State Representative
Hills 37

From: Susan Almy [redacted]
Sent: Sunday, July 02, 2017 4:29 PM
To: william.gardner@sos.nh.gov
Cc: "All Representatives <hreps@leg.state.nh.us>; david.scanlan@sos.nh.gov; " attorneygeneral@doj.nh.gov " <attorneygeneral@doj.nh.gov>; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
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AMERICAN OVERSIGHT

Stop the commission from wasting public money! If they have to pursue a claim with no existing evidence just because a person in power wants to believe in it, make sure the commission only uses actual votes. Then they will waste a lot more of our money following up every single Susan Smith or Jose Hernandez of the same age find out if they're the same person. NH should know how much time this takes, since even following up the NH voters who register same-day and then move/die soon after voting takes you so long we had to increase the budget at the AG's and SoS.

The commission should find out first what the states can offer, and then figure out if they can use the data meaningfully, without implicit bias, before demanding compliance. This smells of 1984. And of quagmire and waste.

Rep. Susan Almy, Lebanon
Retired Socio-economist

Sent from BlueMail for iPad

AMERICAN OVERSIGHT

David Scanlan

From: SUSAN ALMY [redacted]
Sent: Monday, July 03, 2017 4:01 PM
To: Lynne Ober
Cc: attorneygeneral@doj.nh.gov; William Gardner; David Scanlan
Subject: RE: Open letter to the Secretary of State about his work on the voter fraud commission

Lynne, I lived 22 years overseas. Thank you, I am debating renewing my passport so as not to have to add a REALID. But you apparently did not read below the first paragraph.

On July 3, 2017 at 7:33 AM Lynne Ober [redacted] wrote:

Susan,

Perhaps you have never traveled so never needed a passport. Perhaps you will choose not to get a Real ID Driver's License.

However, if you have a passport, as I do (and have had for more than 50 years), or if you choose to get a Real ID Driver's License, you will be required to provide your social security number.

Guess what? That's where the massive national database is getting its data.

Try not to focus so much on the minute detail that you overlook the very large forest.

Lynne Ober

State Representative

Hills 37

From: Susan Almy [mailto:[redacted]
Sent: Sunday, July 02, 2017 4:29 PM
To: william.gardner@sos.nh.gov
Cc: ~All Representatives <hreps@leg.state.nh.us>; david.scanlan@sos.nh.gov; " attorneygeneral@doj.nh.gov " <attorneygeneral@doj.nh.gov>; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
Subject: Open letter to the Secretary of State about his work on the voter fraud commission

AMERICAN OVERSIGHT

What kind of "fraud" will the voting fraud commission find? You should protest their creation of a massive national database - which I understand may be against federal law - before the commission even checks to see whether they can get enough data to do even the first match (age and name) -- and whether that would land them with so many false positives they'd be pursuing this inquiry for 100 years. Read on..

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Rep. Susan Almy, Lebanon
Retired Socio-economist

Sent from BlueMail for iPad

AMERICAN OVERSIGHT

Adrian S. LaRochelle

From: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Sent: Tuesday, August 22, 2017 5:33 PM
To: [redacted]
Cc: Adrian S. LaRochelle
Subject: contact information

Hi Secretary Gardner,

Can you please provide us with the contact information for Ron Rivest, Andrew Appel, and Harry Hursti? We would like to reach out to them this week.

Thank you,
Ron

Ronald E. Williams II
Policy Advisor
Office of the Vice President
Presidential Advisory Commission on Election Integrity
Cell: [redacted]
Email: Ronald.E.Williams@ovp.eop.gov

AMERICAN OVERSIGHT

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Ronald E. Williams II
Policy Advisor
Office of the Vice President
Presidential Advisory Commission on Election Integrity
Cell: [redacted]
Email: Ronald.E.Williams@ovp.eop.gov

AMERICAN OVERSIGHT

David Scanlan

From: Jessica Hunt [redacted]
Sent: Wednesday, July 05, 2017 3:45 PM
To: David Scanlan
Subject: Thursday Exchange Show

Thanks for coming in tomorrow.

I just wanted to let you know that we have you in the studio with Casey McDermott for the hour. We may also have Paul Twomey in studio for the full hour, if he returns in time from out of state. If not, he'll join us for a 10-15 minute call-out at 9:10. Maine Secretary of State Matthew Dunlap will join us by phone at 9:20 for 10-16 minutes to offer the perspective from a neighboring state.

We look forward to seeing you tomorrow morning,

Thanks,

Jessica Hunt

Producer, The Exchange

NEW HAMPSHIRE PUBLIC RADIO
2 Pillsbury Street, 6th Floor, Concord NH 03301

603-223-2474
cell: [redacted]

www.nhpr.org

AMERICAN OVERSIGHT

David Scanlan

From: Brian Burford
Sent: Monday, August 14, 2017 7:17 AM
To: David Scanlan
Subject: FW: Right to Know Request

Dave:

The State Archives does not have any records that this person is requesting, and I expect to respond in that manner.

Brian Nelson Burford
NH State Archivist
(603) 271-2236

From: Justin Ober
Sent: Monday, August 14, 2017 7:14 AM
To: Brian Burford
Subject: FW: Right to Know Request

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Friday, August 11, 2017 5:50 PM
To: Justin Ober
Subject: Right to Know Request

Mr. Ober-
Under the New Hampshire Right to Know Law R.S.A. Ch. 01-A et seq., I am requesting access to records responsive to show Secretary of State William Gardner's expenses during his travel to the first meeting of the Presidential Commission on Election Integrity, which took place on on July 19, 2017 in Washington D.C.. This includes, but is not limited to, all expenses related to his travel paid for by the state of New Hampshire including travel expenses, hotel stay, and any expenses while in D.C. Please include information on how much of these expenses, if any, were reimbursed by the federal government. If he traveled with any staff members, please include their expense reports as well.
If there are any fees for searching or copying these records, please inform me if the cost will exceed $25. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of Sec. Gardner's participation in this commission. Please know that I am a member of the media, and this request is not being made for commercial purposes.
The New Hampshire Right to Know Law requires a response time of five business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.
If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.
Thank you for considering my request.

--

AMERICAN OVERSIGHT

Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

David Scanlan

From: Justin Ober
Sent: Monday, August 14, 2017 10:13 AM
To: 'Jessica Huseman'
Cc: David Scanlan
Subject: RE: Right to Know Request

Dear Jessica Huseman,

We have no documents that are responsive to your request.

Thank you,

Justin Ober
Records Manager
NH STATE ARCHIVES
71 SO FRUIT ST
CONCORD NH 03301
TEL: 603-271-2236
FAX: 603-271-2272
E-MAIL: Justin.Ober@sos.nh.gov
Archives: www.sos.nh.gov/archives

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AMERICAN OVERSIGHT

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.
Thank you for considering my request.

--
Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

David Scanlan

From: Jessica Huseman [redacted]
Sent: Monday, August 14, 2017 10:34 AM
To: Justin Ober
Cc: David Scanlan
Subject: Re: Right to Know Request

Could you clarify? Did the state pay nothing for his attendance at this conference?

Sent from my iPhone

On Aug 14, 2017, at 10:16 AM, Justin Ober <Justin.Ober@SOS.NH.GOV> wrote:

> Dear Jessica Huseman,
>
> We have no documents that are responsive to your request.
>
> Thank you,
>
> Justin Ober
> Records Manager
> NH STATE ARCHIVES
> 71 SO FRUIT ST
> CONCORD NH 03301
> TEL: 603-271-2236
> FAX: 603-271-2272
> E-MAIL: Justin.Ober@sos.nh.gov
> Archives: www.sos.nh.gov/archives

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Thank you for considering my request.

--
Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

David Scanlan

From: Brian Burford
Sent: Monday, August 14, 2017 11:39 AM
To: [redacted]
Subject: RE: Right to Know Request

Dear Ms. Huseman:

I am sorry, but we just don' have records that are responsive to your question.

Brian Nelson Burford
NH State Archivist
(603) 271-2236

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Monday, August 14, 2017 10:34 AM
To: Justin Ober
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AMERICAN OVERSIGHT

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Thank you for considering my request.

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Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

David Scanlan

From: Karen Ladd on behalf of Elections
Sent: Monday, August 28, 2017 8:57 AM
To: David Scanlan
Subject: FW: FOI request from AP
Attachments: NH information request.docx

From: Casey, Michael [mailto[redacted]
Sent: Friday, August 25, 2017 1:40 PM
To: Elections
Subject: FOI request from AP

Aug. 25, 2017

Office of the Secretary of State
107 North Main Street
State House, Room 204
Concord, NH 03301

Dear Sir/Madam:

This is a request under the New Hampshire Right to Know Act, N.H. Rev. Stat. Ann. ch. 91-A (the "Act"), and under the common law right of access. I am making this request in my capacity as a full-time journalist with The Associated Press.

Pursuant to the Act, I am requesting a copy of the following public records:

1. All communications and documents either generated by New Hampshire Secretary of State William M. Gardner or sent to Mr. Gardner from members and/or staff of the Presidential Advisory Commission on Election Integrity related to the Presidential Advisory Commission on Election Integrity's request for state voter records/data, through the date of this request (Aug. 23, 2017).
2. All communications and documents either sent by Mr. Gardner to members and/or staff of the Presidential Advisory Commission on Election Integrity or sent to Mr. Gardner from members and/or staff of the Presidential Advisory Commission on Election Integrity that include any mention of any of the following words or phrases, or those similar in meaning: "fraud;" "proof of citizenship;" "noncitizen;" "alien;" "illegal," "illegal immigrant," "voter ID;" "Interstate Voter Registration Crosscheck;" "crosscheck;" "IVRC;" "Electronic Registration Information Center;" "ERIC;" "purge;" "list maintenance;" "Trump," "popular vote;" "California."
3. All communications and documents sent by the Secretary of State's Office to the Presidential Advisory Commission on Election Integrity in response to the commission's June 28 and July 26 letters, specifically excluding any state voter files/data received by the commission.

This request includes, but is not limited to, any and all documents, notes, correspondence or memoranda, in whatever tangible or physical form, that relate to the requested records.

I would like to receive the information in electronic format, preferably by email to [redacted] or [redacted] I note that under the Act, "any public body or agency which maintains governmental records in electronic format may, in lieu of providing original records, copy governmental records requested to electronic media using standard or common

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file formats in a manner that does not reveal information which is confidential under this chapter or any other law." N.H. Rev. Stat. Ann. ch. 91-A:4, V.

I ask that you waive any and all fees associated with this request. I am making the request as an AP reporter and this request is made as part of newsgathering. Release of the information will primarily benefit the general public because it will contribute significantly to the public understanding of the commission's activities. If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed $50. I remind you that a public body may only charge "the actual cost of providing the copy." N.H. Rev. Stat. Ann. ch. 91-A:4, IV.

If this request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act, and inform me of appeals procedures available to me under the law. I also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Under the Act, this request must be acted upon as soon as possible, but in no event later than five (5) business days following receipt of this letter. N.H. Rev. Stat. Ann. ch. 91-A:4, IV.
As I am making this request as a journalist and the information is of timely value, I would appreciate your communicating with me by telephone [redacted] or e-mail [redacted] rather than by mail, if you have questions regarding this request

I would appreciate your handling this request as quickly as possible, and I look forward to hearing from you.

Thank you for your assistance.

Sincerely,

Michael Casey, Administrative Correspondent

Associated Press
[redacted] or [redacted]

Michael Casey
The Associated Press
2 Capital Plaza, Suite 400
Concord, NH 03301
Office: [redacted]
Cell: [redacted]
Fax: [redacted]
[redacted] or [redacted]
http://bigstory.ap.org/content/michael-casey
Want to send news tips, documents, etc. securely and confidentially to AP? https://securedrop.ap.org/

The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this

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communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

AMERICAN OVERSIGHT

David Scanlan

From:	Susan Almy [redacted]
Sent:	Sunday, July 02, 2017 4:29 PM
To:	William Gardner
Cc:	~All Representatives; David Scanlan; "attorneygeneral@doj.nh.gov"; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
Subject:	Open letter to the Secretary of State about his work on the voter fraud commission

What kind of "fraud" will the voting fraud commission find? You should protest their creation of a massive national database - which I understand may be against federal law - before the commission even checks to see whether they can get enough data to do even the first match (age and name) -- and whether that would land them with so many false positives they'd be pursuing this inquiry for 100 years. Read on..

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Rep. Susan Almy, Lebanon
Retired Socio-economist

Sent from BlueMail for iPad

AMERICAN OVERSIGHT

David Scanlan

From: Edwards, Jess <Jess.Edwards@leg.state.nh.us>
Sent: Sunday, July 02, 2017 4:51 PM
To: Almy, Susan; William Gardner
Cc: David Scanlan; "attorneygeneral@doj.nh.gov"; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
Subject: RE: Open letter to the Secretary of State about his work on the voter fraud commission

I'm in favor of full cooperation with this national effort.

Ever since the stories of JFK vote buying in West Virginia up through the massive voter registration frauds of the 2008 & 2012 elections, there are Republicans who worry that their franchise is being stolen from them. That the most corrupting of influences have infected the vote itself.

It is time to investigate that concern fully and openly.

Where there is fraud, let's prosecute it and stop it.

Where these is no fraud, let's let the sunshine brightly to eradicate the fears.

Best Regards,

Jess Edwards
NH State Representative (Auburn, Chester, Sandown)
Health, Human Services, & Elderly Affairs Committee
Vice Chair, NH General Court Veterans Caucus
Rockingham County Long-Term Care Services Committee
Auburn Planning Board
VAMC-Manchester Virtual Medicine Project Team
American Legislative Exchange Council Health and Human Services Task Force

(603) 370-7885
Jess.Edwards@leg.state.nh.us
Profile: http://gencourt.state.nh.us/house/members/member.aspx?member=408392

From: Susan Almy [redacted]
Sent: Sunday, July 02, 2017 4:29 PM
To: william.gardner@sos.nh.gov
Cc: ~All Representatives; david.scanlan@sos.nh.gov; "attorneygeneral@doj.nh.gov"; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
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AMERICAN OVERSIGHT
17-2361-A-006108

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Rep. Susan Almy, Lebanon
Retired Socio-economist

Sent from BlueMail for iPad

AMERICAN OVERSIGHT

David Scanlan

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Sent: Monday, July 03, 2017 7:33 AM
To: 'Susan Almy'
Cc: David Scanlan; attorneygeneral@doj.nh.gov; William Gardner
Subject: RE: Open letter to the Secretary of State about his work on the voter fraud commission

Susan,
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However, if you have a passport, as I do (and have had for more than 50 years), or if you choose to get a Real ID Driver's License, you will be required to provide your social security number.

Guess what? That's where the massive national database is getting its data.

Try not to focus so much on the minute detail that you overlook the very large forest.

Lynne Ober
State Representative
Hills 37

From: Susan Almy [mailto:[redacted]
Sent: Sunday, July 02, 2017 4:29 PM
To: william.gardner@sos.nh.gov
Cc: "All Representatives <hreps@leg.state.nh.us>; david.scanlan@sos.nh.gov; " attorneygeneral@doj.nh.gov " <attorneygeneral@doj.nh.gov>; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
Subject: Open letter to the Secretary of State about his work on the voter fraud commission

What kind of "fraud" will the voting fraud commission find? You should protest their creation of a massive national database - which I understand may be against federal law - before the commission even checks to see whether they can get enough data to do even the first match (age and name) -- and whether that would land them with so many false positives they'd be pursuing this inquiry for 100 years. Read on..

1) WhitePages lists 124 Susan Smiths in NH and 1091 in CA. Susan was the most common female baby name in 1946. Does that mean that every voting Susan Smith in NH voted maybe 15 times there and 100 in CA? Now try Jose Hernandez..

1a) What algorithm are you going to use, where you have last-4 SSNs? Experian once equated me with another Susan, different last name, address history, work history but 1 digit off between our SSNs. Algorithm said maybe the data puncher made a digit mistake, and women change their last names. Don't you dare stretch the algorithm!

2) Jerrod Ploot votes in Smalltown, moves to Smallburg, where he registers to vote, votes, and moves a year later to Tinytown, re-registers and votes the next year. It doesn't even occur to him his small towns haven't updated the voter list, he's only voted once each time. His state hasn't got a foolproof system in place to get towns to fix the lists every election. I haven't heard that NH has solved the problem, with all our tiny towns. Are you going to use Ploot's name on the three voter rolls to claim he voted three times in the same election?

AMERICAN OVERSIGHT

Stop the commission from wasting public money! If they have to pursue a claim with no existing evidence just because a person in power wants to believe in it, make sure the commission only uses actual votes. Then they will waste a lot more of our money following up every single Susan Smith or Jose Hernandez of the same age find out if they're the same person. NH should know how much time this takes, since even following up the NH voters who register same-day and then move/die soon after voting takes you so long we had to increase the budget at the AG's and SoS.

The commission should find out first what the states can offer, and then figure out if they can use the data meaningfully, without implicit bias, before demanding compliance. This smells of 1984. And of quagmire and waste.

Rep. Susan Almy, Lebanon
Retired Socio-economist

Sent from BlueMail for iPad

AMERICAN OVERSIGHT

David Scanlan

From: SUSAN ALMY [redacted]
Sent: Monday, July 03, 2017 4:01 PM
To: Lynne Ober
Cc: attorneygeneral@doj.nh.gov; William Gardner; David Scanlan
Subject: RE: Open letter to the Secretary of State about his work on the voter fraud commission

Lynne, I lived 22 years overseas. Thank you, I am debating renewing my passport so as not to have to add a REALID. But you apparently did not read below the first paragraph.

On July 3, 2017 at 7:33 AM Lynne Ober <[redacted]> wrote:

Susan,

Perhaps you have never traveled so never needed a passport. Perhaps you will choose not to get a Real ID Driver's License.

However, if you have a passport, as I do (and have had for more than 50 years), or if you choose to get a Real ID Driver's License, you will be required to provide your social security number.

Guess what? That's where the massive national database is getting its data.

Try not to focus so much on the minute detail that you overlook the very large forest.

Lynne Ober

State Representative

Hills 37

From: Susan Almy [mailto:[redacted]
Sent: Sunday, July 02, 2017 4:29 PM
To: william.gardner@sos.nh.gov
Cc: ~All Representatives <hreps@leg.state.nh.us>; david.scanlan@sos.nh.gov; " attorneygeneral@doj.nh.gov " <attorneygeneral@doj.nh.gov>; electionlaw@doj.nh.gov; robert.ambrose@sos.nh.gov
Subject: Open letter to the Secretary of State about his work on the voter fraud commission

AMERICAN OVERSIGHT

What kind of "fraud" will the voting fraud commission find? You should protest their creation of a massive national database - which I understand may be against federal law - before the commission even checks to see whether they can get enough data to do even the first match (age and name) -- and whether that would land them with so many false positives they'd be pursuing this inquiry for 100 years. Read on..

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Stop the commission from wasting public money! If they have to pursue a claim with no existing evidence just because a person in power wants to believe in it, make sure the commission only uses actual votes. Then they will waste a lot more of our money following up every single Susan Smith or Jose Hernandez of the same age find out if they're the same person. NH should know how much time this takes, since even following up the NH voters who register same-day and then move/die soon after voting takes you so long we had to increase the budget at the AG's and SoS.

The commission should find out first what the states can offer, and then figure out if they can use the data meaningfully, without implicit bias, before demanding compliance. This smells of 1984. And of quagmire and waste.

Rep. Susan Almy, Lebanon
Retired Socio-economist

Sent from BlueMail for iPad

AMERICAN OVERSIGHT

David Scanlan

From: Samuel Levine <[redacted]>
Sent: Friday, July 07, 2017 3:25 PM
To: Samuel Levine
Cc: David Scanlan; William Gardner
Subject: Re: Huffington Post inquiry

Hi David,

I saw Sec. Gardner said recently that Kris Kobach had issued a retraction letter to states. Wondering if you could clarify what that meant or if you had any details?

On Tue, Jun 20, 2017 at 10:36 AM, Samuel Levine <[redacted]> wrote:
David,

Wanted to check in and see if you guys had any update on the committee's work and how it was progressing so far. Thanks!

On Thu, May 11, 2017 at 4:21 PM, Samuel Levine <[redacted]> wrote:
Got it. Does he have some availability tomorrow morning to chat?

On Thu, May 11, 2017 at 3:26 PM, David Scanlan <David.Scanlan@sos.nh.gov> wrote:

Sam,

The Secretary is out of the office today for a long standing personal commitment. He should be in the office tomorrow.

Thanks,

Dave

From: Samuel Levine [mailto:[redacted]
Sent: Thursday, May 11, 2017 3:17 PM
To: David Scanlan; William Gardner
Subject: Re: Huffington Post inquiry

David --

Just wanted to bump this. Thanks!

AMERICAN OVERSIGHT

On Thu, May 11, 2017 at 11:36 AM, Samuel Levine <[redacted]> wrote:

Hi Secretary Gardner,

Seeing a report that you've been tapped to serve on the White House's commission to investigate voter fraud. Wondering if you might have a few minutes to chat today about what you hope to get out of serving on the commission?

Thanks,

Sam Levine

--

Sam Levine

Associate Politics Editor | HuffPost

[redacted] (desk)

[redacted]

@srl

--

Sam Levine

Associate Politics Editor | HuffPost

[redacted](desk)

[redacted]

@srl

AMERICAN OVERSIGHT

--
Sam Levine
Associate Politics Editor | HuffPost
[redacted] (desk)
[redacted]
@srl

--
Sam Levine
Associate Politics Editor | HuffPost
[redacted] (desk)
[redacted]
@srl

--
Sam Levine
Associate Politics Editor | HuffPost
[redacted] (desk)
[redacted]
@srl

AMERICAN OVERSIGHT

David Scanlan

From: Brian Burford
Sent: Monday, August 14, 2017 7:17 AM
To: David Scanlan
Subject: FW: Right to Know Request

Dave:

The State Archives does not have any records that this person is requesting, and I expect to respond in that manner.

Brian Nelson Burford
NH State Archivist
(603) 271-2236

From: Justin Ober
Sent: Monday, August 14, 2017 7:14 AM
To: Brian Burford
Subject: FW: Right to Know Request

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Friday, August 11, 2017 5:50 PM
To: Justin Ober
Subject: Right to Know Request

Mr. Ober-
Under the New Hampshire Right to Know Law R.S.A. Ch. 01-A et seq., I am requesting access to records responsive to show Secretary of State William Gardner's expenses during his travel to the first meeting of the Presidential Commission on Election Integrity, which took place on on July 19, 2017 in Washington D.C.. This includes, but is not limited to, all expenses related to his travel paid for by the state of New Hampshire including travel expenses, hotel stay, and any expenses while in D.C. Please include information on how much of these expenses, if any, were reimbursed by the federal government. If he traveled with any staff members, please include their expense reports as well.
If there are any fees for searching or copying these records, please inform me if the cost will exceed $25. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of Sec. Gardner's participation in this commission. Please know that I am a member of the media, and this request is not being made for commercial purposes.
The New Hampshire Right to Know Law requires a response time of five business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.
If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.
Thank you for considering my request.

--

AMERICAN OVERSIGHT

Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

David Scanlan

From: Justin Ober
Sent: Monday, August 14, 2017 10:13 AM
To: 'Jessica Huseman'
Cc: David Scanlan
Subject: RE: Right to Know Request

Dear Jessica Huseman,

We have no documents that are responsive to your request.

Thank you,

Justin Ober
Records Manager
NH STATE ARCHIVES
71 SO FRUIT ST
CONCORD NH 03301
TEL: 603-271-2236
FAX: 603-271-2272
E-MAIL: Justin.Ober@sos.nh.gov
Archives: www.sos.nh.gov/archives

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
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To: Justin Ober
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AMERICAN OVERSIGHT

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.
Thank you for considering my request.

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Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

David Scanlan

From: Jessica Huseman <Jessica.Huseman@propublica.org>
Sent: Monday, August 14, 2017 10:34 AM
To: Justin Ober
Cc: David Scanlan
Subject: Re: Right to Know Request

Could you clarify? Did the state pay nothing for his attendance at this conference?

Sent from my iPhone

On Aug 14, 2017, at 10:16 AM, Justin Ober <Justin.Ober@SOS.NH.GOV> wrote:

> Dear Jessica Huseman,
>
> We have no documents that are responsive to your request.
>
> Thank you,
>
> Justin Ober
> Records Manager
> NH STATE ARCHIVES
> 71 SO FRUIT ST
> CONCORD NH 03301
> TEL: 603-271-2236
> FAX: 603-271-2272
> E-MAIL: Justin.Ober@sos.nh.gov
> Archives: www.sos.nh.gov/archives

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Friday, August 11, 2017 5:50 PM
To: Justin Ober
Subject: Right to Know Request

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AMERICAN OVERSIGHT

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Thank you for considering my request.

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Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

David Scanlan

From: Brian Burford
Sent: Monday, August 14, 2017 11:39 AM
To: 'Jessica.Huseman@propublica.org'
Subject: RE: Right to Know Request

Dear Ms. Huseman:

I am sorry, but we just don' have records that are responsive to your question.

Brian Nelson Burford
NH State Archivist
(603) 271-2236

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Monday, August 14, 2017 10:34 AM
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AMERICAN OVERSIGHT

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If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

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AMERICAN OVERSIGHT

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If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.
Thank you for considering my request.

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Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

17-2361-A-006125

Brian Burford

From: Brian Burford
Sent: Monday, August 14, 2017 7:17 AM
To: David Scanlan
Subject: FW: Right to Know Request

Dave:

The State Archives does not have any records that this person is requesting, and I expect to respond in that manner.

Brian Nelson Burford
NH State Archivist
(603) 271-2236

From: Justin Ober
Sent: Monday, August 14, 2017 7:14 AM
To: Brian Burford
Subject: FW: Right to Know Request

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
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Thank you for considering my request.

--

AMERICAN OVERSIGHT

Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

Brian Burford

From: David Scanlan
Sent: Monday, August 14, 2017 8:16 AM
To: Brian Burford
Subject: RE: Right to Know Request

Brian,

The response should simply be "We have no documents that are responsive to your request".

Copy me on your reply.

Thanks,
Dave

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AMERICAN OVERSIGHT

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Jessica Huseman
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Office: [redacted]
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AMERICAN OVERSIGHT

Brian Burford

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Sent from my iPhone

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> CONCORD NH 03301
> TEL: 603-271-2236
> FAX: 603-271-2272
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AMERICAN OVERSIGHT

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Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

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To: 'Jessica.Huseman@propublica.org'
Subject: RE: Right to Know Request

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(603) 271-2236

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If there are any fees for searching or copying these records, please inform me if the cost will exceed $25. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of Sec. Gardner's participation in this commission. Please know that I am a member of the media, and this request is not being made for commercial purposes.

The New Hampshire Right to Know Law requires a response time of five business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

—

Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

Brian Burford

From: Jessica Huseman <Jessica.Huseman@propublica.org>
Sent: Monday, August 14, 2017 11:43 AM
To: Brian Burford
Subject: Re: Right to Know Request

It's hard for me to believe the state spent no money on his trip. How are expense reports typically kept in NH? Can I provide a more specific request?

Sent from my iPhone

On Aug 14, 2017, at 11:38 AM, Brian Burford <Brian.Burford@SOS.NH.GOV> wrote:

> Dear Ms. Huseman:
>
> I am sorry, but we just don' have records that are responsive to your question.
>
> Brian Nelson Burford
> NH State Archivist
> (603) 271-2236

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Monday, August 14, 2017 10:34 AM
To: Justin Ober
Cc: David Scanlan
Subject: Re: Right to Know Request

> Could you clarify? Did the state pay nothing for his attendance at this conference?
>
> Sent from my iPhone
>
> On Aug 14, 2017, at 10:16 AM, Justin Ober <Justin.Ober@SOS.NH.GOV> wrote:
>
> > Dear Jessica Huseman,
> >
> > We have no documents that are responsive to your request.
> >
> > Thank you,
> >
> > Justin Ober
> > Records Manager
> > NH STATE ARCHIVES
> > 71 SO FRUIT ST
> > CONCORD NH 03301
> > TEL: 603-271-2236
> > FAX: 603-271-2272
> > E-MAIL: Justin.Ober@sos.nh.gov

AMERICAN OVERSIGHT

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Friday, August 11, 2017 5:50 PM
To: Justin Ober
Subject: Right to Know Request

Mr. Ober-
Under the New Hampshire Right to Know Law R.S.A. Ch. 01-A et seq., I am requesting access to records responsive to show Secretary of State William Gardner's expenses during his travel to the first meeting of the Presidential Commission on Election Integrity, which took place on on July 19, 2017 in Washington D.C.. This includes, but is not limited to, all expenses related to his travel paid for by the state of New Hampshire including travel expenses, hotel stay, and any expenses while in D.C. Please include information on how much of these expenses, if any, were reimbursed by the federal government. If he traveled with any staff members, please include their expense reports as well.
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Thank you for considering my request.

--
Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]
@JessicaHuseman

AMERICAN OVERSIGHT

Brian Burford

From: Brian Burford
Sent: Monday, August 14, 2017 1:15 PM
To: David Scanlan
Subject: Huseman's Right to Know Request

Brian Nelson Burford
NH State Archivist
(603) 271-2236

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Monday, August 14, 2017 11:43 AM
To: Brian Burford
Subject: Re: Right to Know Request

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Sent from my iPhone

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> NH State Archivist
> (603) 271-2236

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To: Justin Ober
Cc: David Scanlan
Subject: Re: Right to Know Request

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Sent from my iPhone

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>
> We have no documents that are responsive to your request.

AMERICAN OVERSIGHT

Thank you,

Justin Ober
Records Manager
NH STATE ARCHIVES
71 SO FRUIT ST
CONCORD NH 03301
TEL: 603-271-2236
FAX: 603-271-2272
E-MAIL: Justin.Ober@sos.nh.gov
Archives: www.sos.nh.gov/archives

From: Jessica Huseman [mailto:Jessica.Huseman@propublica.org]
Sent: Friday, August 11, 2017 5:50 PM
To: Justin Ober
Subject: Right to Know Request

Mr. Ober-
Under the New Hampshire Right to Know Law R.S.A. Ch. 01-A et seq., I am requesting access to records responsive to show Secretary of State William Gardner's expenses during his travel to the first meeting of the Presidential Commission on Election Integrity, which took place on on July 19, 2017 in Washington D.C.. This includes, but is not limited to, all expenses related to his travel paid for by the state of New Hampshire including travel expenses, hotel stay, and any expenses while in D.C. Please include information on how much of these expenses, if any, were reimbursed by the federal government. If he traveled with any staff members, please include their expense reports as well.
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If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.
Thank you for considering my request.

--
Jessica Huseman
Reporter, ProPublica
Office: [redacted]
Cell/Signal: [redacted]

AMERICAN OVERSIGHT

@JessicaHuseman

AMERICAN OVERSIGHT

David Scanlan

From: Geisenberger, Rick J (Finance) <Rick.Geisenberger@state.de.us>
Sent: Friday, September 08, 2017 11:15 PM
To: William Gardner
Cc: David Scanlan
Subject: Advisory Commission on Election Integrity

Hi Bill -
Greetings from Delaware ! I'm enjoying my new role as Delaware's Finance Secretary but do miss seeing you and David and my New Hampshire friends at NASS meetings. I hope all is well with you and your team.

I happened to come upon a series of articles today about calls for you to resign from the Commission. I just wanted to say that I commend you, as always, for fighting for fairness and trust in our nation's electoral process. To my mind, nobody in our country has more credibility than you on these matters -- and having your voice heard on the Commission is critical - hopefully in what will be a consensus report based on actual facts but I'm sure in a well argued minority report if the Commission veers from the facts. Keep up the fight as I know you will.

With very best regards,
Rick

Rick Geisenberger
Secretary of Finance
State of Delaware
302-577-8546

AMERICAN OVERSIGHT

List of panelists for September 12 Meeting

First Panel: Public Opinion Regarding Election Integrity and Effects on Turnout

Andrew Smith – Associate Professor of Practice in Political Science, University of New Hampshire

Dr. Andrew Smith is an Associate Professor of Practice in Political Science at the University of New Hampshire. Dr. Smith's areas of expertise include public opinion, survey methods, and elections. Dr. Smith has conducted numerous polls throughout the country examining voter confidence and faith in the electoral process over time. Dr. Smith is also the Director of the Survey Center at the University of New Hampshire.

Kimball Brace – President, Election Data Services, Inc.

Kimball Brace is the president of Election Data Services Inc., a consulting firm that specializes in redistricting, election administration, and the analysis and presentation of census and political data. He has testified as an expert witness in redistricting court cases around the country. His areas of expertise include demographic databases, district compactness and contiguity, racial bloc voting, and communities of interest.

John Lott – Founder & President, Crime Prevention Research Center

Dr. John Lott is the Founder and President of the Crime Prevention Research Center, and is an economist and world recognized expert on the Second Amendment. Dr. Lott is a prolific author for both academic and popular publications, and has conducted research on various topics related to election integrity and voter fraud. Dr. Lott conducted a study that examined the impact election administration reforms have on preventing voter fraud and increasing voter turnout. Key findings from his research identified that election integrity reforms, such as voter photo IDs, increases voter participation rates.

Second Panel: Current Issues in Election Integrity

Ken Block – Founder and President, Simpatico Software Solutions

Ken Block is the Founder and President of Simpatico Software Solutions, a data analytics firm that identifies patterns of inefficiencies, waste, and fraud. Recently, Mr. Block conducted a study for the Government Accountability Institute, for which he examined voter roll data from 21 states and found more than 8,400 high-confidence duplicate votes in these states during the 2016 presidential election. Mr. Block noted that this study emphasizes the importance of accurate voter roll data as a means to enhance voter confidence in the election process.

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Robert Popper – Director of the Election Integrity Project, Judicial Watch

Robert Popper is the Director of the Election Integrity Project at Judicial Watch. Mr. Popper is conducting an ongoing study to examine over-registration in all 50 states. Preliminary findings from his project identified approximately 3.5 million more people on voter rolls than are eligible to vote. Prior to joining Judicial Watch, Mr. Popper worked for eight years in the Civil Rights Division of the Department of Justice, including five years as deputy chief of the Voting Section.

Donald Palmer – Fellow, ~~Bipartisan Policy~~ Center

Donald Palmer is a BPC fellow focusing on the recommendations of the Presidential Commission on Election Administration. He was appointed secretary of the Virginia Board of Elections by former Virginia Gov. Bob McDonnell in 2011 and served as the commonwealth's chief election official until July 2014. He also served as the Florida Department of State's director of elections during the 2008 and 2010 election cycles. Prior to his work in elections administration, he served as a trial attorney with the Voting Section in the U.S. Department of Justice's Civil Rights Division, where he enforced federal voting laws and provided guidance to states on compliance.

Hans von Spakovsky – PACEI Commission Member & Senior Legal Fellow, Center for Legal and Judicial Studies, The Heritage Foundation

Hans von Spakovsky is a PACEI Commission member and Senior Legal Fellow for the Center of Legal and Judicial Studies at the Heritage Foundation. Before joining the Heritage Foundation, Mr. von Spakovsky served two years as a member of the Federal Election Commission. Previously, Mr. von Spakovsky worked at the Department of Justice as Counsel to the Assistant Attorney General for Civil Rights, providing expertise in enforcing the Voting Rights Act and the Help America Vote Act of 2002. He is a member of the Virginia Advisory Board to the U.S. Commission on Civil Rights.

Third Panel: Electronic Voting Systems and Election Integrity

Dr. Andrew Appel – Professor of Computer Science, Princeton University

Dr. Andrew Appel is a professor of Computer Science at Princeton University and Chair of the Computer Science Department. His research and expertise include software verification, applied computer security, and technology policy. Since 2003 a significant part of Dr. Appel's research has been on the technology and security of voting machines and election administration systems and computers. In 2016, Dr. Appel testified before the U.S. House of Representatives Subcommittee hearing on "Cybersecurity: Ensuring the Integrity of the Ballot Box."

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Dr. Ronald Rivest – Professor of Computer Science, Massachusetts Institute of Technology

Dr. Rivest is a professor of computer science at MIT, whose current research interests include cryptography, computer and network security, voting systems, and algorithms. Dr. Rivest is a member of the CalTech/MIT Voting Technology Project. He has served on the Technical Guidelines Development Committee, advisory to the Election Assistance Commission, developing recommendations for voting system certification standards. Dr. Rivest also serves on the Advisory Board of the Verified Voting Foundation. He is a member of a Scantegrity team developing and testing voting systems that are verifiable "end to end."

Harri Hursti – Co-Founder, Nordic Innovation Labs

Harri Hursti is a recognized data security expert, and is one of the world's foremost authorities on electronic voting security and critical problems and vulnerabilities in electronic voting systems worldwide. Over the past 10 years, Mr. Hursti has conducted ethical hacking research into electronic voting systems. He is most famously known for his successful attempt to demonstrate how the Diebold Election Systems' voting machines could be hacked. Recently, Mr. Hursti attended the July 2017 Def Con Hacker Convention in Las Vegas, Nevada where he demonstrated security vulnerabilities in electronic poll books and voter registration databases.

AMERICAN OVERSIGHT

JEANNE SHAHEEN
NEW HAMPSHIRE

SUITE SH-506
HART BUILDING
WASHINGTON, DC 20510
(202) 224-2841

United States Senate
WASHINGTON, DC 20510

Statement by Senator Jeanne Shaheen
Before the Presidential Advisory Commission on Election Integrity
Manchester, NH
September 12, 2017

Vice Chair Kobach and members of the commission: With the Senate in session, I am unable to attend today's hearing, but I appreciate this opportunity to submit testimony for the record.

On February 9, President Trump asserted that he would have been victorious in the Granite State if not for thousands of people who were bussed into New Hampshire to vote illegally on Election Day. Two weeks earlier, the president said that he lost the popular vote because three to five million people voted illegally. He offered no evidence to support either of these very serious allegations; nor has anyone else. Nonetheless, the president used these claims to justify creating this commission, whose obvious purpose is to lay the groundwork for broad-scale voter suppression laws. Some legislators in Concord have used the same unsubstantiated claims to justify passing new laws making it more difficult to vote in New Hampshire.

Last Thursday, on the far-right website *Breitbart*, the vice chair of this commission used deceptive and irrelevant data to rehash the same false claims that have been debunked time and again by independent analyses and by members of both major parties here in the Granite State. Using slippery words like "it has been reported" and "anecdotally," the vice chair insinuates that thousands of same-day registrants used out-of-state driver's licenses to prove identity and vote illegally. I say "insinuates" because he offers no actual evidence – not a single confirmed case of fraudulent voting. He made no effort to contact voters who had cast ballots but held out-of-state driver's licenses.

The fact is that New Hampshire law clearly states that citizens who live in New Hampshire can vote without a New Hampshire ID. This includes long-time New Hampshire residents who don't drive and don't have a driver's license; it includes thousands of students from other states who live in New Hampshire while attending school; and it includes military personnel from other states who live in New Hampshire while on active duty.

Granite Staters are not gullible or naive, and we do not appreciate those who impugn the integrity of our state's voting systems based on unsubstantiated accusations. Indeed, the vice chair's accusations in *Breitbart* call into question the legitimacy of our elections in New Hampshire for every federal, state, and local office. This is reckless and irresponsible.

The truth is that, here in New Hampshire and across the nation, voter fraud is extremely rare. I am deeply concerned that falsehoods about illegal voting are being spread as a pretext for restricting access to the ballot box. This risks disenfranchising eligible voters and undermining faith in our democracy.

(continued on next page)

AMERICAN OVERSIGHT
17-2361-A-006143

JEANNE SHAHEEN
NEW HAMPSHIRE

SUITE SH-506
HART BUILDING
WASHINGTON, DC 20510
(202) 224-2841

United States Senate
WASHINGTON, DC 20510

There is zero evidence of significant voter fraud in the Granite State during the 2016 election. Senior Deputy Secretary of State David M. Scanlan, head of the Election Division, said: "There are some isolated instances of individual voters voting improperly. . . But we haven't had any complaints about widespread voter fraud taking place." Meanwhile, the nonpartisan Brennan Center for Justice has determined that voter fraud happens nationwide as little as 0.00004 percent of the time. A separate, multiyear study by Justice Department senior official Justin Levitt found only 31 credible allegations of voter fraud out of one billion votes cast between 2000 and 2014.

Granite Staters take pride in our state's brand of open and direct democracy, which encourages maximum participation, including by college students and active-duty members of the military who live in our state. It is not the New Hampshire way to make voting unnecessarily difficult or to target specific groups of voters with deliberately onerous ID laws.

I am very concerned that reckless accusations of widespread voter fraud and illegitimate elections in New Hampshire could jeopardize our state's first-in-the-nation presidential primary. Every four years, activists from other states attempt to take away our first-in-the-nation primary, and they will now quote the vice chair of this commission. This is deeply unfortunate and a disservice to the people of New Hampshire.

We must learn from ill-conceived voter ID laws in other states. Striking down the laws passed by the Republican majority in North Carolina's legislature, a unanimous federal court ruled that they "target African Americans with almost surgical precision" and "impose cures for problems that did not exist." Invalidating similar laws in Wisconsin, U.S. District Judge James Peterson wrote: "The Wisconsin experience demonstrates that a preoccupation with mostly phantom election fraud leads to real incidents of disenfranchisement, which undermine rather than enhance confidence in elections, particularly in minority communities."

When candidate Donald Trump claimed that the election would be "rigged," and when President Trump claimed that the electoral process has been massively corrupted by millions of illegal votes, these false assertions have real consequences. They undermine confidence in our elections and democracy, and create a dishonest rationale for voter-suppression laws targeting the poor, the young and minorities.

At the end of the Constitutional Convention in 1787, a citizen asked Benjamin Franklin: "Well, doctor, what have we got – a republic or a monarchy." He famously answered: "A republic, if you can keep it." Fortunately, the great majority of Americans reject falsehoods that discredit our democracy and disenfranchise voters. We still have a robustly democratic republic. And we intend to keep it.

AMERICAN OVERSIGHT

Paula Penney

From: rivest.ron@[redacted] on behalf of Ronald L. Rivest [redacted]
Sent: Thursday, September 14, 2017 3:55 PM
To: William Gardner
Cc: Anthony Stevens
Subject: Re: Meeting of Pence/Kobach commission yesterday (9/12/17)

Hi Bill --

Thanks!

Cheers,
Ron

On Thu, Sep 14, 2017 at 12:00 PM, William Gardner <William.Gardner@sos.nh.gov> wrote:
Ron,

Thank you once again for participating on Tuesday. Your panel was very well received and several members of the audience and some commission members told me later it had the most significance and was the most important information they received all day.

I am keenly sensitive to your position and will be sure that no endorsement or related support on your part would ever appear as part of the Commission's findings and recommendations, without some written acknowledgement from you. I will be very careful about this.

My kind regards always,
Bill

From: rivest.ron@[redacted] [rivest.ron@[redacted] on behalf of Ronald L. Rivest [redacted]
Sent: Wednesday, September 13, 2017 2:27 PM
To: William Gardner
Cc: Anthony Stevens
Subject: Meeting of Pence/Kobach commission yesterday (9/12/17)

Hi Bill --

(I hope this email address is correct for you; I found it on the web. I've also cc'd Anthony Stevens here in case it is not; perhaps he can forward the email to you if necessary...)

Thanks again for inviting me to participate in the panel discussions yesterday. I must say that I really enjoyed hearing Harri Hursti talk!

And I appreciate your firmness about sticking to the facts (and getting the facts right!).

You asked as to whether I might be available for further consultation or collaboration. I said "yes", but I just want to clarify exactly what I mean.

I am happy to participate in events such as yesterday's, giving testimony,

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17-2361-A-006145

Or to participate in some informal discussions about auditing and the like.

However, I do (naturally) have some concern about the sort of recommendations this committee might make in the end in its report, and I do not want to be in the position of appearing to endorse or approve of certain recommendations, particularly if they are likely to disenfranchise many otherwise eligible voters.

Thus, you are welcome to contact me any time for further discussions, but any use of my name in the final report, other than stating that I testifying at yesterday's meeting, should be subject to my prior approval. For example, saying that I am a consultant or that I was consulted or the like might possibly be problematic for me, and we should discuss such language possibilities if they might appear in the final report before we get into further discussions, please. I'm sure you understand.

Back to the substance of the meeting and the committee's work: at a high level, I am concerned that the committee may (to use an analogy I cooked up) risk irrelevance by obsessing about a few people trying to jump on the freight train when there are folks up ahead trying to blow up the tracks! (Feel free to pass this analogy around...) We need to have our priorities right.

The committee's work takes up much valuable time from many people for whom time is a precious commodity. The committee should therefore be working on the important and real problems, not problems that are of fairly small magnitude or even rather too speculative in their impact.

The issue of the security of electronic pollbooks may be a good one for the committee to emphasize. These are poorly studied and, it appears, poorly secured. I understand from Anthony that NH has excellent procedures in place to switch over to paper backups on election day quickly if needed. Perhaps NH could play a leadership role in getting the committee to focus on this very real and important issue.

Thanks again!

Cheers,
Ron

--
Ronald L. Rivest
Room 32-G692, Stata Center, MIT, Cambridge MA 02139
[redacted]
http://people.csail.mit.edu/rivest

--

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17-2361-A-006146

Ronald L. Rivest
Room 32-G692, Stata Center, MIT, Cambridge MA 02139
[redacted]
http://people.csail.mit.edu/rivest

AMERICAN OVERSIGHT

17-2361-A-006147

Paula Penney

From: rivest.ron@[redacted] on behalf of Ronald L. Rivest [redacted]
Sent: Wednesday, September 13, 2017 2:27 PM
To: William Gardner
Cc: Anthony Stevens
Subject: Meeting of Pence/Kobach commission yesterday (9/12/17)

Hi Bill --

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17-2361-A-006148

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Thanks again!

Cheers,
Ron

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Ronald L. Rivest
Room 32-G692, Stata Center, MIT, Cambridge MA 02139
[redacted]
http://people.csail.mit.edu/rivest

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17-2361-A-006149

Paula Penney

From: ricia mcmahon [redacted]
Sent: Friday, September 01, 2017 6:14 PM
To: ElectionIntegrityStaff@ovp.eop.gov
Cc: William Gardner
Subject: Commission on Election Integrity

Mr. Ron Williams
Office of the Vice President
Executive Office of President EOB

I wish to attend the September 12, 2017 Commission on Election Integrity to be held in New Hampshire.

My name is Patricia McMahon
email [redacted]
phone [redacted]

I am a New Hampshire resident and voter for almost 50 years (in 2018).
Currently I serve on the
New Hampshire Canada Trade Council
Served three terms in the NH legislature
Served as Chair of Select Board

Thank you for considering my request to attend the Commission proceedings.

Sent from Yahoo Mail on Android

AMERICAN OVERSIGHT

Paula Penney

From: Olivia Zink [olivia@opendemocracy.me]
Sent: Friday, September 01, 2017 7:32 PM
To: William Gardner
Subject: Take a Stand Against the Pence-Kobach Commission

NHRebe

End Big Money in Poli

Bill --

Calling all friends, voters and voting rights advocates who believe in modern and secure elections! The Trump Adr across the country to turn over their statewide voter lists.

Join us on Tuesday, September 12 to protest the Pence-Kobach Commission on Election Integrity at St. Anselm Cc The ACLU-NH and the NH Campaign for Voting Rights are coordinating actions in the field and online to build cc four actions you can take to challenge the Pence-Kobach Commission:

1. Join the protest! Stand against the Pence-Kobach Commission meeting on Tuesday morning.

Hands Off My Ballot! Protest the Pence-Kobach Commission Meeting. Info HERE.

Tuesday, September 12, 8 a.m.
St. Anselm College
New Hampshire Institute of Politics
100 Saint Anselm Drive
Manchester, NH 03102

RSVP on Facebook

2. Attend the hearing! To reserve a spot at the committee hearing, email the Election Integrity Commission staff, a ticket please let Gibson at ACLU know. Mailto:gibson@aclu-nh.org.

3. Make signs for the protest! Help us prepare for the protest at the America Votes office at 2 p.m. on Friday, Sep to:gibson@aclu-nh.org> with your name, email and phone number.

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4. Write a letter! Send a letter to the editors of state and local publications about the "sham" commission. Email g how to submit your piece.

Stand with us - do not allow the Pence-Kobach Commission to go unchallenged! Thank you and keep up the fight!

Olivia Zink
http://www.nhrebellion.org/

NH Rebellion · 4 Park St, Suite 301, Concord, NH 03301, United States
This email was sent to wgardner@sos.state.nh.us. To stop receiving emails, click here.

Created with NationBuilder, software for leaders.

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17-2361-A-006152

Paula Penney

From: Susan Covert [redacted]
Sent: Saturday, September 02, 2017 10:55 AM
To: ElectionIntegrityStaff@cvp.eop.gov
Cc: Elections
Subject: Unable to Submit Written Comments to Election Integrity Commission

To: Ron Williams, Policy Advisor Commission on Election Integrity
Re: Submission of Written Comments

Dear Mr. Williams:

I received confirmation to attend the Commission's September 12th public meeting at St. Anselm's College in Manchester,NH. The email notice included the following information:

ATTENDENCE AT THE MEETING:
There will not be oral comments from the public at the meeting. Written comments pertaining to the meeting and any subsequent Commission meetings may be submitted at any time at the following link:https://www.regulations.gov/document?D=GSA-GSA-2017-0002-0104

This morning I went on line to submit my written comments to the Commission. I reached the regulation.gov page and was informed -

We're sorry, but we could not load document GSA-GSA-2017-0002-0104
I am concerned that the Commission on Election Integrity is holding a public meeting, but will not be taking public testimony and that citizens who care about this issue are unable to submit written public comments.

Can you please let me know how the Commission plans to get public input.

Sincerely,

Susan Covert

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Paula Penney

From: Susan Covert[redacted]
Sent: Saturday, September 02, 2017 11:21 AM
To: Elections
Subject: Continued Problem in Submitting Written Comments to Election Integrity Commission

Dear Secretary of State Gardner,

I cc/d your office on my earlier September 2, 2017 email to FN-OVP Election Integrity Staff regarding problems with submitting written comments to the Commission. I received the automatic email reply below. This FN-OVP email now has a different link for submitting written comments. I once again attempted to submit comments to the Commission and was informed when I logged in on the regulations.gov page:

We're sorry, but we could not load document GSA_FRDOC_0001-1301

As a member of this Commission, can you please let me know what you are planning to do to ensure that American citizens have an opportunity to provide public comment on this critical issue.

Sincerely,

Susan Covert

Begin forwarded message:

From: FN-OVP-Election Integrity Staff <ElectionIntegrityStaff@ovp.eop.gov>
Date: September 2, 2017 10:55:03 AM EDT
To: Susan Covert <scovert@comcast.net>
Subject: Automatic reply: Unable to Submit Written Comments to Election Integrity Commission

Thank you for contacting the Presidential Advisory Commission on Election Integrity. We have reached maximum capacity for the September 12, 2017 public meeting and are no longer accepting registrations. The meeting will be broadcast online through livestream. Instructions for accessing the livestream will be published soon onhttps://www.whitehouse.gov/blog/2017/07/13/presidential-advisory-commission-election-integrity.

If you wish to submit a public comment to the Commission, you may do so at www.Regulations.gov via the following link: https://www.regulations.gov/document?D=GSA_FRDOC_0001-1301. Please select the "Comment Now" button and follow the instructions on the screen. The Commission no longer accepts public comments through this email account.

AMERICAN OVERSIGHT

Anthony Stevens

From: Charles H Stewart [redacted]
Sent: Monday, August 14, 2017 2:06 PM
To: Anthony Stevens
Cc: [redacted] Barry Burden
Subject: E-mail to Secretary Gardner

Hello Anthony,

I didn't have Secretary Gardner's e-mail address, but I did want to drop him a quick note about our conversation last week concerning participating at a Commission meeting. Could you see that he gets the following?

Thanks,

Charles

Dear Bill,

I've chatted with Paul Gronke and Barry Burden about appearing before the Presidential Commission on Election Integrity when it meets in Manchester in early September.

As we understand it, you would like us to constitute a panel that would discuss the state of political science knowledge about voter confidence and its relationship to changing levels of turnout over the past several decades. The two major questions you would like us to address are these:

- How have levels of voter turnout changed over the past several decades, and how are those changes related to changes in state and federal laws?
- How confident are voters that the electoral system is fair and accurate, and what factors impact those attitudes?

If these are the questions you would like addressed, we'd be happy to consider an invitation from the Commission to testify. Having said that, we each have prior commitments during the second week of September. Therefore, whether we would be able to accept the invitation will depend on the logistical details of the meeting.

Thanks, again, for thinking that our input would help you and your colleagues better understand the scientific state of the field with these questions. We look forward to further communications with you about this opportunity.

Yours truly,

Charles

Charles Stewart III
Kenan Sahin Distinguished Professor of Political Science
The Massachusetts Institute of Technology
Cambridge, Massachusetts 02139
617-253-3127
cstewart@mit.edu

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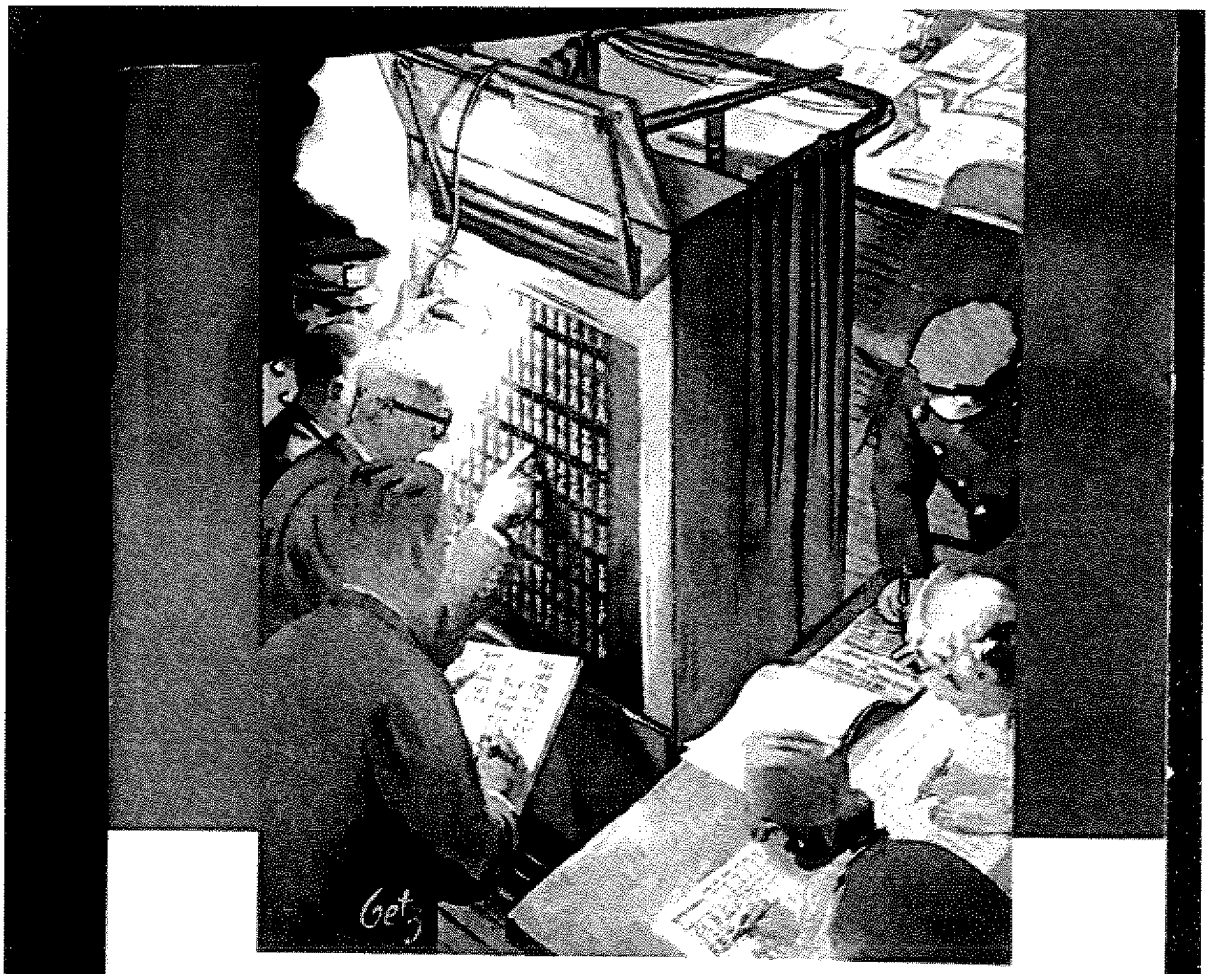
17-2361-A-006155



The Measure of American Elections

Edited by

Barry C. Burden and Charles Stewart III

CAMBRIDGE

AMERICAN OVERSIGHT

17-2361-A-006156

The Measure of American Elections

Edited by

BARRY C. BURDEN

University of Wisconsin

CHARLES STEWART III

The Massachusetts Institute of Technolog

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17-2361-A-006160

From: Christy <cacm@aol.com>
To: andrew.j.kossack <andrew.j.kossack@ovp.eop.gov>
Subject: PACEI data person
Date: Sun, Jul 30, 2017 9:45 pm
Attachments: Voter-Fraud-Final-with-Appendix-1 (1).pdf (1448K)

Hi Andrew,

It's really too bad that DOJ refused to allow Ben Overholt a detail to the Commission. On one hand, I'm not surprised that DOJ would say no, especially if the decision was left up to Chris Herren, the Voting Section Chief. On the other hand, I'm astonished that DOJ would turn down a request of the Vice President's Office. In any case, I do not know of any other federal government employees who I can recommend. There is not a pool of people who I think we can trust to do this work, unfortunately. Here are a couple of thoughts, though.

Adam Kincaid
Special projects director at the Republican National Committee
He does statistical work and may know other statisticians able/willing to help.
(202) 863-5181 office
[redacted] cell
[redacted]

Clark Bensen
POLIDATA LLC
He's been hired for voting/elections litigation
(703) 690-4066 Virginia office
(202) 318-0793 efax
Virginia Office:
3112 Cave Court
Lake Ridge, VA 22192
Vermont Office:
1303 Hayward Road
PO Box 530
Corinth, VT 05039
[redacted]

We might also try to hire whoever wrote the report I've attached. Hans wrote a column on this report last week - perhaps he knows the authors.

Also, I don't know if you have a copy of this report on the requirements to get voting data from each state:

http://voterlist.electproject.org/

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http://voterlist.electproject.org/full-list-purchase-facts-and-info

ICYMI I thought this story was illuminating regarding the Commission's data request: http://katu.com/news/politics/sos-presidents-voter-integrity-commission-fails-to-include-500-for-oregons-data

Finally, I highly recommend that we consider hiring Don Palmer to oversee/consultant on the data project. I think Don may have been considered as a member of the Commission at some point. He has extensive knowledge in this area. He is currently working on an NVRA project for the EAC as a contractor. I worked with Don at the DOJ before he left to become the Director of Elections in Florida. He then moved to Virginia to become the Secretary of the State Board of Elections and Director of Elections there. He has also served on the EAC Standards Board and Technical Guidelines Development Committee in the past and is currently a fellow at the Bipartisan Policy Center. He was an early member of both the Kansas Crosscheck program and Pew's ERIC program. He serves as an expert witness in voting cases. He's also currently on the advisory board for Election Data and Science Lab at MIT. He would be a great spokesman on the data matching and would be hard to attack by the Commission's critics. He's also a Christian and retired Navy Lt. Colonel. He is a believer in the cause and I think he would probably be willing to help us at low cost. His contact info is:

Donald Palmer
[redacted]

I'll be driving to DC tomorrow morning and should be around most of the day if you'd like to discuss any of this.

Hope you had a good weekend!

Best,

Christy

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From: Christy McCormick <cacm@aol.com>
To: Kossack, Andrew J. EOP/ Ovp <andrew.j.kossack@ovp.eop.gov>
Subject: PACEI Email address
Date: Wed, Jul 26, 2017 12:24 pm

Hi Andrew,

What is the PACEI's email address? I received an invitation from EPIC (believe it or not) on my EAC email address to speak at their meetings. I'd like to redirect their requests through the PACEI rather than through the EAC. By the way, I turned down their invitation given previous commitments for the dates they requested, and because of their suit against the PACEI. If you all think it would be helpful for me to meet with them at some point (assuming I'd be available), please let me know.

Thanks so much,
Christy

AMERICAN OVERSIGHT

From: Christy McCormick <cacm@aol.com>
To: Paoletta, Mark R. EOP/ Ovp <Mark.R.Paoletta@ovp.eop.gov>; Kossack, Andrew J. EOP/ Ovp <andrew.j.kossack@ovp.eop.gov>
Subject: PACEI Meeting locations
Date: Wed, Jul 26, 2017 1:26 pm

Hi Mark and Andrew,

I am currently at a meeting with Secretary Lawson and she mentioned that she would like to host a Midwest meeting of the PACEI in Indianapolis. I think it's a great idea. I'd also suggest the other following locations based on geography:

Western: Orange County, California. Orange County is R, as is their elections registrar, Neal Kelley (who is supportive of the Commission and who would be extremely helpful in setting up such a meeting), and the County is in the middle of 5 of the largest voting jurisdictions in the country (@10 million voters and increasing exponentially- Riverside County added 200,000 votes in the past TWO years). Also, it would be interesting to be in a place where this is likely a high number of illegals voting. CA SOS Alex Padilla, a vocal critic of the Commission would not be happy about us being there, but that might not be a bad thing.

South: I suggest either New Orleans, LA, or Birmingham, AL. Both Secretaries of State, Tom Schedler and John Merrill are both very supportive of the Commission, and each location would have positive optics, especially the civil rights angle. Another possibility is Dallas, TX, which is currently investigating significant voter fraud. Toni Pippins-Poole, the Dallas elections administrator is currently getting a lot of heat for investigating the fraud.

North: I know Secretary Dunlap has offered Portland, and I am not opposed to that, but I think we should also consider New York City. Mike Ryan, the Democrat elections director for the City, has been under fire (and litigation) for cleaning his voting rolls and he has made public statements that the real threat to our elections is not Russia, but dirty voting rolls.

Just some suggestions as we work out meeting logistics.

Thanks much,
Christy

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From: Christy McCormick <[redacted]>
To: [redacted]kobach <[redacted]>
Subject: PACEI
Date: Fri, Aug 18, 2017 1:12 pm

Hi Mr. Secretary,

Hope all is well. I know you must be insanely busy. If you have a couple of minutes, would you give me a call? I called your cell, but your vm box is full (unsurprisingly!). My cell is [redacted].

Thanks much,
Christy

AMERICAN OVERSIGHT

Message

From: Robert Popper [rpopper@JUDICIALWATCH.ORG]
Sent: 9/8/2017 5:17:12 AM
To: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]; Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
CC: Jill Farrell [JFarrell@JUDICIALWATCH.ORG]; Carter Clews [cclews@JUDICIALWATCH.ORG]
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017
Attachments: Written Statement of Robert Popper to PACEI - 9 8 2017.pdf

Attached is my written testimony. Please let me know if you need anything else.

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: (201) 486-8773

AMERICAN OVERSIGHT

IT IS TIME TO START ENFORCING THE NATIONAL VOTER REGISTRATION ACT OF 1993

Testimony before the Presidential Advisory Commission on Election Integrity

September 12, 2017

Robert D. Popper
Director, Election Integrity Project
Judicial Watch, Inc.

Background and Experience

My name is Robert D. Popper. I am a Senior Attorney and the Director of the Election Integrity Project at Judicial Watch, Inc. Judicial Watch is a Washington, D.C.-based public interest nonprofit dedicated to promoting transparency, accountability, and integrity in government, politics, and the law.

I was admitted to the Bar in New York in 1990, and I have been practicing as a litigator for 27 years. I have special knowledge and expertise in the area of voting law. In 1995, as a solo practitioner, I represented plaintiffs in a successful constitutional challenge alleging racial segregation in the design of New York's 12th Congressional District.[1]

In 2005, I joined the Voting Section of the Civil Rights Division of the U.S. Department of Justice, where I worked for eight years. In my time there, I managed voting rights investigations, litigations, consent decrees, and settlements in dozens of states. I spoke about voting rights issues at professional conferences and to state and local officials. In 2008, I was promoted to Deputy Chief of the Voting Section.

In 2013, I joined Judicial Watch as Director of the Election Integrity Project. In my time here, I have litigated voting rights cases in several states and have filed numerous friend-of-the-court briefs before the U.S. Supreme Court and various courts of appeal. I have testified before state legislatures on voting reform measures. In the course of my career, I have published popular pieces and scholarly articles on the subject of voting law.[2]

---

[1] *Diaz v. Silver*, 978 F. Supp. 96 (E.D.N.Y. 1997) (three-judge court), *aff'd mem.*, 521 U.S. 801 (1997).

[2] *See The Voter Suppression Myth Takes Another Hit*, WALL ST. J., December 28, 2014; *Florida Gets Another Chance to Appeal for the Right to Clean Voter Rolls, They Should Take It*, THE DAILY CALLER, December 11, 2014; *Political Fraud About Voter Fraud*, WALL ST. J., April 27, 2014; *Little-Noticed Provision Would Dramatically Expand DOJ's Authority at the Polls*, THE DAILY CALLER, March 28, 2014; and, with Professor Daniel D. Polsby, *Guinier's Theory of Political Market Failure*, 77 SOC. SCI. Q. 14 (1996); *Racial Lines*, NAT. REV. 53, February 20, 1995; *Ugly: An Inquiry into the Problem of Racial Gerrymandering Under the Voting Rights Act*, 92 MICH. L. REV. 652 (1993); *The Third Criterion: Compactness as a Procedural Safeguard*

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I am particularly familiar with the National Voter Registration Act of 1993 (NVRA), the subject of my testimony. From 2005 to 2008, I had primary responsibility at the Department of Justice for enforcing that statute. In 2008, I received a Special Commendation Award for my efforts in enforcing Section 7 of the NVRA, which requires state offices providing public assistance to offer those receiving it the opportunity to register to vote. During that same period, I also litigated several cases for the Department to enforce the voter roll list maintenance provisions of Section 8 of the Act, and I obtained consent decrees with the states of Maine, Indiana, and New Jersey, and a settlement agreement with the City of Philadelphia, in which they agreed to abide by Section 8's provisions.[3] As I will explain, these were the last cases the Department ever brought to enforce the voter list maintenance provisions of the NVRA.

Judicial Watch has been actively involved as a private litigant in enforcing Section 8 of the NVRA, suing Ohio and Indiana in 2012 for their failure to comply.[4] After I moved to Judicial Watch in 2013, we concluded a settlement agreement resolving litigation against the State of Ohio[5] and voluntarily dismissed our lawsuit against Indiana after the State restructured its election administration and undertook remedial measures. This year, based on our analysis of available census and voter registration data, Judicial Watch sent letters to twelve states, and to 113 counties in those states, providing them statutory notice that they were failing to comply with their list maintenance obligations under Section 8 of the NVRA.[6] The letters warned those jurisdictions that they would be subject to a private lawsuit if they did not undertake the list maintenance required by the statute.

Judicial Watch expects that it will bring such lawsuits against noncomplying jurisdictions. Further, in July of this year, Judicial Watch commenced a lawsuit against the State of Maryland for refusing to grant it access to election-related documents that the State was required by the NVRA to keep and to make publicly available.[7]

Against Partisan Gerrymandering, 9 YALE L. & POL'Y REV. 301 (1991); *Gerrymandering: Harms and a New Solution*, Heartland Institute Monograph (1990).

[3] For summaries of the relevant cases, *see* https://www.justice.gov/crt/cases-raising-claims-under-national-voter-registration-act#philadelphia.

[4] *Judicial Watch, Inc. v. King*, 993 F. Supp. 2d 919 (S.D. Ind. 2012); *Judicial Watch v. Husted*, Civil Action No. 12-792 (S.D. Ohio 2012).

[5] This agreement is available at http://www.judicialwatch.org/document-archive/01-14-ohio-voter-rolls-settlement/.

[6] *See* http://www.judicialwatch.org/press-room/press-releases/judicial-watch-warns-11-states-clean-voter-registration-lists-face-federal-lawsuit/; http://www.judicialwatch.org/press-room/press-releases/judicial-watch-warns-california-clean-voter-registration-lists-face-federal-lawsuit/.

[7] *Judicial Watch v. Lamone*, No. 1:17-cv-02006 (D. Md. 2017); *see* http://www.judicialwatch.org/press-room/press-releases/judicial-watch-sues-voter-registration-data-national-voter-registration-act/.

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Americans Do Not Trust the Integrity of Our Electoral System

The American people have come to believe that there are serious problems with our electoral system. One study from last year showed that Americans have little faith in the integrity of their elections and postulated that this partly explains low voter turnout.[8] A Rasmussen poll from 2016 reported that only 41% of those polled believe "American elections are fair to voters."[9] A Washington Post-ABC News poll from 2016 found that 46% of those polled believed that voter fraud happens either "somewhat" or "very" often.[10]

Particularly revealing is a Gallup poll that compares American attitudes with those of other countries. In a poll taken in 2016 – *before* the parties' national conventions that summer – Americans were asked if they had confidence in the "honesty of elections." A "record-low 30%" said that they did, while an astonishing 69% said that they did not.[11] This trend has become significantly worse in recent years, and the United States is now a significant outlier among the nations polled. Gallup reports that "[g]lobally, the U.S. ranks 90th out of 112 countries that Gallup has asked this question in so far this year," and among countries that are true electoral democracies, "only Mexico (19%) ranks lower than the U.S."[12]

Unfortunately, poor list maintenance practices lend credence to the public perception that our nation's electoral system is not functioning properly.

The Voter List Maintenance Goals of the NVRA Are Not Being Met

As the NVRA itself makes clear in its "Findings and Purposes," it was enacted in order to achieve two different goals. It was intended, first, to "increase the number of eligible citizens who register to vote," enhancing their "participation . . . in elections for Federal office"; and, second, to "protect the integrity of the electoral process," ensuring "that accurate and current voter rolls are maintained."[13]

The first goal of increasing eligible registrants was intended to be met by increasing the number of state offices where citizens are offered the opportunity to register to vote. The most significant NVRA provision supporting this goal is the requirement that every application for a state driver's license must serve as well as a voter registration application, unless an applicant

---

8 *See, e.g.*, Pippa Norris, Holly Ann Garnett and Max Grömping, *Why Don't More Americans Vote? Maybe Because They Don't Trust U.S. Elections*, Wash. Post, December 26, 2016.

9 http://www.rasmussenreports.com/public_content/politics/general_politics/january_2016/are_u_s_elections_fair.

10 https://www.washingtonpost.com/page/2010-2019/WashingtonPost/2016/09/15/National-Politics/Polling/release_444.xml?tid=a_inl.

11 http://www.gallup.com/poll/196976/update-americans-confidence-voting-election.aspx.

12 *Id.*

13 52 U.S.C. § 20501(b).

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does not wish to register or is already registered.[14] It is this provision that has afforded the NVRA its popular designation as the "Motor Voter" law. There is good evidence that the first goal of the NVRA has been largely realized. For example, in the twenty-year period starting in 1992, a year before the NVRA was enacted, through 2012, the registration rate increased nationally by more than 11%.[15]

The second goal of protecting electoral integrity by ensuring accurate and current voter rolls was supposed to be achieved by the NVRA's requirement that states "conduct a general program that makes a reasonable effort to remove the names of ineligible voters" from the rolls if they have died or moved elsewhere.[16]

This second goal has not been met. Five years ago, this fact was brought forcefully to national attention by a study noting that "24 million – one of every eight – voter registrations in the United States are no longer valid or are significantly inaccurate"; that "1.8 million deceased individuals are listed as voters," and that "2.75 million people have registrations in more than one state."[17]

Based on Judicial Watch's research this year, there is every reason to believe that these problems have gotten worse. This past July, the Election Assistance Commission publicly released the responses provided to its most recent election administration survey. By law, the Commission is required to submit a report to Congress every two years "assessing the impact" of the NVRA "on the administration of elections for Federal office during the preceding 2-year period."[18] States are required to provide the information requested by the Commission.[19]

Judicial Watch hired a political scientist and demographer to compare the registration information contained in the Commission's report with the latest census data.[20] We also contacted particular counties directly to obtain or confirm certain data.

Our study indicates a pervasive failure by state and county officials to fulfill the voter list maintenance obligations imposed by the NVRA. To begin with, the EAC's survey includes a question about the number of NVRA address confirmation notices sent during a two-year

---

14 52 U.S.C. § 20504(a).

15 Royce Crocker, *The National Voter Registration Act of 1993: History, Implementation, and Effects,* Appendix A, CONG. RES. SERV., Sept. 18, 2013.

16 52 U.S.C. § 20507(a)(4).

17 *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade*, PEW RES. CTR. ON THE STATES, Feb. 14, 2012, at 1.

18 52 U.S.C. § 20508(a)(3).

19 *See* 11 C.F.R. § 9428.7.

20 *See The Election Administration & Voting Survey: 2016 Comprehensive Report*, ELECTION ASSISTANCE COMM'N, June 29, 2017, available, along with the relevant datasets, at https://www.eac.gov/research-and-data/election-administration-voting-survey/, and the latest American Community Survey population and demographic data, available at https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml.

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reporting period.[21] Jurisdictions are required to send these notices to those who are believed to have moved prior to placing them in an inactive status for a statutory waiting period of two general federal elections.[22] A failure to send such notices shows that a jurisdiction is not endeavoring to determine who may have moved elsewhere.

There are over 2,800 counties in states covered by the NVRA. Of these, 415, or about 15% of all covered counties, did not report sending *any* confirmation notices during the two-year period from 2014 to 2016. This fact suggests a widespread failure to comply with the NVRA. Moreover, of the counties that *did* report sending confirmation notices, another 581, or about 20% of the total, reported sending notices during the last two-year period to fewer than 5% of their registered voters. Given that the Census Bureau reports that about 11% of Americans move *every year*,[23] these low rates also suggest that these counties are not diligently conducting voter list maintenance.

Counties' overall registration rates also reveal compliance issues. Our study showed that, in 462 U.S. counties, the number of voter registrations exceeded the number of citizens over the age of 18 who resided in those counties. In other words, those counties' registration rates exceeded 100% of the population eligible to register.[24] Federal courts have repeatedly held that such an imbalance between registrations and age-eligible citizens is grounds for believing that a jurisdiction is not living up to its list maintenance obligations.[25] These 462 counties, moreover, constitute about 17% of all U.S. counties covered by the NVRA where we have enough data to make these calculations.

These facts show widespread noncompliance with the NVRA. The problem, moreover, is worse than it was even a few years ago. When Judicial Watch conducted a similar registration analysis in 2015, we found that 312 counties covered by the NVRA had more registered voters than voting-age citizen population, which was about 11% of all counties where we had the data necessary to make this comparison.

State and county officials confronted with improbably high registration rates often try to talk past the data in predictable ways. For example, such officials tell us that registration rates are high precisely because the NVRA requires officials to wait for two general elections before removing the registrations of those who have not responded to confirmation notices. By this reasoning a high registration rate shows, not a lack of compliance with the NVRA, but a diligent effort to send out confirmation notices and to move registrations to the inactive list.

---

21 *Election Administration & Voting Survey,* supra note 19, at 188 (question A10a).

22 52 U.S.C. § 20507(d)(2).

23 https://www.census.gov/newsroom/blogs/random-samplings/2017/01/mover-rate.html.

24 Remarkably, there also were 15 counties reporting more voter registrations than their *total* populations, including minors and noncitizens.

25 *See Voter Integrity Project NC, Inc. v. Wake Cnty. Bd. of Elections*, 2017 U.S. Dist. Lexis 23565 at *17-18 (W.D.N.C. Feb. 21, 2017); *Bellitto v. Snipes*, 2017 U.S. Dist. Lexis 107355 at *52-53 (S.D. Fla. July 11, 2017); *Am. Civ. Rights Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 793-94 (W.D. Tex. Mar. 30, 2015).

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In my experience, such claims are almost always belied by the facts. It is often the case that a county with a high registration rate also sent relatively few confirmation notices during the reporting period. Such facts contradict any claim that high registration rates are due to voters being moved to the inactive list. And while it is conceivable that a "bump" in total registrations will occur after a sudden, significant effort to remove invalid registrations, this effect should be temporary and should decline over time. An examination of the age of inactive registrations is enough to settle this kind of dispute. In one investigation, we found thousands of registrations that had been inactive for more than a decade. These cannot be explained by ordinary list maintenance procedures or by the need to wait for two elections before cancelling a registration.

States with high registration rates also implausibly contend that inactive registrations should not be considered at all in determining registration rates. By subtracting these out, these states hope to show lower and more reasonable-looking registration rates. The reasons for conducting this special arithmetical operation are rarely elaborated in any detail, but we have heard the argument that such inactive registrations are irrelevant because they are awaiting cancellation, or because the registrants are probably living elsewhere. Note at the outset that the factual premises of these assertions are wrong. Registrations may be moved to the inactive list for any number of reasons under various state laws, and not just because the registrant failed to return a confirmation notice. Further, as we have discovered, registrations often sit on state inactive lists for many years beyond the NVRA's statutory waiting period without being cancelled.

But there is a far more basic problem with the argument that inactive registrations ought not to count. The NVRA plainly provides that *inactive registrations may still be voted*.[26] This voting can take place as late as Election Day, at which point "affirmation or confirmation of the registrant's address *may* be required."[27] But the voter need not vote by provisional ballot or endure any other impediment to voting.[28]

The simple fact is that as long as a registration may be voted on the next Election Day, it should be treated as part of a state's voter registration list. That is why, when I worked in the Voting Section of the Department of Justice, we invariably considered inactive registrations when analyzing the NVRA programs of covered states and counties. For the same reason, when we concluded an NVRA settlement decree or agreement we insisted on receiving information and reports about inactive registrations.[29]

---

[26] 52 U.S.C. § 20507(d)(2)(A).

[27] *Id.* (emphasis added).

[28] *See A. Philip Randolph Inst. v. Husted*, 838 F.3d 699, 716 (6th Cir. 2016) (Siler, J., concurring in part, dissenting in part), *cert. granted* 137 S. Ct. 2188 (2017) ("an 'inactive' voter has all the rights to cast a regular ballot at any election," and "if the registrant has any voting activity during those four years, he or she returns to an active voter status"); *Common Cause v. Kemp*, 2017 U.S. Dist. Lexis 93417 at *2 (N.D. Ga. Mar. 17, 2017) ("Voters on the inactive list can still vote.").

[29] *See, e.g., United States v. Indiana*, 2006 U.S. Dist. LEXIS 45640 at *4-5, *9-10 (S.D. Ind. July 5, 2006) (consent decree requiring initial report and annual reports including information on inactive voters).

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As a final point, it is worth remembering that every U.S. county covered by the NVRA must abide by the same rules, and must respect and accommodate the same statutory waiting period. Yet 83% of these counties had registration rates – including active *and* inactive voters – that were less than 100%. As federal courts have acknowledged, the fact that a county has a registration rate exceeding 100% is strong circumstantial evidence that that county is not conducting a reasonable program of voter list maintenance.

The Department of Justice Has Failed to Enforce the NVRA's List Maintenance Provisions and Has Impaired States' Efforts to Maintain Their Voter Rolls

From 2005 to 2007, Section 8 list maintenance claims were included in federal complaints filed by the Department of Justice against Missouri, Maine, New Jersey, Indiana, and the City of Philadelphia. The Department ultimately obtained court-ordered consent decrees with Maine, New Jersey, and Indiana, and concluded a settlement agreement with the City of Philadelphia.[30] I managed each of those litigations for the Department. The last of the NVRA-related consent decrees expired in 2009.

I was present at a meeting in November 2009 in which the Deputy Assistant Attorney General in charge of the Voting Section told the staff that Section 8 cases were not a priority.[31] From that time until the present, the Department of Justice has not filed a single complaint involving a claim under the voter list maintenance provisions of Section 8 of the NVRA. To my knowledge, the Department has not sent any state or county a notice letter indicating that it intended to sue to enforce those provisions. I know, moreover, that there were many states that the Department could have targeted for enforcement action during the intervening years.

The Department during the last administration appears to have completely abandoned all efforts to enforce the list maintenance provisions of Section 8 of the NVRA. Even worse, the Department engaged in litigation specifically intended to limit the ability of states to remove ineligible registrations from the rolls. I will cite a few examples.

In 2012, Florida sought to conduct a list maintenance program designed to remove noncitizens from its voter rolls. The Department of Justice and, in a separate action, a group of left-leaning advocacy organizations sued to enjoin Florida's program. The NVRA requires that any program to cancel the registrations of those who have moved must stop during the 90 days right before an election.[32] Both the Department and the private litigants argued that this provision prevented Florida from attempting to remove *noncitizens* from the voter rolls during that 90-day period. The argument is extraordinary, considering that noncitizens were never

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30 These cases are described on the Department's website, at https://www.justice.gov/crt/cases-raising-claims-under-national-voter-registration-act#philadelphia.

31 *See A Review of the Operations of the Voting Section of the Civil Rights Division*, OFFICE OF THE INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION 100-101, March 2013, available at https://oig.justice.gov/reports/2013/s1303.pdf.

32 52 U.S.C. § 20507(c)(2)(A).

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eligible to register or vote, and, consequently, that they only could be listed on the voter rolls because of an error, or by means of a fraudulent registration.

Each of the district courts that heard this argument rejected it.[33] But the private plaintiffs appealed, and, in a surprise 2-1 ruling, an 11th Circuit panel accepted their argument and reversed the lower court's decision.[34] Just as surprising, the administration of Governor Rick Scott refused to appeal that ruling to the Supreme Court. As a result, it is now the law in the 11th Circuit that noncitizens may *not* be systematically removed from the voter rolls in the 90 days before an election. My point is not merely that the result is wrong, even outrageous, but that the U.S. Department of Justice actively sought this result.

In two other cases, the Department provided *amicus* support to private plaintiffs seeking to restrict states' ability to monitor and remove ineligible registrations. The NVRA specifies that voters may not be removed merely for failing to vote.[35] The electoral laws of Georgia and Ohio provide that address confirmation notices must be sent to voters who have had no voting-related activity for a certain period of time – three years under Georgia law and two years in Ohio. If the registrants to whom those notices are sent respond, they are designated as active voters. If they fail to respond, they are put in an inactive status and, if they do not contact the state or appear to vote during the NVRA's statutory waiting period of two general federal elections, they are removed from the rolls.

Private plaintiffs in each state sued to enjoin those state laws, arguing that they were, in effect, removing voters merely for failing to vote, which is proscribed by the NVRA. The obvious rejoinder to this argument is that no one is being removed for failing to vote. Registrants are merely being sent address confirmation letters. What happens after that depends on how they respond.

Both district courts dismissed these lawsuits. The Georgia decision is on appeal to the 11th Circuit.[36] The Ohio decision was reversed by a divided panel of the 6th Circuit, and currently is on appeal to the Supreme Court, which granted the appellants' petition for a writ of certiorari.[37] I believe that the plaintiffs' claims are clearly meritless. But again, my main point is that the U.S. Department of Justice filed briefs supporting the plaintiffs in their efforts to restrict the power of states to remove ineligible registrants from the voter rolls.

More recently, in August of this year, the Department filed an *amicus* brief in the Supreme Court in the Ohio case reversing its prior position and supporting the State's

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33 *U.S. v. Detzner*, 870 F. Supp. 2d 1346 (N.D. Fla. 2012); *Arcia v. Detzner*, 908 F. Supp. 2d 1276 (S.D. Fla. 2012).

34 *Arcia v. Detzner*, 746 F.3d 1273 (11th Cir. 2014).

35 52 U.S.C. § 20507(b)(2).

36 *Common Cause v. Kemp*, 2017 U.S. Dist. Lexis 93417 (N.D. Ga. Mar. 17, 2017), *appeal docketed*, No. 17-11315 (11th Cir. Mar. 23, 2017).

37 *A. Philip Randolph Institute v. Husted*, 2016 U.S. Dist. LEXIS 84519 (S.D. Ohio June 29, 2016), *rev'd,* 838 F.3d 699 (6th Cir. 2016), *cert. granted sub nom. Husted v. A. Philip Randolph Institute*, No. 16-980, 2017 U.S. LEXIS 3506 (May 30, 2017).

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interpretation of the NVRA. I commend the Department for this decision. The position it takes in this brief is clearly supported by the plain text of the NVRA and by existing law.

Beyond the issues raised in this one case, however, I trust that this action signals that the Department is abandoning the approach adopted during the prior administration, which not only failed to enforce the list maintenance provisions of the NVRA, but sued states that were trying to comply with the statute. I also urge the Department to investigate states' and counties' voter list maintenance programs, and to notify and then sue those jurisdictions that fail to comply with the obligations imposed by Section 8 of the NVRA. With 462 counties showing registration rates greater than 100%, there are a large number of potential targets for enforcement.

Judicial Watch is proud of its efforts to enforce Section 8 of the NVRA. But the Department of Justice should be leading this work. The Department has far greater resources at its disposal than private nonprofits like Judicial Watch, and is far more likely to obtain the voluntary cooperation of states and counties when it notifies them of a potential violation.

The NVRA Should Be Enforced

There are sound policy and legal reasons for enforcing the voter list maintenance provisions of the NVRA and requiring states to clean their voter rolls. Yet, in engaging in this discussion, I find it is important not to confuse this matter with the debate over state voter identification laws. While I believe, with a majority of Americans, that there are persuasive reasons for requiring reliable photo identification at the polls on Election Day, the enforcement of the NVRA is a broader topic and it raises a number of different concerns.

To begin with, the NVRA already is federal law. Congress already engaged in the weighing of factors and the deliberation necessary to justify that law. We ought not choose which federal laws, or which provisions of those laws, we will enforce. This is particularly so with compromise legislation like the NVRA. As the statute's "Findings and Purposes" makes clear, the NVRA sought to accommodate both those who hoped for greater registration and access to voting, and those who hoped to ensure election integrity and guarantee accurate voter rolls. It is contrary to congressional intent, and, frankly, dishonest, to enforce only half of a compromise bill.

In addition, accurate voter lists prevent more kinds of fraud than a voter ID requirement. For example, an accurate voter list prevents double voting, which most commonly occurs where recently moved voters vote in the electoral precincts associated both with their new and their old addresses. Requiring an ID does not prevent this, because double voters are who they say they are. Regular maintenance of the voter rolls also diminishes the opportunities for absentee or mail-in ballot fraud, which most experts agree is more common than impersonation fraud. Every week Judicial Watch gets emails like the one we received just a few days ago:

> In the mail today, a letter came from the State of California Department of Motor Vehicles. The letter was addressed to my mother . . . who has been deceased since 2009. In the latter was a renewal form for her Disabled parking and a Voter Registration Form that just needed to be filled out and sent in. If these letters are

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> being sent at large to people who are deceased, it would be extremely easy for anyone to fill out the voter registration form – requesting to vote by mail – and no one would know that it was a fraudulent vote.

Our correspondent is correct, and if the voter rolls were better maintained, the possibility she alludes to would not arise.

Maintaining accurate voter rolls as required by the NVRA also has other benefits that have nothing to do with preventing fraud. For example, accurate voter rolls prevent honest mistakes, such as where those who are not aware that they are ineligible vote because they are listed on the rolls, or where voters cast a ballot in the wrong location, possibly in the wrong election, because the rolls are not current.

In addition, inaccurate voter rolls hamper legitimate voter education and get-out-the-vote efforts. To the extent that these efforts rely on voter rolls to determine whom to contact and where they may be reached, inaccurate voter rolls increase the expense of such efforts. It costs money to send thousands of pieces of mail to wrong addresses or to persons who no longer reside in the state.

As a final point, I would like to make a few observations about voter fraud, a topic much discussed today. We know that voter fraud, whether impersonation fraud, absentee ballot fraud, registration fraud, double voting, noncitizen voting, or voting by those ineligible under state law, occurs and is, in some form, a feature of every election, and we have suggestive, but not conclusive, evidence about the extent of such fraud. We also know that voter fraud is hard to detect and prove, especially where the law requires a showing of specific intent. We know that many states do not even bother to track voter fraud.[38] We also know that this is probably to be expected, given that voter fraud often is lightly penalized. In preparing my statement, I happened to research some of the voter fraud laws in neighboring Vermont. Its election law provides that the penalty for casting more than one ballot is a maximum fine of $1,000 for a primary or general election, $100 for a local election, and no incarceration in either case.[39] At the same time, Vermont law provides that the penalty for selling maple syrup without a license is a maximum fine of $5,000 and up to a year in prison.[40]

In any case, discussions about the precise extent and effect of voter fraud risk obscuring a more important point: Elections, like kitchens, must look clean. I was managing an election monitoring team in Philadelphia in November 2008 when two men, one of them armed with a club, took up a position outside a local polling station.[41] Four years later, I was back in Philadelphia when we received a report that one polling place had a floor-to-ceiling mural of President Obama, along with his campaign logo and a quote from one of his speeches.[42]

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38 *See* Robert D. Popper, *Political Fraud About Voter Fraud*, WALL ST. J., April 27, 2014.

39 17 V.S.A. § 1971.

40 6 V.S.A. §§ 483, 498.

41 https://www.youtube.com/watch?v=neGbKHyGuHU.

42 http://www.nbcphiladelphia.com/news/local/Obamas-Face-Covered-at-Polling-Place-After-Court-Order-177511541.html.

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No one would dismiss the need for legislation forbidding weapons at a polling place because violence is rare, or because no one was frightened away from the polls, or because the incident did not sway the outcome of an election. People should be able to rely on the fact that they will be physically safe at polling stations.

Similarly, no one would deny the value of laws against electioneering or partisan displays inside polling places on the ground that these displays did not change anyone's mind or determine an election. Such displays suggest to the voters that the election officials are not impartial. Even if it never changes or influences a single vote, this behavior sends a bad message to the public. It suggests that election officials are not going to be fair.

For the same reasons, the law should incorporate and enforce elementary protections against voter fraud. Indeed, it is in part the absence of such protections that has led an astonishing 69% of Americans to say that they do not have confidence in the honesty of our elections. These elementary protections include the voter list maintenance provisions of Section 8 of the NVRA. Along with all of the other advantages derived from the statute, diligent enforcement of the NVRA will help convince the public that American elections are clean.

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 6/29/2017 4:46:18 PM
To: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]; 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]
Subject: Person seeking to work for Commission

Mark,

Here's the person I mentioned on the phone who's interested in working for the Commission.

Kris

From: Michael Flanagan [mailto:flanagan@flanaganconsulting.com]
Sent: Wednesday, May 24, 2017 12:28 PM
To: [redacted]
Cc: [redacted]
Subject: Commission on Election Integrity

Dear Mr. Kobach,

Thanks for talking with our friend JD about my joining the Commission. I understand that the White House is interested in Democrats as a priority right now. I fully grasp that and I understand. A desire to have a "balanced" board of review is important and will go a long way to making it bullet-proof with the excellent findings and proposals that you will no doubt generate.

I am taking advantage of the access provided by JD's strong relationship with you to help you in this email. I hope that I will hit all of the right chords.

First, I would be an asset to your team. Second, I can manifestly help you find and enlist good Democrats who will be interested in fighting voter fraud and will not be partisan hacks. Last, am asking for a position on or as staff to the Commission.

First, I am the rarest of all Republicans – I am a genuine urban Republican who is not a nut. In large urban areas, our ranks have long been distilled down to crazies who cling to the impossible dream of a super-conservative revival in urban areas. I am quite practical and well-thought of in urban areas and political circles there. While very conservative, I speak a practical version of our positions which often fall on fertile ground. In my first primary there was a total of 15K votes cast for all candidates. In my second primary, 45K votes were cast in my district. A modest party revival was underway and the local Democratic Party knew it. It would never be a majority but it could have been a credible opposition – they simply could not allow that to be started.

I have a unique understanding of voter fraud in large, urban areas. It starts with a legitimization single party rule while demonizing the other party, then moves to encouraging the faithful that the end justifies the means in the fight against the opposition and that, finally, they should do "what they can" to ensure OUR success. Individuals become sole agents for voter fraud which manifests itself in a thousand different ways ranging from voting for the dead to voting multiple times in multiple districts. Most voter fraud is not an organized effort but individual decisions to help "the larger" effort. Complimenting this, there absolutely is a very organized effort – much of it by Jan Schakowsky's husband, Robert Creamer, with whom I am personally and very familiar. I know many of the players and I can be of great help to you.

To add to my personal credentials, I worked for years at the Chicago Board of Election Commissioners and I have many, many contacts which will be of practical value to the Commission. Additionally, these years gave me an expert's

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understanding of the processes and the potential (and actual) abuses of that process. I would be a great asset to your Commission and would look forward to an opportunity to serve.

Second, I would be very happy to circulate among high profile Democrats to achieve others interested in sitting on the Commission. I know more than a few who may find it efficacious for themselves to "buck" the current Democratic Party and voice an attack on voter fraud. Pro-Life, centrist and rural Democrats chased from office in primaries by leftists looking to purge the party will provide excellent grounds for Former Members of Congress and other High Profile Democrats to join in your well-led efforts. I would be happy to talk with some of these on behalf of you and your efforts.

Third, I will be frank, I have been in the jobless DC desert of the Obama Administration for eight years. I worked very hard for the election of Mr. Trump – even before his nomination. Sir, in all candor, I need a job and I would be very willing to work on staff, possibly with the hope of eventually joining the ranks of the Commission members. If you have any interest in capturing my experience, expertise and efforts on your behalf, you will find me willing to do just about anything to start you well on the road to success. I would not regard a staff position as a step-back at all but as an opportunity to prove my worth and to succeed. In fact, a high staff member helping to shape the efforts of the Commission might actually be the best position for me. I held such a position for the Special Inspector General for Iraq Reconstruction (SIGIR) in 2013 as a "Senior Advisor." It was a GS-15 slot and I was happy and proud to have served. Sadly, the agency closed or I would still be there. I would be glad to have such a position working for you – or any position that you deem needed.

If you think that I could be of use to you in any capacity, I would be very glad to talk with you at a moment of your convenience. I am reachable at the contact points included (below) and would appreciate a chance to speak with you at a moment of your convenience. I can provide many letters of recommendation from sitting Members of Congress, leaders in industry or others in Chicago and DC as you may wish.

I sincerely hope to hear from you soon and please allow me to lend my expertise to your effort and on your behalf.

With Regards,

Mike Flanagan

Michael Patrick Flanagan
President, Flanagan Consulting LLC
1279 Delaware Avenue, SW
Washington, DC 20024
(202) 675-8336
flanagan@flanaganconsulting.com
web addresses:
www.flanaganconsulting.com
www.linkedin.com/in/mpflanagan
www.newsmax.com/flanagan

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Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/18/2017 9:48:35 PM
To: 'Kris Kobach' [[redacted]]; cwlawson@sos.in.gov; [redacted]; Christy McCormick [[redacted]]; Mark Rhodes [mrhodes@woodcountywv.com]; von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]; Christian Adams [adams@electionlawcenter.com]; Alan L. King [[redacted]]; matthew.dunlap@maine.gov
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: please HOLD for next meeting

Dear Members,

Please mark your calendars for Tuesday, September 12th for our next meeting. You'll likely want to plan to travel the afternoon/evening of the 11th. We'll be back in touch early next week with additional details. Thanks for your patience as we lock down all the logistics.

If you have any questions or concerns at this point, please let me know.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/18/2017 9:48:35 PM
To: 'Kris Kobach' [[redacted]; cwlawson@sos.in.gov; [redacted] Christy McCormick [[redacted]; david@capitolpartnersar.com; Mark Rhodes [mrhodes@woodcountywv.com]; von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]; Christian Adams [adams@electionlawcenter.com]; Alan L. King [[redacted]; matthew.dunlap@maine.gov
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
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Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

From: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>

To: 'Kris Kobach' <[redacted]>; cwlawson <cwlawson@sos.in.gov>; chipkate <[redacted]>; mattdunlap [redacted] <[redacted]>; kennethblackwell693 <[redacted]>; Christy McCormick <[redacted]>; david <david@capitolpartnersar.com>; Mark Rhodes <mrhodes@woodcountywv.com>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; Christian Adams <adams@electionlawcenter.com>; Alan L. King <[redacted]>; matthew.dunlap <matthew.dunlap@maine.gov>

Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>

Subject: please HOLD for next meeting

Date: Fri, Aug 18, 2017 5:48 pm

Dear Members,

Please mark your calendars for Tuesday, September 12th for our next meeting. You'll likely want to plan to travel the afternoon/evening of the 11th. We'll be back in touch early next week with additional details. Thanks for your patience as we lock down all the logistics.

If you have any questions or concerns at this point, please let me know.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kris Kobach [[redacted]]
Sent: 6/30/2017 6:07:59 PM
To: [redacted]
Subject: Please print
Attachments: Talking Points 6-30-17.docx; Voter Roll Request talking points.docx

AMERICAN OVERSIGHT

Talking Points: Commission's Request for Voter Registration Data

Why does the Commission need voter registration information for its study?

In order to fully analyze voter registration accuracy and integrity, the Commission requires data from state voter registration rolls to perform cross-checks and determine whether voters are registered in multiple states, ineligible voters are registered (such as the deceased), or other vulnerabilities are present in our elections system.

This is not new. States have been sharing this data for years through the Electronic Registration Information Center, Inc. (ERIC) and the Interstate Crosscheck Program. This is the first time we're trying to pull those efforts together more broadly at a 50-state level.

People are registered in multiple states all the time, right? And that's not a crime.

This Commission is looking at election processes not only for actual fraud, but also for improper registrations and improper voting. What the Commission seeks to do is identify weaknesses in election processes that create *opportunities* for fraud. Certainly, not everyone who's registered in multiple states is a fraudster, but those duplicate registrations give fraudsters the opportunity to abuse the system and innocent people the opportunity to make mistakes and vote improperly. That affects the integrity of the system and people's confidence in it.

What if a state refuses to provide the information?

It is in every state's best interests to ensure the integrity of elections and state voter rolls. We are asking only for *public* information, so it is unclear why any state would refuse to provide this.

We remain hopeful we can work cooperatively with all states to ensure the accuracy and reliability of voter rolls.

Will any personal information be made public?

No. The Commission will not release personally identifiable information to the public. Names, birth dates, any elements of Social Security numbers, addresses, and other personal information will be maintained as confidential.

What will the commission do with the registration information?

The Commission will use such information solely to perform cross-checks of state voter registration data. Any results of that analysis will be presented to the Commission in aggregated or deidentified form, so that no individual voter's personal information will be identified to the Commission or in any reports the commission will issue.

What will the commission make public?

Under the Federal Advisory Committee Act (FACA), the commission will make documents, reports and other materials public once they are made available to or prepared for or by the Commission ***as a whole.*** No reports submitted to the ***full*** commission will contain any personal or identifying information from state voter rolls, unless such information has already been made public in the course of a criminal proceeding or other public process.

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What do you say to those who claim this will result in voter suppression?

This is about election integrity and ensuring the principle of one person, one vote. The federal government has no authority to remove anyone from state voter rolls. It is up to states to take appropriate actions to clean their voter rolls. The Commission will identify best practices and opportunities for states to equip them to do so effectively and ensure the integrity of their elections.

Recent Examples:

Virginia – June 27, 2017: A Virginia college student pled guilty to fraudulently registering 18 voters. [HYPERLINK "http://www.businessinsider.com/andrew-spieles-virginia-voter-registration-2017-6"]

> Sentenced to between 100 and 120 days in prison.
>
> Issue was only discovered because a local registrar's office employee recognized one of the names voter registrations and knew he was deceased.
>
> The Registrar's Office then found multiple other forms similarly fabricated, containing either the names of deceased people, or "incorrect middle names, birth dates, and social security numbers."

Indiana – June 9, 2017: "Indiana Voter Registration project, 12 employees charged with falsifying voter registration applications" - [HYPERLINK "http://fox59.com/2017/06/09/indiana-voter-registration-project-12-employees-charged-with-falsifying-voter-registration-applications/"].

> Marion County Prosecutor Terry Curry, a Democrat, said, "Without regard to alleged motivation, *the paramount concern is protecting the integrity of the electoral process, and intentional irregularities in voter registrations cannot be tolerated*."

Texas – February 2017: A Texas woman was sentenced Thursday to eight years in prison and slapped with thousands of dollars in fines for committing voter fraud. [HYPERLINK "http://www.theblaze.com/news/2017/02/09/non-us-citizen-gets-eight-years-for-voter-fraud-in-texas/"]

> Rosa Maria Ortega of Grand Prairie, Texas, is a Mexican citizen, but a legal U.S. resident, [HYPERLINK "http://www.fox4news.com/news/234551542-story"]. She is not a U.S. citizen, thus making her ineligible to vote.
>
> Ortega was arrested and indicted on [HYPERLINK "http://www.dallasnews.com/news/tarrant-county/2017/02/08/grand-prairie-woman-found-guilty-illegal-voting"] in 2015 after police discovered she had applied for voter registration in Dallas County, Texas, and that she had falsely indicated on the application form she was a U.S. citizen. This, after a [HYPERLINK "https://texasattorneygeneral.gov/news/releases/ag-paxtons-office-obtains-voter-fraud-conviction-in-tarrant-county"] said Ortega applied for voter registration in nearby Tarrant County five months earlier, but was rejected because she marked that she was not a U.S. citizen, but a U.S. legal resident.

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Kansas – Past 2 years – Nine people convicted of voter fraud in Kansas - [HYPERLINK "http://cjonline.com/news/2017-05-03/ninth-person-convicted-voter-fraud-kansas"]

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• This is publicly available information. Any person on the street can walk into a county election office and get it.

• Why doesn't the CA SoS want the presidential commission to look at the states voter rolls? What is he trying to hide?

• The Pew Foundation estimates that 1.8 million deceased individuals are still registered to vote, and they concede that their estimate is likely on the low side…. Why wouldn't we want a federal commission to use the Social Security database and calculate the correct number and see what it is? Let's suppose it's 2 million. We can also determine the voter history and see how many of the 2 million cast votes after the date of death. Let's suppose the number is 2,000. Wouldn't it be important for the public to know that???

• In Virginia on Monday, a college student was convicted for fraudulently registering 18 dead people. Gee, I wonder what he was going to do after those 18 names were registered… Maybe try to vote those identities…. You think?

• In Kansas in the last 2 years, my office has convicted 9 people of voter fraud. 8 for voting in multiple states in the same election, 1 for voting while being an alien.

• How in the world can studying these statistics and providing information to the American public suppress votes??? That's the dumbest argument I've ever heard.

• In Kansas, an academic expert has analyzed our voter rolls and estimated that there may be more than 18,000 aliens registered to vote in our state. Wouldn't it be useful to know the actual number? For every state?

• CA is notoriously lax in going after voter fraud. In the last 2 years, KS has convicted 9 people for voter fraud. California has only convicted 3 people in the last 2 years. Now CA has 13X the population of Kansas. If the political leadership of the state were serious about dealing with voter fraud, they would have a much higher number of prosecutions.

AMERICAN OVERSIGHT

From: John Gizzi
To: Kris Kobach
Subject: Please read over...want as lead in Newsmax tomorrow
Date: Monday, July 24, 2017 6:57:07 PM

Reports of "Non-Cooperation" From States Is

"Fraud," Election Fraud Commission Vice-Chairman Tells Newsmax

By John Gizzi

"There is a great deal of fake news and lazy news being reported about the work of the bipartisan Presidential Advisory Commission on Election Integrity," said its vice chairman, Kansas Secretary of State Kris Kobach, "and the truth is, we're proceeding along just fine."

In an exclusive interview with Newsmax last week, Kobach took after national reporters who have been, in his words, "mis-reporting what we are doing, just as we're getting started."

Kobach specifically pointed to widespread reports that more than 30 states were not "not complying with the commission" and "not making available" data on registered voters.

"That is flat-out wrong," he told us, adding that several reports said the Commission was turned down when it requested "personal information."

The Commission, according to Kobach, "never requested any 'personal information' but, rather, just the information on voters that is publicly available from every county in the U.S."

So far, he added, 30 states are cooperating with the Commission and "will provide the data we are requesting." Only fourteen have definitely said "no," according to Kobach, and this will force the commission to get the voter data from individual counties.

Kobach pointed to Virginia, where Democratic Gov. Terry McAuliffe last month became the first governor in the nation to announce that he would not cooperate with the commission.

"Virginia conducts fair, honest, and democratic elections, and there is no evidence of significant voter fraud in Virginia," McAuliffe wrote in response to Kobach's request for voter information.

McAuliffe's response came about three weeks after Andrew Spieles, a James Madison University student, pled guilty to charges he submitted eighteen fraudulent voter registrations last year. Spieles, who worked for the

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Democratic Party-affiliated organization Harrisonburg Votes, was sentenced to 100- to-120 days in prison.

Kobach also noted that commission member and former Federal Elections Commission member Hans von Spakovsky spelled out 938 specific cases of non-existent voters since 2000.

Kobach himself presented to the commission his own record of prosecuting 128 cases of non-citizens voting in Kansas.

The commission is chaired by Vice President Mike Pence and has two full-time staffers working out of the vice president's office. Kobach expects that the commission will hold "two or three further hearings" and will have a final report "by next summer or early spring—assuming, of course, that the left-wing lawsuits that have been filed against us don't slow us down."

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Message

From: Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]
Sent: 7/5/2017 6:23:55 PM
To: Kris Kobach [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: PLEASE REVIEW: DRAFT statement

Unfortunately, there is fake news being spread about the participation by states to our request for publicly available voter data, as permitted under state law, by the Presidential Advisory Commission on Election Integrity. It is patently false that over 40 states have refused the commission's request. In fact, dozens of states have released statements that they intend to provide the publicly available voter data in accordance with their state laws -- just as the commission has requested. While some politicians, for partisan purposes, may reject any cooperation with the commission, its work will continue because the public has the right to know. And while some in the media distort, this commission will continue to gather the facts and then go where those facts lead, without preconceived notions or prejudgments in its effort to ensure the integrity of each American's vote.

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Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 6/28/2017 2:37:49 PM
To: Kris Kobach [redacted]
Subject: Pls call asap

Mark Paoletta
Counsel to the Vice President
202 456 2734 (work)
[redacted] (cell)

Sent from my iPhone

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Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 7/1/2017 5:46:01 PM
To: Kris Kobach [redacted]
Subject: Pls call

Mark Paoletta
Counsel to the Vice President
202 456 2734 (work)
[redacted] (cell)

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Outline: Possible Components of Commission Report

Table of Contents

Letter from VP/Chairman (or joint letter with Vice Chair)

- Importance of election integrity
- Effect of perceived integrity issues on voter turnout
- Examples of elections decided by close margins
- Commitment to supporting state election officials with implementation of best practices
- Key themes in commission's findings

Executive Summary

- Definition of election integrity
- Select examples of integrity issues
    - E.g., results of voter roll statistical analysis, recent voter fraud convictions, etc.
- Explanation of report methodology
    - Use of state voter registration data
    - Use of other anecdotal and statistical data
- Summary of key findings

Part I: The Commission's Purpose

- Executive Order 13799
- Enhancing the American people's confidence in the integrity of the voting process
- Identifying what undermines the American people's confidence in the integrity of the voting process
- Identifying vulnerabilities in voting systems and practices

Part II: Laws, rules, policies, activities, strategies and practices the enhance the American people's confidence in the integrity of the voting process used in Federal Elections

- Pre-Election Day practices
    - Voter roll maintenance
        - Importance of maintaining accurate and updated voter registration lists
        - Case studies of states with effective list maintenance processes and policies
        - Intra-State voter registration data sharing (i.e., use of DMV, jury data, tax information)
        - Inter-State voter registration data sharing (i.e., Crosscheck, ERIC)
        - State-Federal partnerships to verify voter eligibility
        - Public-Private partnerships (i.e., use of commercial databases to verify voter registration eligibility)
        - Statistical data (i.e., states participating in data sharing programs; accuracy rate; outcomes)
    - Anecdotal data, voter and poll worker testimonies

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    - Other pre-election best practices
- Election Day practices
    - Proof of eligibility
    - Voter ID
    - Provisional ballots and other mechanisms to ensure eligible voters have the ability to cast ballots
    - Statistical data
        - E.g., comparison of states with voter ID vs states without voter ID
    - Best practices
- Post-Election Day practices
    - Auditability of election results
    - Investigating and prosecuting election crimes
        - Methods for identifying, investigating, and prosecuting election crimes
        - Coordination between election officials and other government agencies (DOJ, FBI, USAO, other states in multi-state investigations)
    - Statistical data
        - Number of investigations, prosecutions, and convictions by voter fraud type
    - Best practices

Part III: Laws, rules, policies, activities, strategies and practices the undermine the American people's confidence in the integrity of the voting process used in Federal Elections

- Reasons for voters' lack of confidence in the process
    - Polls, statistical data, and surveys
        - E.g., U.S. Census data regarding "Reasons for not Voting"
    - Effects of efforts to increase access on voter turnout over time
    - Compare voter turnout in states with voter photo ID vs. states without voter photo ID
- States' reluctance to maintain accurate and updated voter registration lists
    - Litigation
    - Formatting challenges when comparing/utilizing multiple databases
- Improper voter registration practices
    - Registrations in multiple states
    - Convicted felons
    - Non-citizen registration
    - False registrations (deceased individuals, fictitious identities, etc.)
- Instances of fraudulent or improper voting
    - Duplicate voting
    - Absentee and mail ballot fraud
    - Non-citizen voting
    - In-person voter impersonation
    - Recent case studies (approx.. 3-4)
- Instances of other election crimes

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    - Vote rigging: allowing votes improperly, not counting or destroying ballots, tampering with ballots
    - Voter intimidation
    - Vote buying
    - Voter suppression
    - Recent case studies (approx.. 3-4)
- Proliferation of personal information and effect on potential for improper or fraudulent voting
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    - Ability for fraudsters to identify voters who have moved, declined to vote in previous elections, etc.
- Other best practices

Part IV: Vulnerabilities in voting systems

- Cybersecurity
    - Domestic and international cyber threats to state voter registration data
- Voting equipment and technology
    - Types of commonly used voting equipment; system vulnerabilities
    - Outdated voting equipment
    - Funding strategies for maintaining secure systems
- Best practices to safeguard against system vulnerabilities

Part V: Review of Federal Election laws

- NVRA
- HAVA

Part VI: Conclusion and Recommendations

- TBD

Supplemental Information

- Glossary of terms
- Relevant maps, graphs, tables, and other illustrations
- Other resources
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Possible Components of Commission Report

1. **Part I: Laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections.**
    a. Voter registration list maintenance
        i. Maintaining accurate and updated voter rolls
        ii. Cross-checks
        iii. Multi-state partnerships
        iv. Data sharing by federal agencies
    b. Election Day practices that enhance confidence
        i. Proof of eligibility
        ii. Voter ID laws
        iii. Provisional ballots and other methods for ensuring eligible voters the ability to vote
    c. Post-Election practices that enhance confidence
        i. Auditability of election results
        ii. Enforcement of criminal laws against election law violations
    d. State-to-state partnerships
        i. Use of public databases and other state resources (e.g., county tax records, jury duty lists, Electronic Registration Information Center (ERIC), Interstate Crosscheck Program)
        ii. Sharing information on voter registration, vote history (e.g., frequency, location), and election crimes
    e. Federal and state partnerships
        i. Use of public databases and other federal resources (e.g., U.S. Census Bureau, DHS citizenship forms, DOJ/USAO, federal conviction information, National Change of Address)
        ii. Sharing information on citizenship status, voter registration, vote history (e.g., frequency, location), and election crimes
        iii. Federal funding for state election administration
    f. Education
        i. Reiterating importance of civics; encouraging people to vote
        ii. Importance and benefit to total society having free, fair, legitimate elections and election systems
        iii. Outreach to diverse electorate (i.e., minorities, elderly, military voters)
2. **Part II: Laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of the voting processes used in Federal elections.**
    a. Effects of Election Integrity on Voter Turnout
        i. Reasons for voters' lack of confidence in the process
        ii. Effects of efforts to increase access on voter turnout over time
        iii. Federal, state and local elections decided by close margins
        iv. Compare voter turnout in states with voter photo ID vs. states without voter photo ID
    b. Federal laws in need of updates
        i. NVRA

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ii. HAVA

c. Inaccurate voter registration lists and improper registrations
   i. Registration fraud (i.e., non-citizen registration; double registration; felon registration; false registration; third-party organizations registration)
   ii. Online registration
   iii. Automatic registration
   iv. Databases used to verify voter registration lists
      1. Compatibility and formatting challenges when comparing information in databases
      2. Use of public-private partnerships to increase accuracy of analyses
   v. Strategies to minimize false positives when conducting voter roll maintenance

d. Fraudulent or improper voting
   i. Double voting
   ii. Non-citizen voting
   iii. In-person voter impersonation
   iv. Illegal ballot casting
   v. Illegal voting assistance at polling places
   vi. Fraudulent use of absentee ballots and mail-in ballots

e. Election crimes
   i. Voter intimidation and voter suppression
   ii. Vote buying
   iii. Investigation methods for identifying and prosecuting election crimes
   iv. Coordination efforts between DOJ/USAO and state election administration officials

3. **Part III: Vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.**

a. Cybersecurity, Voting Technology
   i. Security and safeguarding voter registration data
      1. Cyber threats and vulnerabilities to state voter registration databases
      2. Physical, information, and cyber security of voting machines and other election-related equipment
      3. Foreign interference
   ii. Voting Technology
      1. Outdated voting machines
      2. Funding strategies for voting equipment upgrades and other election-related resources

b. Proliferation of personal information and effect on potential for improper or fraudulent voting
   i. ID theft
   ii. Ability for fraudsters to identify voters who have moved, declined to vote in previous elections, etc.

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From: Kris Kobach
To: "Paoletta, Mark R. EOP/OVP"; "Kossack, Andrew J. EOP/OVP"
Subject: Possible witness
Date: Thursday, June 29, 2017 12:49:53 PM

From: Peter Gadiel [mailto:[redacted]
Sent: Monday, May 15, 2017 4:50 PM
To: Kris Kobach <[redacted]>
Subject: My wife is a CT voter registrar. Has info

Kris,
Congratulations and three cheers on being chosen to head the commission on voter fraud.
My wife is now the Republican registrar of voters in our town in Conn.
She has some interesting information "from the trenches" that may be of interest to your commission.

Regards,
Peter
(formerly of 9/11 Families for a Secure America
[redacted]

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Message

From: Smith, Andrew [Andrew.Smith@unh.edu]
Sent: 9/8/2017 4:52:21 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; ericaforcier . [redacted]
Subject: PowerPoint with modification
Attachments: Presidents Commission on Electoral Integrity 91217.pdf; Presidents Commission on Electoral Integrity 91217.pptx

Both PowerPoint and pdf

Andrew E. Smith, Ph.D.

UNH Survey Center
9 Madbury Rd., Suite 402
Durham, NH 03824

Director, UNH Survey Center
Associate Professor of Practice, Dept. of Political Science

University of New Hampshire

Survey Center: 603-862-2226 | Political Science: 603-862-3877 | Cell: [redacted]

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AMERICAN OVERSIGHT

University of New Hampshire

Turnout and Voter Trust

Andrew E. Smith, Ph.D.

Presentation to the Presidential Advisory Commission on Election Integrity

Goffstown, NH
September 12, 2017

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Why Vote?

- Rational to vote only if expected benefits of voting are greater than cost (Downs, Tullock, Riker & Ordeshook)

$$PB + D > C$$

P = Probability that individual vote will affect the outcome
B = Expected benefit of voting
D = Psychological benefit citizen receives from voting
C = Cost of voting (time, expense, opportunity costs)

- Low turnout due to either high costs, low expected benefits, or both

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Multiple Factors Correlated with Turnout

- Demographics
  - Age
  - Education
  - Income
- Barriers
- Civic Education
  - Confidence in elections
- Campaign factors
  - Competition
  - Interest in race
  - Economy
  - War

- No Single cause of increase or decrease in turnout

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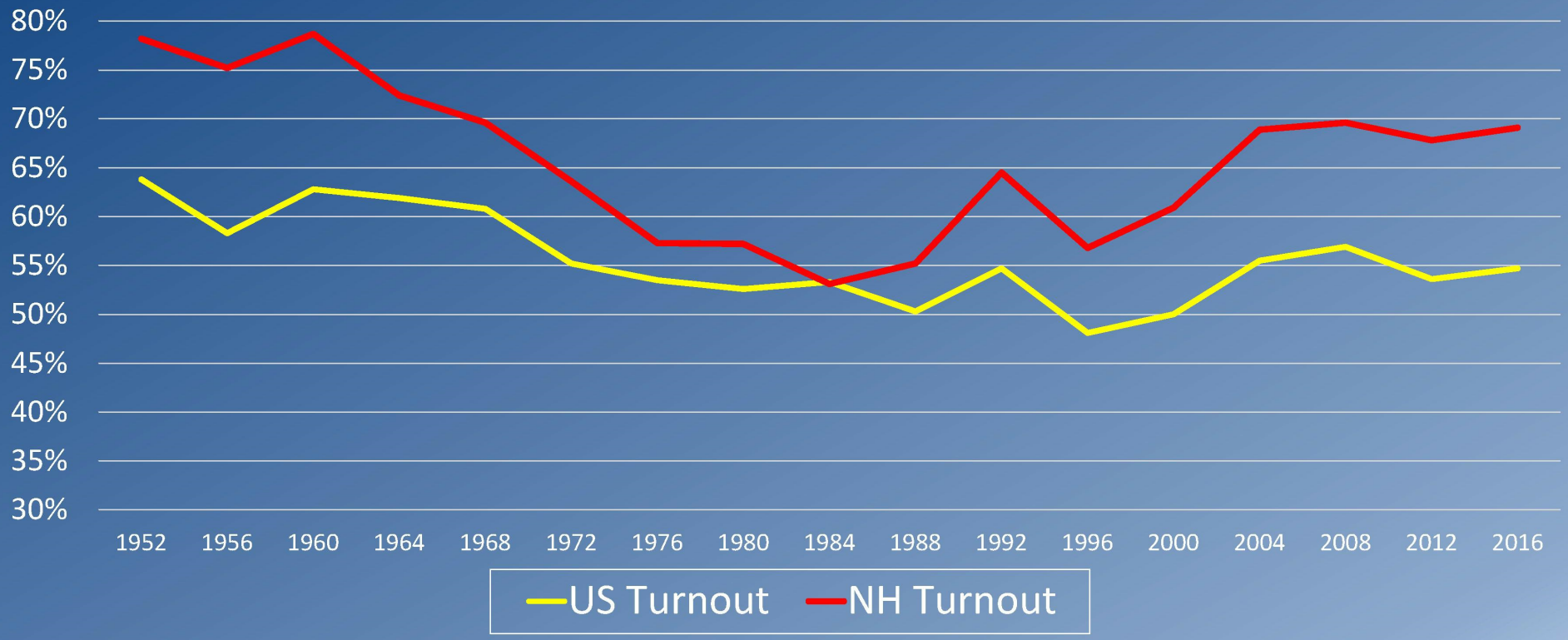
Turnout: US Presidential Elections (VAP)



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NH Sec. of State

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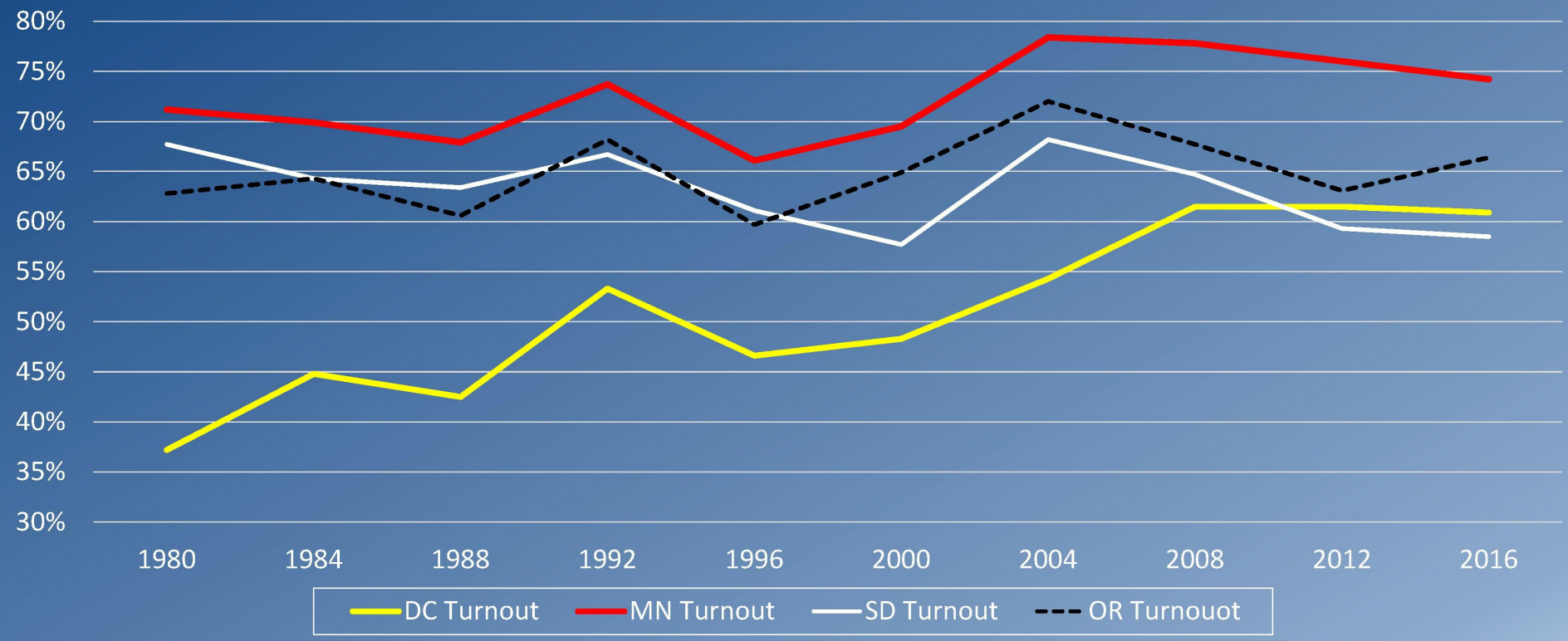
Turnout: US Presidential Elections (VEP)



McDonald, US Elections Project

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Why Differences?

- Varies by state
  - Some consistently high – Minnesota
  - Some consistently low - Hawaii
  - Some change over time
- Different reasons for changes in each state

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Why Turnout Decline after 1960s?

- 26th Amendment?
  - Turnout dropped for 20 years as Baby Boom was "digested"

- But is that what happened?

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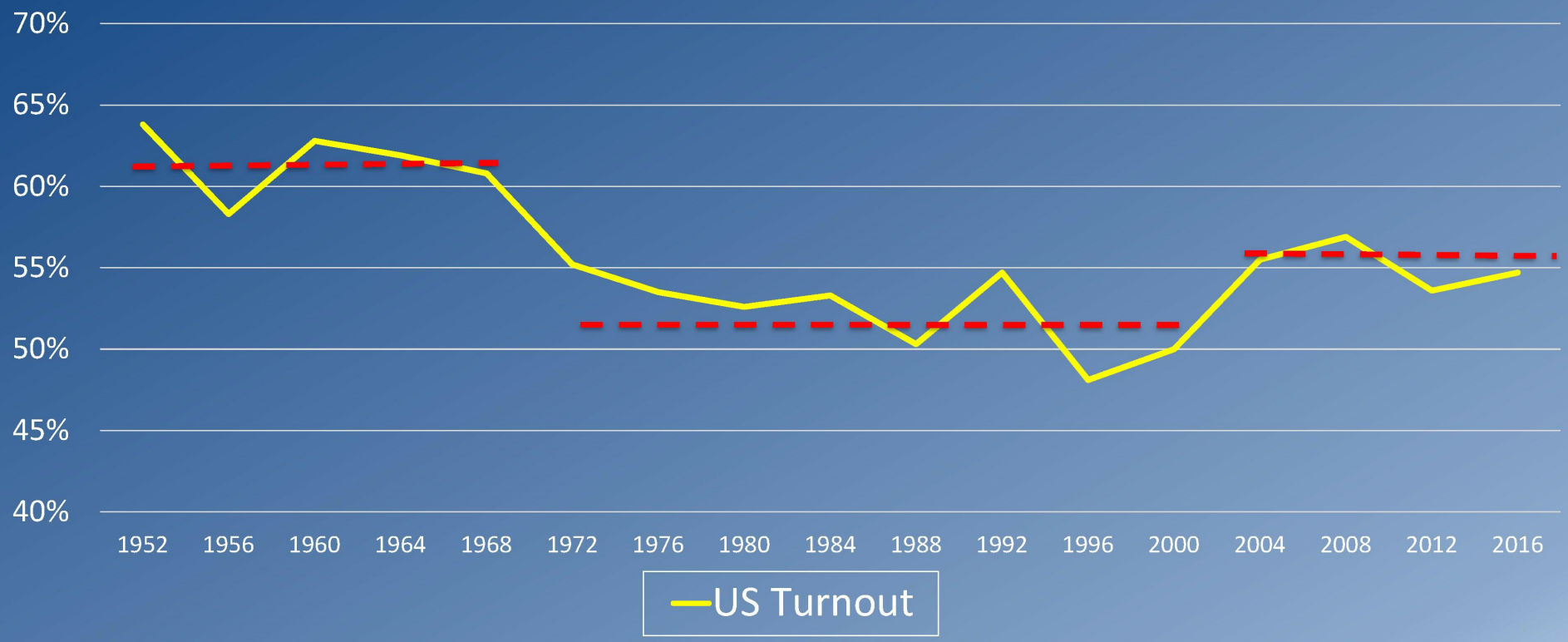

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NH Sec. of State

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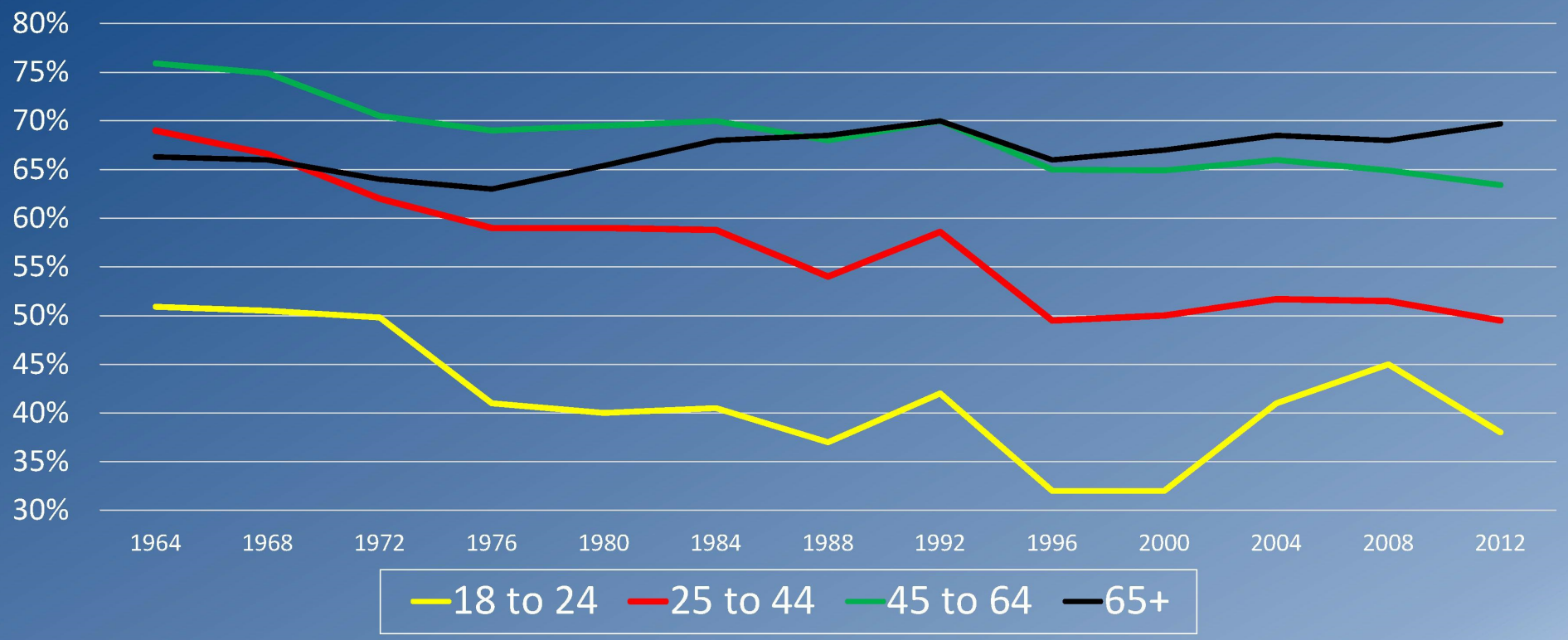
US Turnout 1964-2012 by Age (VAP)



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Young-Adult Voting: An Analysis of Presidential Elections, 1964-2012, Thom File, US Census Bureau

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Trust in Elections Essential

- For accepting results
- Trust/support of winning candidate & policies

Public confidence "is closely related to the State's interest in preventing voter fraud, public confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process."

Justice Stevens, *Crawford v. Marion County Election Board*

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Perceived Threats to Electoral Trust

- Lack of Constitutional understanding
  - State variations in electoral procedures
  - Misunderstanding of Electoral College
- Inaccurate counting
  - Computer hacking
  - Paper trail
- Illegal voting
  - Non-residents
  - Non citizens
  - Multiple votes

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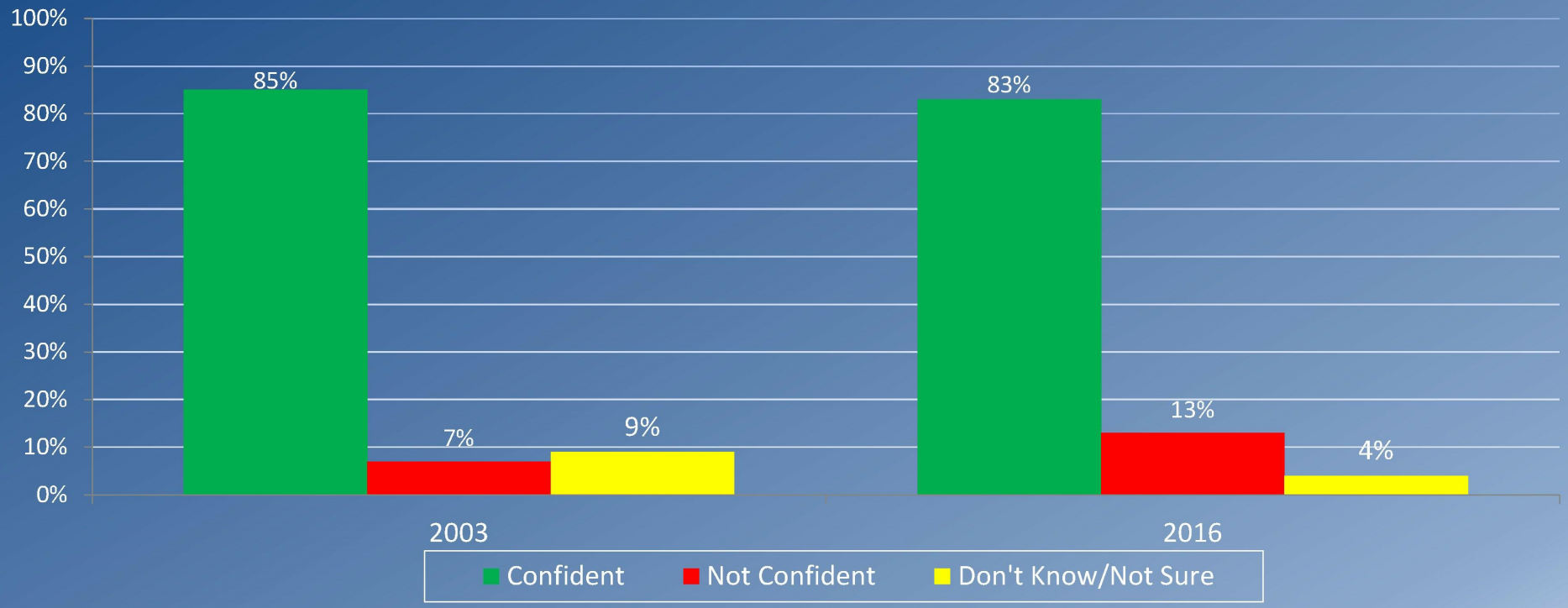
Trust in NH elections:

Confidence vote in previous election was accurately counted



Source: Granite State Poll
UNH Survey Center

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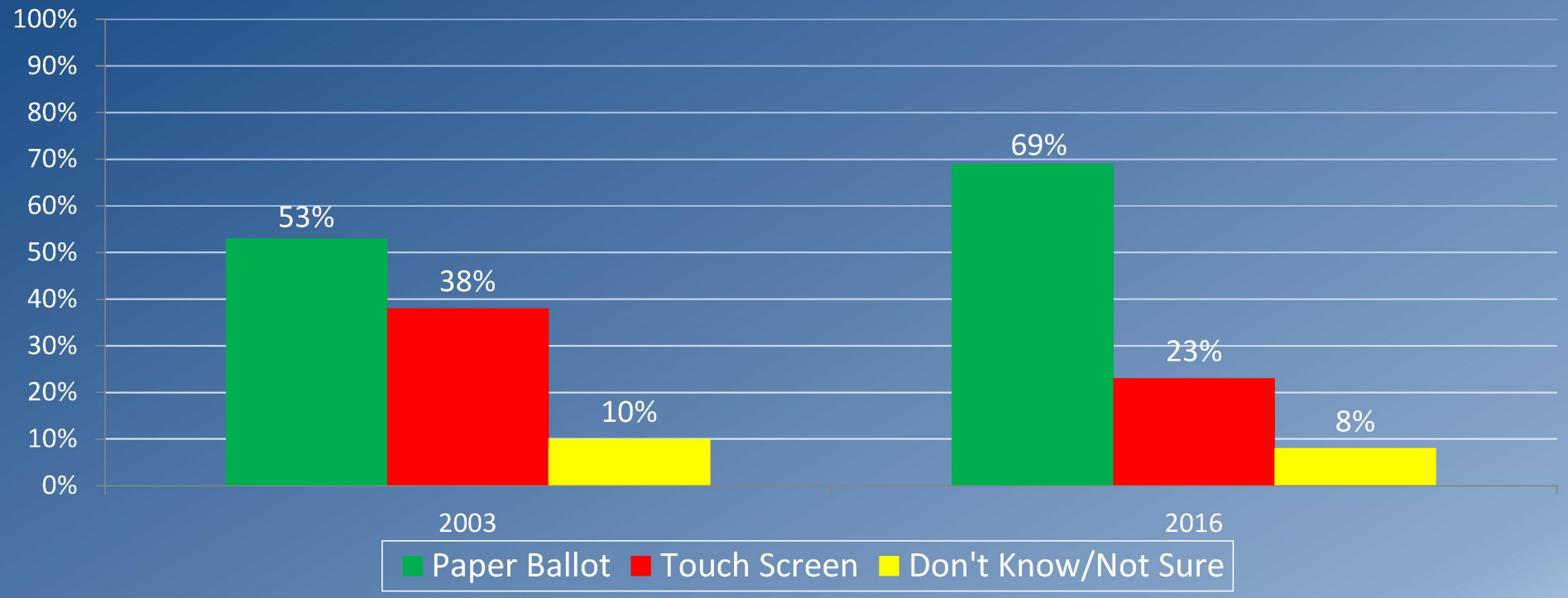
Less confidence in Electronic Voting than Paper Ballots: Increasing over recent years



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Summary

- Many factors influence turnout. Very difficult to determine a specific cause for changes in turnout

- Citizens need to have confidence in elections:
  - Tradeoffs between stricter voting laws to increase trust and barriers that may discourage voting

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Thank You!

Andrew.Smith@unh.edu

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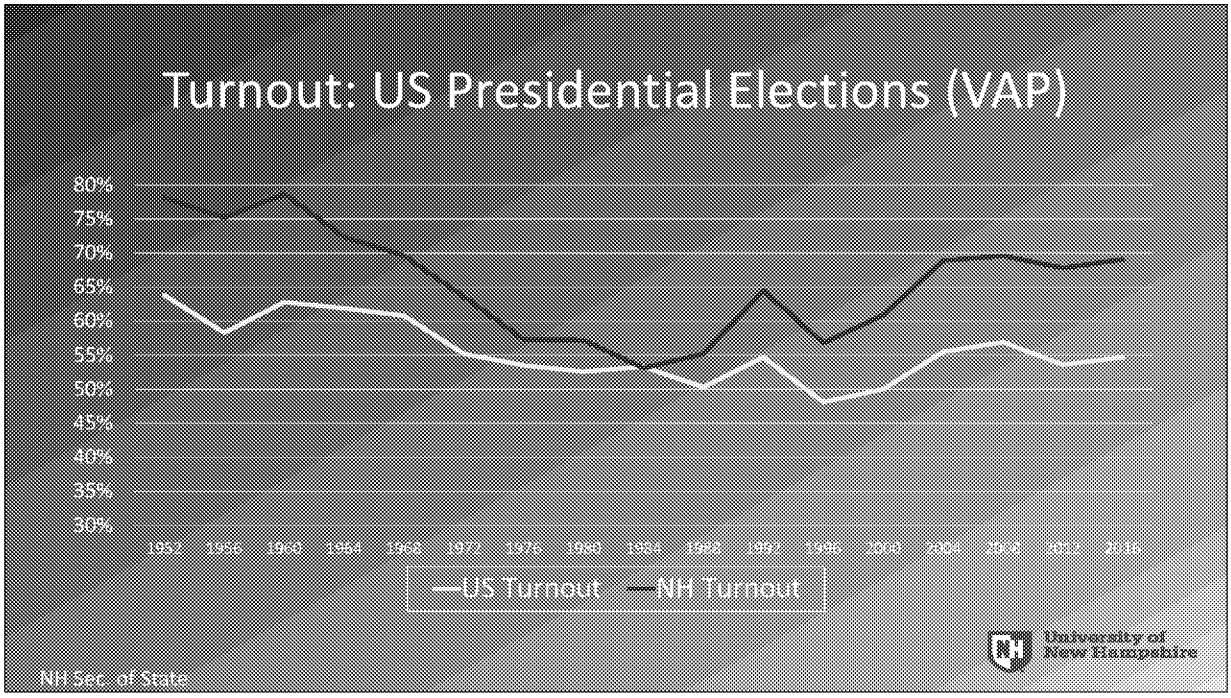

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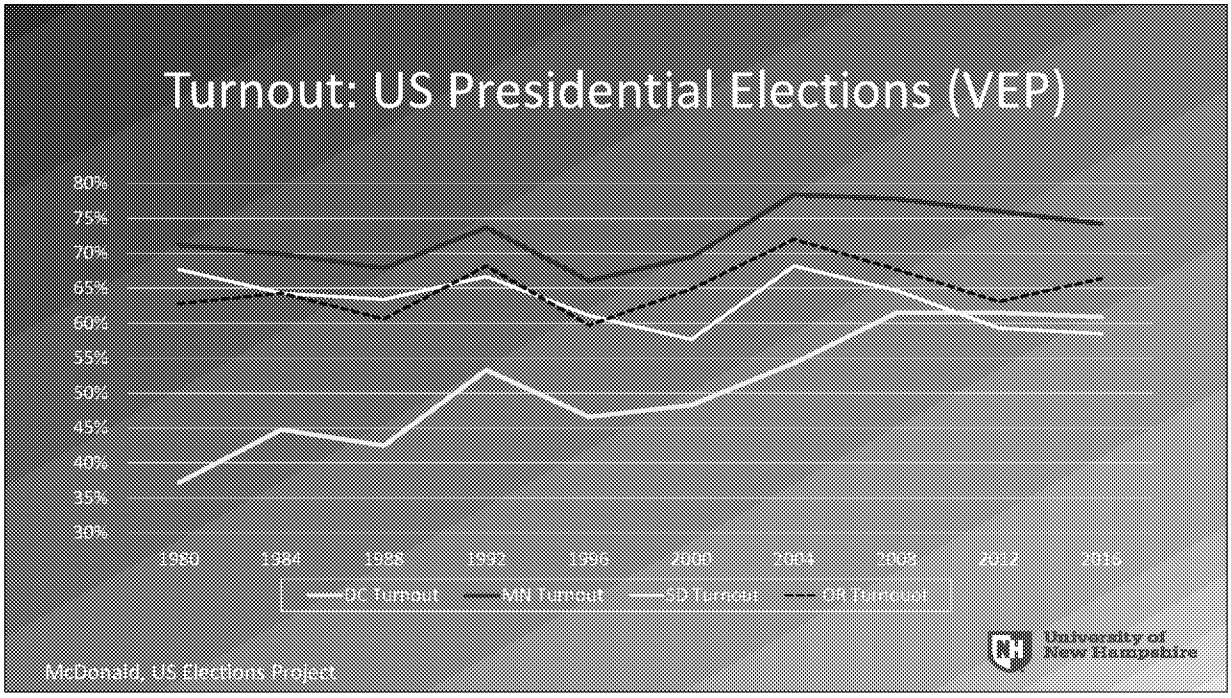

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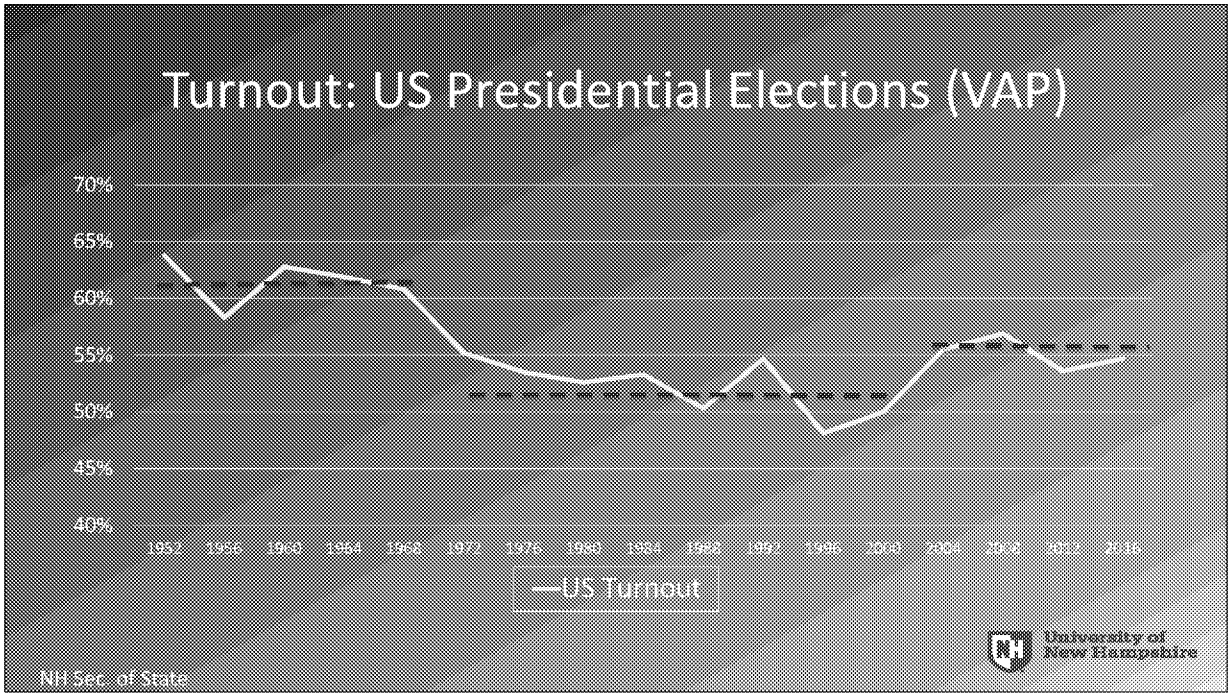

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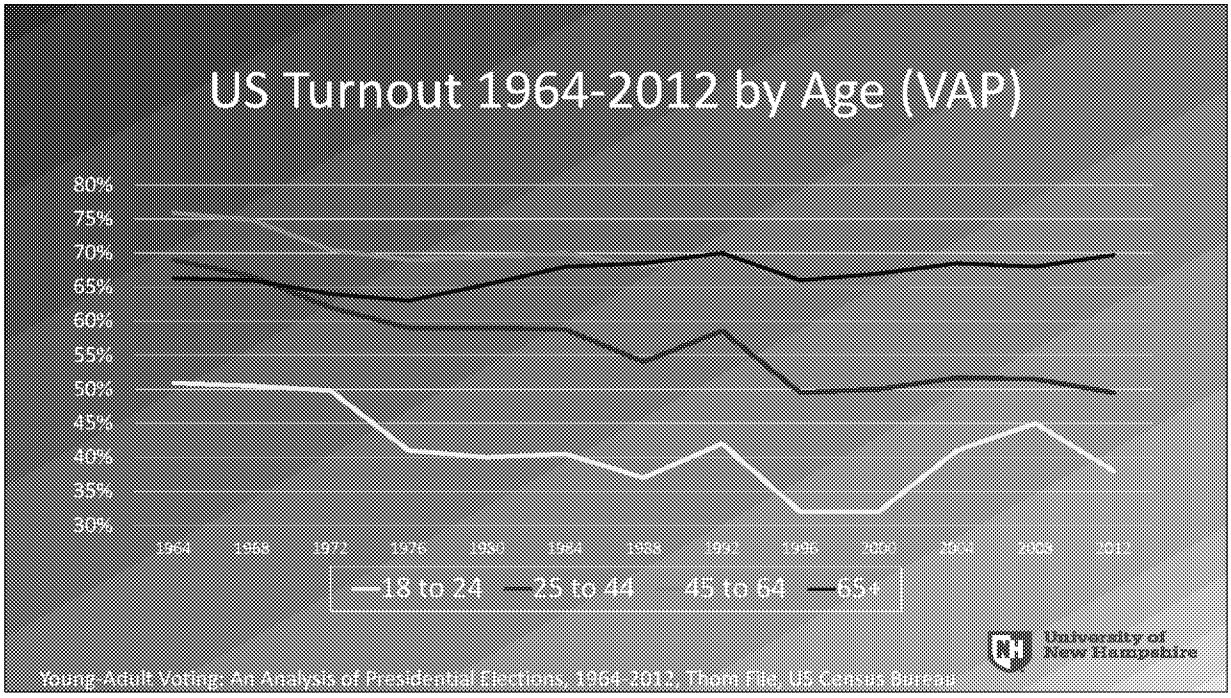

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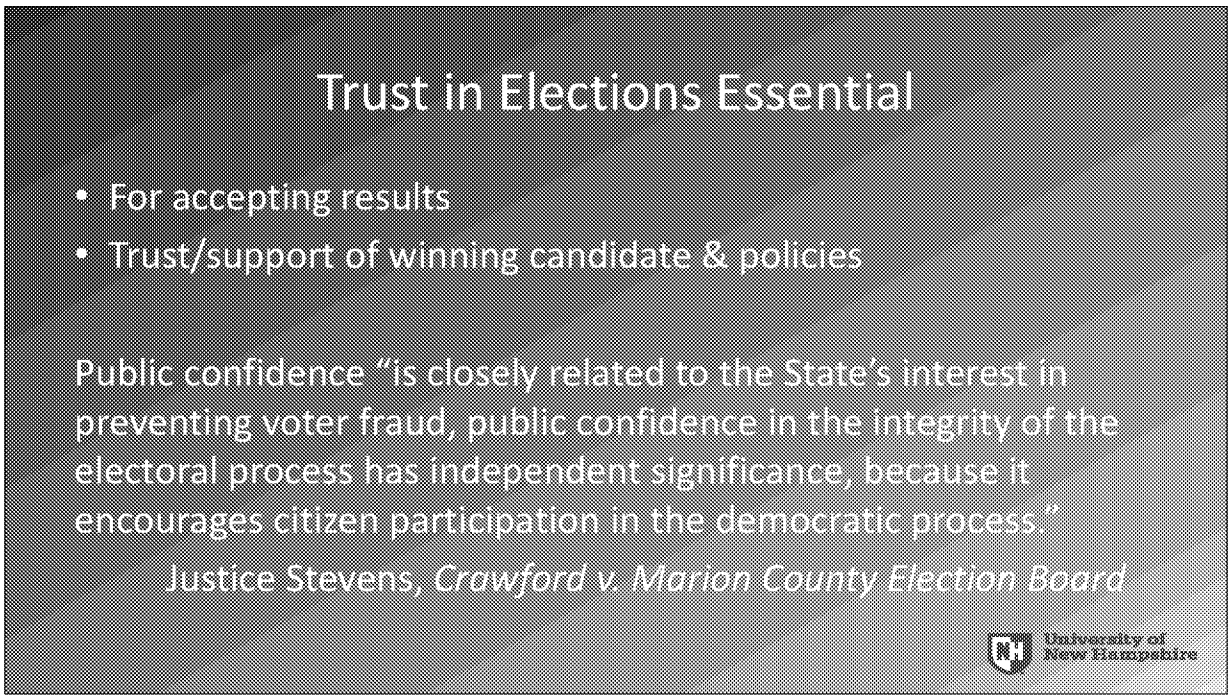

UNH Polls have historically been the most accurate in NH.

Going into the election, we saw no reason to believe that the methods we used would not perform well in this election.

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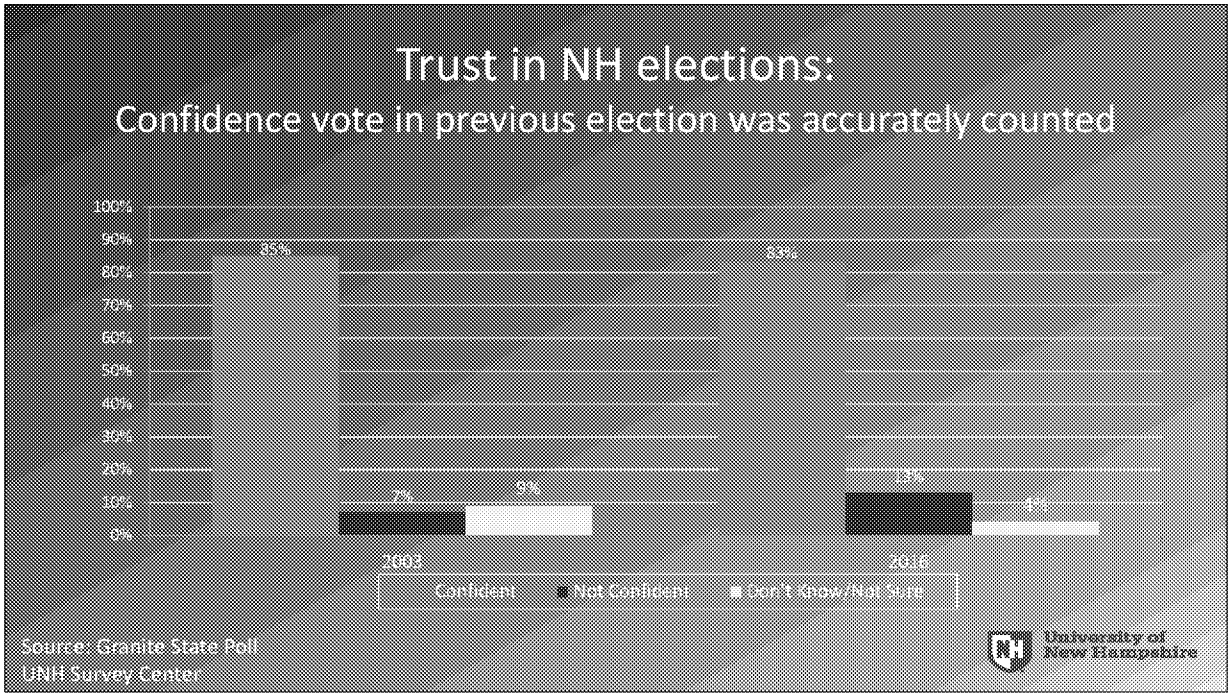

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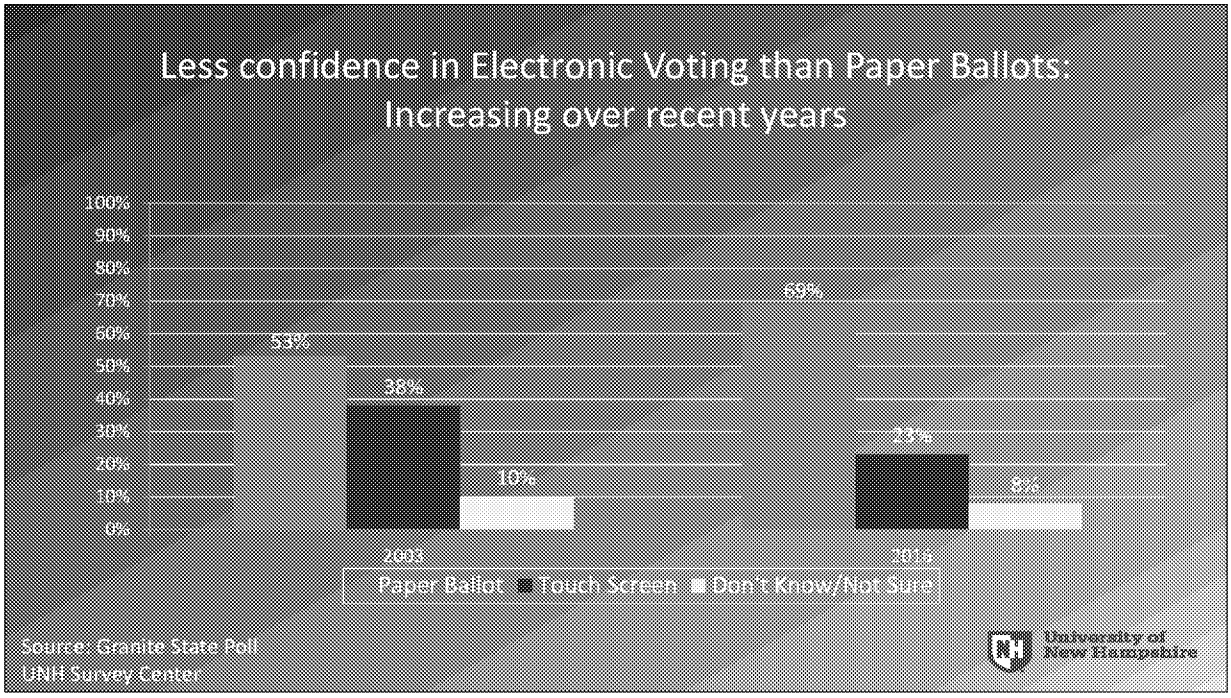

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Summary

- Many factors influence turnout. Very difficult to determine a specific cause for changes in turnout

- Citizens need to have confidence in elections:
  - Tradeoffs between stricter voting laws to increase trust and barriers that may discourage voting

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Thank You!

Andrew.Smith@unh.edu

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Mr. Vice President and fellow members of the Commission

I want to thank President Trump for the honor of having appointed me to this advisory commission on election integrity.

I only wish that my parents were still here. They could never have imagined when they immigrated to the U.S. in 1951 that their son would one day be appointed by a president to such a commission. But it says a lot about what a great country this is and that we remain a land of opportunity.

I come at the issue of election integrity from a very personal experience. My German mother grew up in Nazi Germany as a child and my Russian father fought and escaped communism twice. They met in a ~~refugee~~ DISPLACED PERSON'S camp in Europe after the end of World War II.

My childhood was filled with stories of what it was like to live in a dictatorship ~~and I was constantly reminded by my parents of how lucky we were to be growing up in the freedom and liberty that is the hallmark of our democratic Republic~~.

We were taught how precious the right to vote is, how easily it can be lost, and that it was our duty ~~as citizens~~ to always vote and to participate in the democratic process.

I want to ensure that every American who is eligible has the ability to vote and that his or her vote is not stolen or diluted because of administrative mistakes, errors by election

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officials, or intentional wrongdoing by those who are willing to take advantage of our honor system.

I have almost three decades of experience in the field of voting and elections. That includes not only legal experience as a lawyer at the U.S. Department of Justice enforcing federal laws that protect the right to vote, but also practical experience.

I have been a local county election official in ~~both~~ Georgia and Virginia. So I know very well just how hard election officials work to administer ~~a secure and positive voting experience~~ THE VOTING PROCESS FAIRLY

But we do have problems that need to be fixed. ~~Administrative errors~~ VULNERABILITIES and election fraud ~~is something that we must be concerned about.~~ are The Supreme Court itself said in 2008 that we have a long history of voter fraud and it could make the difference in a close election – and we have many close elections.

One of the documents I have handed out is an election fraud database that we at the Heritage Foundation started about two years ago. We are adding cases to it almost every ~~day.~~ MONTH

It is not a comprehensive list; it is difficult to obtain information on these cases because there is no central source. However, as of now, we have almost 1,100 proven cases of voter fraud

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convictions ranging from illegal votes cast by individuals to criminal conspiracies where hundreds of fraudulent votes were cast.

These cases cover the gamut of the ways in which the VOTING PUBLIC ~~elections~~ can be defrauded. They include impersonation ~~fraud~~ at the polls, false voter registrations, duplicate voting, fraudulent absentee ballots, vote buying, ineligible voting by felons and noncitizens, altering vote counts, and ballot petition fraud.

We know we have problems with the accuracy and maintenance of our voter registration lists. The 2012 Pew study found millions of people registered in multiple states and deceased individuals who were registered to vote.

The states participating in the Interstate Crosscheck Program have hundreds of thousands of registrants who are registered in other states.

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The latest NVRA report from the U.S. Election Assistance Commission shows some states with more registered voters than they have citizens of voting age.

No systematic, all-encompassing study has been done about these problems. But we do know that more must be done to improve the accuracy of our voter registration system and the security of our voting process.

I have full confidence in this commission and I look forward to working with the bipartisan membership.

But I cannot end without addressing the unfair, unjust, and unwarranted criticisms that have been leveled at this commission and some of its members.

My father passed on to me the belief that one of the best things about America is the ability to have spirited but civil debates on even contentious issues. Yet we seem to have lost that valuable part of our democratic process.

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17-2361-A-006236

Members of this commission including me have already been subjected to vicious and defamatory personal attacks. ~~This includes the scurrilous, false, and outrageous claim that I am racist~~. ~~Why~~? racism and voter suppression

Apparently, it is a crime to ~~Because I have~~ researched and written about actual voter fraud cases, fraud that often targets the poor and vulnerable ~~underprivileged, and because I have~~ or to supported common sense measures to improve the integrity of the election process such as voter ID.

This is not an extreme point of view -- the U.S. Supreme Court and the American people agree with me. Polls consistently show that Americans of all races, political parties, and socioeconomic backgrounds overwhelmingly support such a common sense requirement, as does the U.S. Supreme Court.

Those who want to ensure the integrity of the election process are only interested in preserving a great democracy.

~~Such~~ the scurrilous Insulting, abusive, and baseless charges that have been made ~~of racism and voter suppression~~ are Reprehensible ~~unproductive~~, and a tactic to avoid a substantive debate on important issues and prevent the research, inquiry, and study necessary to identify problems,

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determine solutions, and ensure we have the best election process possible.

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17-2361-A-006239

I want to first direct my comments to the people of New Hampshire

Some are questioning why I am here.

I am here because New Hampshire is one of the 50 states and one of the original 13.

We hold the first in the nation primary and we have a proud tradition of civic participation and responsibility

It was the people of New Hampshire who heard the call of Paul Revere and participated in the first overt act of independence in the revolution that led to Lexington and Concord that resulted in the Battle of Bunker Hill where more than half of the citizen soldiers came from New Hampshire

These acts lead to the formation of our country.

Just 25 miles north of here, on June 21, 1788 it was New Hampshire delegates who voted to ratify the constitution and on that day/upon that vote/ we became the United States of America

New Hampshire people are not accoustomed to walking away of stepping down from a civic duty/ and I will not either

17-2361-A-006240

Turning to the Commission and those of you who are here from other parts of the country I welcome you to ~~the campus of~~ the campus of St. Anselm College in the Granite State of New Hampshire whose moto is Live Free or Die

~~Let~~ In order to live free we must have a stable ~~gov~~ modern election ~~procedure~~ process to keep the confidence of our citizens. This in a nutshell is the reason why ~~the president established~~ this commission was established. ~~It is~~ ~~difficult to imagine that anyone without a vested interest would question our efforts.~~ Yet it ~~our commission~~ has faced continual opposition since its inception although our work is only really beginning today and no findings or conclusions have been reached ~~at~~ as yet, the specter of extreme ~~partisan~~ political partisanship already ~~exists~~ threatens our ability to reach ~~the truth in this matter~~ a consensus ~~with integrity~~ on the matter. ~~today~~ on the historic ~~vote~~ task.

(record page)

Let us therefore agree to go forward in an open and candid way to ~~try and make~~ improve ~~to~~ learn how to ~~make~~ our election ~~work~~ process and ~~to~~ with dearing

17-2361-A-006241

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~~Let~~

voter turnout

Let us therefore examine the historical record.

Let us therefore agree to go forward in
an open and candid way.

Let us not be afraid to search for the truth

Let us help make our election procedures reasonably
easy for every eligible voter yet guarded
against electoral abuse or they will
be unworthy of our voters trust.

~~Let us try to learn how to improve~~

~~And let begin that process today.~~

And let that process begin today.

I want to first direct my comments to the people of New Hampshire.

Some are questioning why I am here.

I am here because New Hampshire is one of the 50 states and one of the original 13.

We hold the first in the national primary and we have a proud tradition of civic participation and responsibility.

It was the people of New Hampshire who heard the call of Paul Revere and participated in the first overt act of independence in the revolution that led to Lexington and Concord that resulted in the Battle of Bunker Hill where more than half of the citizen soldiers came from New Hampshire.

These acts lead to the formation of our country.

Just 25 miles north of here, on June 21, 1788, it was New Hampshire delegates who voted to ratify the constitution and on that day – upon that vote – we became the United States of America.

New Hampshire people are not accustomed to walking away or stepping down from a civic duty – and I will not either.

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Turning to the Commission members and those of you who are here from other parts of the country, I welcome you to the campus of St. Anselm College in the Granite State of New Hampshire – whose motto is 'Live Free or Die'.

In order to live free we must have a stabile election process to keep the confidence of our citizens. This, in a nutshell, is the reason why this commission was established. It has faced continual opposition since its inception. Although our work is only really beginning today and no findings or conclusions have been reached or announced, the spector of extreme political partisanship already threatens our ability to reach a consensus.

Let us therefore examine the historical voter turnout record.

Let us agree to go forward in an open and candid way.

Let us not be afraid to search for the truth.

Let us help make our election procedures reasonably easy for every eligible voter, while maintaining a process worthy of the voters' confidence.

And let that process begin today.

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Message

From: White House Press Office [whitehouse-noreply@messages.whitehouse.gov]
Sent: 6/30/2017 1:31:26 AM
To: [redacted]
Subject: President Donald J. Trump Announces Key Additions to his Administration

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
June 29, 2017

President Donald J. Trump Announces Intent to Appoint Personnel to Key Administration Posts

President Donald J. Trump today announced his intent to appoint the following individuals to key positions in his Administration:

Darlene Hutchinson of Alabama to be Director of the Office of Victims of Crime, Department of Justice. Ms. Hutchinson has been a crime victims' advocate more than 20 years, working extensively on legislation and public policy, teaching at police academies, and accompanying victims of all types to court and parole hearings. Ms. Hutchinson's volunteerism includes 10 years with rape crisis centers in Montgomery, Alabama, and Collin County, Texas, as well as seven years as president of a victims' support and advocacy group. Simultaneously, Ms. Hutchinson worked 25 years in publishing, including eight years as the editor of law enforcement publications in Alabama, Washington, D.C., and Texas. Plus, she served nearly 6 years as the Communications and Media Director for the Dallas Bar Association. She has received many awards for her dedication to empowering survivors and protecting their rights, while enhancing public safety. Ms. Hutchinson has played a key role in the development of Alabama's innovative victim notification system, as well as the passage and ratification of a Victims' Constitutional Amendment in Alabama. A native of St. Petersburg, Florida, Ms. Hutchinson holds a bachelor's degree in Journalism from Troy State University.

Hans A. Von Spakovsky of Virginia to be a Member of the Presidential Advisory Commission on Election Integrity.

President Donald J. Trump Announces Nomination of Personnel to Key Administration Posts

President Donald J. Trump today announced his nomination of the following individuals to key positions in his Administration:

Matthew P. Donovan of Virginia to be Under Secretary of the Air Force. Mr. Donovan most recently served as majority policy director for the U.S. Senate Committee on Armed Services, where his responsibilities included advising the chairman of the Committee on broad policy matters related to national security, defense strategy and policy, organization, force structure, modernization, readiness, and regional issues. Mr. Donovan was previously a professional staff member for the committee, where he advised the chairs of the AirLand and Seapower subcommittees on policy and oversight relating to Army, Navy, Air Force, and Marine Corps. He served 31 years in the Air Force, retiring as a colonel, including tours as commander of the U.S. Air Force Officer Training School and an F-15C fighter squadron. Mr. Donovan is a recipient of the Defense Superior Service Medal, the Legion of Merit, and the Defense Meritorious Service Medal, among other military awards and decorations. He is also a Distinguished Graduate of the U.S. Air Force Air Command and Staff College and U.S. Air Force Undergraduate Pilot Training. Mr. Donovan is a graduate of Regis University, Webster

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University, the U.S. Air Force School of Advanced Airpower Studies, and the U.S. Army School of Advanced Military Studies.

Eric S. Dreiband of Maryland to be an Assistant Attorney General, Civil Rights Division Division, Department of Justice.

Kay Bailey Hutchison of Texas to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary. Kay Bailey Hutchison has been senior counsel since 2013 at Bracewell, LLP, in Dallas, Texas. During her 20 years a U.S. Senator, she served as a member of the Armed Services Committee and chairman of the Military Construction Subcommittee of Appropriations, where she gained extensive international experience and a deep understanding of NATO. She also served in the Texas state government as an elected State Representative and later State Treasurer. Ms. Hutchison has served as vice chairman of the National Transportation Safety Board. She earned a J.D. from the University of Texas School of Law and a B.A. from the University of Texas.

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Unsubscribe

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Message

From: Kris Kobach [redacted]
Sent: 6/30/2017 7:06:31 PM
To: 'Kobach, Kris [KSOS]' [Kris.Kobach@ks.gov]
Subject: Print
Attachments: Talking Points 6-30-17.docx

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Talking Points: Commission's Request for Voter Registration Data

Why does the Commission need voter registration information for its study?

In order to fully analyze voter registration accuracy and integrity, the Commission requires data from state voter registration rolls to perform cross-checks and determine whether voters are registered in multiple states, ineligible voters are registered (such as the deceased), or other vulnerabilities are present in our elections system.

This is not new. States have been sharing this data for years through the Electronic Registration Information Center, Inc. (ERIC) and the Interstate Crosscheck Program. This is the first time we're trying to pull those efforts together more broadly at a 50-state level.

People are registered in multiple states all the time, right? And that's not a crime.

This Commission is looking at election processes not only for actual fraud, but also for improper registrations and improper voting. What the Commission seeks to do is identify weaknesses in election processes that create *opportunities* for fraud. Certainly, not everyone who's registered in multiple states is a fraudster, but those duplicate registrations give fraudsters the opportunity to abuse the system and innocent people the opportunity to make mistakes and vote improperly. That affects the integrity of the system and people's confidence in it.

What if a state refuses to provide the information?

It is in every state's best interests to ensure the integrity of elections and state voter rolls. We are asking only for *public* information, so it is unclear why any state would refuse to provide this.

We remain hopeful we can work cooperatively with all states to ensure the accuracy and reliability of voter rolls.

Will any personal information be made public?

No. The Commission will not release personally identifiable information to the public. Names, birth dates, any elements of Social Security numbers, addresses, and other personal information will be maintained as confidential.

What will the commission do with the registration information?

The Commission will use such information solely to perform cross-checks of state voter registration data. Any results of that analysis will be presented to the Commission in aggregated or deidentified form, so that no individual voter's personal information will be identified to the Commission or in any reports the commission will issue.

What will the commission make public?

Under the Federal Advisory Committee Act (FACA), the Commission will make documents, reports and other materials public once they are made available to or prepared for or by the Commission as a whole. No reports submitted to the full Commission will contain any personal or identifying information from state voter rolls, unless such information has already been made public in the course of a criminal proceeding or other public process.

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An exemption to the Freedom of Information Act (FOIA) permits the Commission to withhold information that would otherwise be disclosed pursuant to FACA if such disclosure would "'constitute a clearly unwarranted invasion of personal privacy." The Commission does not intend to release any personally identifiable information publicly.

What do you say to those who claim this will result in voter suppression?

This is about election integrity and ensuring the principle of one person, one vote. The federal government has no authority to remove anyone from state voter rolls. It is up to states to take appropriate actions to clean their voter rolls. The Commission will identify best practices and opportunities for states to equip them to do so effectively and ensure the integrity of their elections.

Recent Examples:

Virginia – June 27, 2017: A Virginia college student pled guilty to fraudulently registering 18 voters. [HYPERLINK "http://www.businessinsider.com/andrew-spieles-virginia-voter-registration-2017-6"]

> Sentenced to between 100 and 120 days in prison.
>
> Issue was only discovered because a local registrar's office employee recognized one of the names voter registrations and knew he was deceased.
>
> The Registrar's Office then found multiple other forms similarly fabricated, containing either the names of deceased people, or "incorrect middle names, birth dates, and social security numbers."

Indiana – June 9, 2017: "Indiana Voter Registration project, 12 employees charged with falsifying voter registration applications" - [HYPERLINK "http://fox59.com/2017/06/09/indiana-voter-registration-project-12-employees-charged-with-falsifying-voter-registration-applications/"].

> Marion County Prosecutor Terry Curry, a Democrat, said, "Without regard to alleged motivation, *the paramount concern is protecting the integrity of the electoral process, and intentional irregularities in voter registrations cannot be tolerated*."

Texas – February 2017: A Texas woman was sentenced Thursday to eight years in prison and slapped with thousands of dollars in fines for committing voter fraud. [HYPERLINK "http://www.theblaze.com/news/2017/02/09/non-us-citizen-gets-eight-years-for-voter-fraud-in-texas/"]

> Rosa Maria Ortega of Grand Prairie, Texas, is a Mexican citizen, but a legal U.S. resident, [HYPERLINK "http://www.fox4news.com/news/234551542-story"]. She is not a U.S. citizen, thus making her ineligible to vote.
>
> Ortega was arrested and indicted on [HYPERLINK "http://www.dallasnews.com/news/tarrant-county/2017/02/08/grand-prairie-woman-found-guilty-illegal-voting"] in 2015 after police discovered she had applied for voter registration in Dallas County, Texas, and that she had

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falsely indicated on the application form she was a U.S. citizen. This, after a [HYPERLINK "https://texasattorneygeneral.gov/news/releases/ag-paxtons-office-obtains-voter-fraud-conviction-in-tarrant-county"] said Ortega applied for voter registration in nearby Tarrant County five months earlier, but was rejected because she marked that she was not a U.S. citizen, but a U.S. legal resident.

Kansas – Past 2 years – Nine people convicted of voter fraud in Kansas - [HYPERLINK "http://cjonline.com/news/2017-05-03/ninth-person-convicted-voter-fraud-kansas"]

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STATE OF COLORADO
Department of State

1700 Broadway
Suite 200
Denver, CO 80290

Wayne W. Williams
Secretary of State

Suzanne Staiert
Deputy Secretary of State

July 14, 2017

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

Re: Colorado's response to your request for information

Dear Secretary Kobach:

I received your request for input and information on behalf of the Presidential Advisory Commission on Election Integrity. This letter responds to your questions, details some of the processes Colorado election officials follow to ensure election integrity, and explains what publicly available voter registration data I can provide under Colorado law.

Background

Elections are working well in Colorado. By every relevant metric, our state ranks as a leader in election administration. Thanks to sound policy and the hard work of our 64 county clerks and recorders, Colorado is often ranked first and always ranked in the top five in the nation in both voter turnout[1] and percentage of eligible Coloradans who are registered to vote.[2] Our election model gives voters unmatched choice in how they vote—whether by mail ballot (returned through the mail or dropped off in secure drop-boxes) or in person (by paper ballot or electronic voting or ballot marking device with paper record). And we continue to innovate by rolling out new technology, including a real-time statewide electronic poll book and a modern voting system with paper ballot records that's been adopted by most of our counties. This year Colorado will implement a scientific risk limiting audit to further assure voters that their votes are counted and reported accurately.

As our election processes become more complex and dependent on technology, we remain vigilant in our commitment to the security of our election systems and our statewide voter registration database. And our counties conduct regular list maintenance in accordance with state and federal law to ensure the accuracy of our voter rolls. Colorado also participates in two key

[1] U.S. Election Assistance Comm'n, *The Election Administration and Voting Survey, 2016 Comprehensive Report*, at 5 fig. 2 (2017), *available at* https://www.eac.gov/assets/1/6/2016_EAVS_Comprehensive_Report.pdf [hereinafter EAVS Report].
[2] EAVS Report, *supra* note 1, at 56 tbl. 1.; *See also* The PEW Charitable Trusts, *Elections Performance Index, Indicators: Voter Registration Rate* (Aug. 9, 2016), http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/elections-performance-index#indicatorProfile-VR (showing that Colorado had the nation's highest voter registration rate through the 2014 election cycle).

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interstate data-sharing compacts, the Electronic Registration Information Center (ERIC) and the Interstate Crosscheck, with implementation guided by strong matching criteria.

While I'm proud of the work we're doing in Colorado, there is always room for improvement. Below I provide my views and recommendations along with some more-detailed explanations of Colorado's work to maintain election integrity.

Answers to your questions

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

Recent concerns about the security and integrity of elections emphasize the importance of the voluntary voting systems guidelines and other programs established by the Elections Assistance Commission ("EAC") with the assistance and support of state and local governments across the country. It therefore continues to be my position that these guidelines and other support assistance from the EAC provides a strong basis for the continued existence of this effective agency as an assistive commission.

I also would strongly encourage that the federal government shift resources to incentivize states' participation in the Election Registration and Information Center (ERIC) which is discussed further below. ERIC's programs provide the most accurate and complete method to maximize participation and ensure that voter rolls are accurate.

Federal election laws should apply equally across the states. And if exemptions to provisions in those laws exist, exemption eligibility should be based on states' current policies and laws rather than what those laws and policies were at the time the federal law was adopted. For example, the National Voter Registration Act of 1993 (NVRA) exempted the states that had same-day registration at the time of the law's adoption.[3] Because the NVRA doesn't extend the exemption to states like Colorado that later adopt same-day registration, it discourages states from adopting policies streamlining and increasing voter registration. The Commission should consider whether the exemption provision in the law should be applied to all states whose laws meet the original threshold requirements which would encourage other states to make it easy for citizens to participate.

There is also an opportunity to reform the burdensome auditing requirements for older voting equipment that was purchased with funds provided under the Help America Vote Act (HAVA). There remain 10 counties in Colorado with legacy voting systems that were purchased with HAVA funds. Despite the fact that each voting system and its components are fully depreciated, a directive from the federal Office of Management and Budget requires onsite audits of this generally worthless equipment.[4] In a geographically dispersed state like Colorado, this exercise is not a constructive use of resources. The Commission should review the audit policy for fully depreciated HAVA-funded equipment.

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

---

[3] 52 U.S.C. § 20504 (a) (1).

[4] OMB. Circular A-87 (15) (h), *Cost Principles for State, Local, and Indian Tribal Governments* (May 10, 2004).

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My office has implemented a rigorous security program that includes real-time network monitoring between the voter registration system and multiple county networks; communication with upstream internet service providers to detect and mitigate attacks; working with counties and state agencies to create a "fusion center" for real-time monitoring and response capability; and requiring our cybersecurity awareness training of all state and county users of vote tabulation equipment and the voter registration system.

Security vulnerabilities are best identified and contained when state information security experts have the information they need to protect critical systems. I recently sent a letter to Secretary of Homeland Security Kelly voicing my displeasure that the federal government, which identified vulnerabilities in local jurisdictions during the 2016 election, failed to inform states' chief election officials, like myself. Because states have the information technology experts and resources to identify issues and coordinate with local jurisdictions, it's imperative that the federal government inform me and other state chief election officials when potential threats arise.

For these reasons, I asked Secretary Kelly to establish a process for immediately notifying state election officials of any actual or potential security threats as they arise. This will allow us to take necessary actions to maintain system integrity and communicate with local election officials across our states.

I recommend that the Commission work with DHS and other relevant federal agencies to understand the universe of cyber threats and determine how to best disseminate timely information to state election officials.

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

It's crucial in a mail ballot state like Colorado to have the most up-to-date address for each voter. We work closely with the Colorado Department of Revenue (the agency responsible for driver's licenses) to encourage people to update their voter registration information when they get or renew a driver's license. And we've developed a secure electronic transmission process between our two agencies so we're able to receive all new voter registrations and updates on a nightly basis. But there are other address libraries we would like to take advantage of. For example, the federal jury wheel—the list of potential jurors for federal trials—contains useful address information that we'd like to have. This information would enable our state to update voter registration information to ensure that Coloradans receive the correct ballot on a timely basis. To date, my office's attempts to get this list have been rebuffed. The Commission should study the feasibility of a secure exchange between the federal courts and state election officials.

My office also uses all available tools to ensure that only U.S. citizens are registered to vote in Colorado. For example, we conduct a bi-weekly (daily during election periods) crosscheck between the statewide voter registration database (SCORE) and the Department of Revenue's driver's license database to identify non-citizens based on the documentation they provided when getting a license. When we identify someone who is registered to vote but who provided non-citizen documents when getting a driver's license, we conduct further research and, if necessary, send correspondence asking the registrant to confirm that he or she is eligible to vote.

We would like to take advantage of existing federal databases to more accurately determine current citizenship status. I've already mentioned the federal jury wheel, which also would have useful citizenship information. In addition, the U.S. Citizenship and Immigration Service has willingly provided my office with access to its SAVE database so we can attempt to confirm the

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citizenship status of those we identify as potential non-citizens. Unfortunately, SAVE does not allow dynamic searches and rarely returns the person's most recent citizenship status. SAVE was not designed to search for people who are not available to provide their most recent documentation. SAVE administrators have expressed willingness to work on enhancing the database to make it a more effective tool. The Commission should investigate this option.

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

There have been a few cases of voter and registration fraud in Colorado, but it's rare because our laws and policies are designed to prevent it. Each month (and sometimes weekly or daily, depending on the task) our counties conduct the following list maintenance:

- Canceling due to death: Each month the Colorado Department of Public Health and Environment (CDPHE) provides my office with a list of Colorado residents who have died in the previous month. We import this list into SCORE and make the full list of deceased individuals available and searchable for the counties. In addition, SCORE has a function that automatically identifies and flags records for each county that appear to have a matching record in the current month's list. Counties review the information to determine whether minimum matching criteria[5] are met and cancel registration records accordingly.[6]

  In addition to the information provided by CDPHE, my office now has access to the national Social Security Death Index. We search this index monthly and provide relevant potential matches to each county for review and cancelation as necessary. Furthermore, counties cancel registration records of deceased electors when they receive written confirmation of death from electors' families.[7]

- Canceling convicted felons: Each month the Colorado Department of Corrections (CDOC) provides my office with a list of individuals currently serving a sentence of incarceration or parole for a felony conviction. The monthly list is available and searchable in SCORE. The system also identifies and flags potential matching records for each county. Counties review the information to determine whether minimum matching criteria are met and cancel registration records accordingly.

  In addition to the information provided by CDOC, the Colorado U.S. Attorney's office sends quarterly notices of individuals who have been convicted of a felony. Other U.S. Attorney's offices also send lists on a regular basis. The Secretary forwards these lists to the appropriate counties for review. The counties determine whether minimum matching criteria are met and cancel registration records for electors who are currently serving a sentence of incarceration or supervised release for a felony conviction. [8]

- Change-of-address processes: Colorado counties proactively update registration information or send correspondence to electors based on information in the National

[5] Sections 1-2-603 and 1-2-604, C.R.S.; Election Rule 2.5.1 (Defining minimum matching criteria as the elector's name, date of birth, and any one of the following: 1) Colorado driver's license number; 2) last four digits of the Social Security Number; or 3) residential address).
[6] 52 U.S.C. § 20507 (a) (4) (A); Section 1-2-302 (3.5) (a), C.R.S.
[7] Section 1-2-602 (4), C.R.S.
[8] 52 U.S.C. § 20507 (g); Sections 1-2-302 (3.5) (b) and 1-2-606, C.R.S.; Election Rule 2.9.

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17-2361-A-006253

Change of Address database (NCOA).[9] On a monthly basis our office compares voter registration data for eligible records with NCOA data to identify electors who have moved. Counties use the monthly data to update records for active electors who have moved within the county and to send notifications to other electors who have moved to another county or out of state.[10]

Colorado is also a member the Election Registration and Information Center (ERIC), which allows states to better interact with electors by sharing elections, motor vehicle, death, felon, and other records maintained by state agencies. By aggregating multi-state information, the organization allows participating states to track an individual's residency and send appropriate elections-specific information. For example, if a person moves to Colorado from another participating state and obtains a Colorado driver's license, the system will notify the other state's elections department that they need to correspond with the person to determine if he or she is still a resident of that state. While ERIC is relatively new, with 20 member states to date, it will continue to grow as a resource in the state's efforts to maintain accurate voter rolls.

- Other list maintenance: Counties regularly cancel or update registration records based on voter-initiated activities, including driver's license address changes.[11] If an elector withdraws his or her registration, the county will cancel the record.[12] Withdrawal is available on Colorado's online voter registration system at www.GoVoteColorado.com. Additionally, if a county receives a notification from another state that the elector has moved and registered in the new state, the county will cancel the registration after determining that minimum matching criteria are met.[13] Furthermore, because SCORE is a real-time statewide database, it ensures that an elector only has a single registration record in Colorado, even if the elector moves. If the elector submits an application in a new county to change his or her address, the new county will transfer the elector's record in SCORE.

In addition to keeping the voter rolls clean, Colorado also protects its in-person and mail-ballot voting processes. When a voter goes to any voter service and polling center in his or her county to vote in person, the county clerk uses a real-time electronic poll book that's connected to SCORE to register the voter (if necessary), issue the proper ballot style, and give the voter credit for voting in the system. Once the voter receives credit, he or she is unable to vote at another location in the county and would be stopped from attempting to register in another county.

If a voter chooses to vote his or her mail ballot (in 2016 about 93 percent of all voters returned a mail ballot rather than voting in person), the counties use signature verification to confirm that the returned ballot belongs to the person entitled to vote it.[14] Under this process, once the county receives the ballot in the return envelope, election judges compare the signature on the envelope's return affidavit with the signature on file for that voter in SCORE. A bipartisan

[9] Section 1-2-302.5, C.R.S.
[10] *Id.*
[11] Section 1-2-213 (6), C.R.S.
[12] Section 1-2-601, C.R.S.
[13] Section 1-2-603 (2), C.R.S.
[14] Section 1-7.5-107.3 (1) (a), C.R.S.

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team of election judges reviews any questionable signatures and will reject a signature if both judges agree that it doesn't match the one in the voter's record. In that case—or if the voter forgot to sign the affidavit—the clerk promptly notifies the voter who has until eight days after the election to cure the issue.[15]

In the 2016 election, thousands of mail ballots were rejected for signature discrepancies, missing signatures, or missing identification (which certain first-time voters must provide when returning a mail ballot[16]). Many people whose ballots were rejected took the opportunity to cure and eventually had their votes counted; but some did not. All told, Colorado counties rejected and did not count 16,209 ballots because of signature discrepancies, 2,606 ballots that were never signed, and 2,593 ballots that were missing identification. In accordance with Colorado law,[17] the 16,209 uncured signature discrepancies have been turned over to the district attorneys for investigation. In many cases, they will discover that the voter submitted an errant signature which they chose not to cure. In other cases they will discover that another family member or resident signed the ballot but that the intent was not sufficiently malicious to initiate prosecution. In other cases, they will be unable to discover who submitted the ballot.

Despite these safeguards that prevent most attempts at voter fraud, a few cheaters have been successful. For example, a local news organization[18]—using the same public voter data that the Commission requested—identified a handful of people who appeared to have forged signatures on ballot-return envelopes for ballots they were not entitled to vote. One person, who appeared in court in this week, has been charged with forging the signatures of her deceased parents and voting their ballots in multiple state elections.

My office is also currently cooperating with the Arizona Attorney General's office, which is prosecuting a husband and wife who have been charged with voting in both Colorado and Arizona during the 2012 general election. And there will be more cases like this. Through our partnerships in ERIC and the Interstate Crosscheck, we have investigations underway into instances of double-voting (both for voting twice in Colorado and for voting in Colorado and another state). When we complete our investigation and make our findings known to law enforcement, we'll provide more detail to the Commission.

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

Although there will likely be more after my office's 2016 investigation, I'm aware of the following convictions and pending cases:

- In 2005, Ajmal Shah was convicted of voter fraud for attempting to register by providing false information regarding U.S. citizenship;
- In 2011, David Harold Shackley was convicted of voting in more than one Colorado county in the 2008 and 2009 elections;
- In 2011, Rodney Paul Jones was convicted in Arizona of double voting in Arizona and Colorado in the 2008 general election;

[15] Section 1-7.5-107.3 (2) (a), C.R.S.
[16] Section 1-2-201 (5) (a), C.R.S.; Section 1-7.5-107 (3.5).
[17] Section 1-7.5-107.3 (2) (a), C.R.S.
[18] *See* Brian Maass and Mark Ackerman, *CBS4 Investigation Finds Dead Voters Casting Ballots in Colorado*, CBS DENVER (Sept. 22, 2016), http://denver.cbslocal.com/2016/09/22/cbs4-investigation-finds-dead-voters-casting-ballots-in-colorado/.

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- In 2011, John Marotta was convicted in Arizona of attempted illegal voting for casting ballots in both Arizona and Colorado in the same election;
- In 2014, Carol Hannah was convicted of voter fraud for voting in both Arizona and Colorado in the 2010 election;
- In 2015, Vitaliy B. Grabchenko pleaded guilty in Arapahoe County for procuring a false voter registration in 2013;
- In 2015, Bruce Rickey was charged with voting twice in the 2015 coordinated election;
- In 2016, Maureen Moss pleaded guilty to forging signatures on a petition to qualify a U.S. Senate candidate to the Republican Party primary election ballot;
- In 2016, Elsadig Saeed Merghani pleaded guilty to forging signatures on a petition to qualify a ballot initiative on the 2016 general ballot;
- In 2016, James Criswell pleaded guilty in Kansas to double voting in Colorado and Kansas in the 2016 general election;
- In 2016, Sharon Farris pleaded guilty in Kansas to double voting in Colorado and Kansas in the 2016 general election;
- In 2016, Ron R. Weems pleaded guilty in Kansas to voting in both Kansas and Colorado in the 2012 and 2014 general elections;
- In 2016, Lincoln Wilson pleaded guilty in Kansas to voting in both Kansas and Colorado in elections in 2010, 2012, and 2014;
- In 2016, Randall Killian pleaded guilty in Kansas to voting in Colorado and Kansas in the 2012 general election;
- In 2017, Angelo Felix Abad pleaded guilty to forging signatures on a petition to qualify a ballot initiative on the 2016 general election ballot;
- In 2017, Toni Lee Newbill pleaded guilty to voting twice using her deceased father's name in the 2013 general election and in the 2016 primary election;
- In 2017, Steven Curtis was charged with fraudulently signing and returning his ex-wife's ballot; and
- In 2017, Sarilu Sosa-Sanchez was charged with forging her deceased parents' signatures and voting their ballots in multiple elections.

In another case in Larimer County, Colorado, potential vote fraud was detected and referred to the local district attorney. There, a vote was cast in the name of a deceased voter, Irvin Mniszewski. However, the case could not be prosecuted because the suspected forgers had since also died.

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

Basic laws that prevent voter intimidation and electioneering at or near polling locations are certainly necessary.[19] But it's also important to give voters confidence in the state's election system through open processes. In Colorado each county clerk and recorder uses bipartisan judges appointed by the parties, assuring fairness at each stage of the process.[20] Election

[19] *See* sections 1-13-713, C.R.S. (prohibiting intimidation) and 1-13-714, C.R.S. (prohibiting electioneering).
[20] Section 1-6-101, C.R.S.

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watchers also have significant access to all election-related activities,[21] and they play a key role in ensuring the integrity of elections at the local level. The public also has access to counties' election plans (detailing where polling locations will be and what services the county will provide) and watcher plans (detailing how each county will accommodate watchers at all locations where election activities will happen). The counties submit these plans to my office for approval and we make them available to anyone who requests them.

Because Colorado voters primarily vote by mail, my office also works closely with the U.S. Postal Service to ensure that all election mail is treated uniformly and handled efficiently. And we communicate regularly with voters on timelines for returning ballots by mail, including when it's too late to put a ballot in the mail stream to ensure it will be received by the county in time. In addition to working with the post office, I initiated a grant program for counties to receive matching funds from my office for new or additional 24/7 secure drop-boxes which provide a secure and convenient method to return a ballot for urban and rural voters alike.

Historically voting took place only in pristine polling locations in which voters were protected from intimidation or disenfranchisement. As individuals move to voting from home and other locations, we need to examine how to protect the secret ballot and how to protect voters from inappropriate attempts to influence their votes or to disclose their votes to others. Laws and regulations prohibiting vote trading or intimidation in any manner are still critical to protecting a voter's right to cast his or her own ballot as he or she chooses.

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

Colorado is a member of the Election Registration and Information Center (ERIC), which allows states to better interact with electors by sharing elections, motor vehicle, death, felon, and other records maintained by member-states' agencies. By aggregating multi-state information, the organization allows participating states to track an individual's residency and send appropriate elections-specific information. For example, if a person moves to Colorado from another participating state and obtains a Colorado driver's license, the system will notify the other state's elections department that they need to correspond with the person to determine if he or she is still a resident of that state. While ERIC is relatively new, with 20 member states to date, it will continue to grow as a resource in the state's efforts to maintain accurate voter rolls.

Because states election officials are the experts at maintaining clean voter rolls, and ERIC is a powerful tool to facilitate this, the Commission should reach out to ERIC to better understand its processes and security protocols. The Commission has requested states' public voter roll data. While this data may serve a purpose, a single request for data that lacks the non-public data necessary to accurately match voters across states can't be used to effectively assess the accuracy of voter rolls. ERIC states enter into agreements that allow them to securely share sensitive data and to ensure that, when the data is compared, it's the most up-to-date and in a uniform, consumable format.

The Commission also should encourage states' voter registration processes to solicit the prior address at which an individual was registered to vote so that the jurisdiction can be notified.

Request for voter roll data

You requested publicly available voter roll data. Under Colorado law, limited voter

[21] Section 1-7-106, C.R.S.; Election Rule 8.

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registration data is publicly available.[22] But the law also prohibits my office from releasing certain confidential data.[23] In accordance with these laws, my office can provide the following public data:

- Full first, middle, and last names;
- Residential and mailing addresses;
- Year of birth;
- Political party affiliation;
- Vote history (meaning elections in which the voter participated);
- Voter status (active or inactive); and
- Whether the voter is designated as a military or overseas voter.

My office will not provide the following confidential voter data:

- Last four digits of social security number; and
- Month and day of birth.

The Commission has also requested "information regarding any felony convictions," and "information regarding voter registration in another state." Information of this kind exists only in canceled voter records, which we are not able to provide without extensive redaction of confidential voter data.

In light of the Commission's request that we delay providing data, we'll await further communication. Once you've determined to make a new request, please contact my office at (303) 894-2200 x6389 for instructions on obtaining the public data in a secure manner.

As with any requestor, my office is not enabled by Colorado law to restrict your usage of the publicly available data after it is provided. Please accept, however, my input that all data you receive should be secured.

Please also note that the official voter rolls of Colorado remain in our control and custody. Neither the federal government nor any other entity can make any change in Colorado's voter rolls.

Thank you for the opportunity to provide input and recommendations.

Regards,

Wayne W. Williams

[22] Section 1-2-227 (1) (a), C.R.S.
[23] Section 24-72-204 (8) (a), C.R.S.

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Wyoming Secretary of State

Ed Murray
Secretary of State

Karen L. Wheeler
Deputy Secretary of State

July 14, 2017

The Honorable Kris Kobach
Presidential Advisory Commission on Election Integrity
Via email: ElectionIntegrityStaff@ovp.eop.gov

Dear Vice Chair Kobach:

Thank you for your letter of June 28, 2017. As Wyoming's 21st Secretary of State, I am honored to be trusted with the important role of Chief Election Officer for our Great State. In Wyoming and, indeed, throughout the United States, few rights are more precious and sacred than our right to vote. Every citizen must have confidence that our election outcomes accurately reflect the vote of the people.

As you know, Kris, in matters of elections, I am a firm believer in state sovereignty. The United States Constitution recognizes the authority and autonomy of the states in these matters. Therefore, while I support a common goal to secure the integrity of all elections, I oppose any expansion of the federal government's role in the election process which could lead to federal overreach.

I strongly believe in a citizen's right to privacy and the protection thereof as it relates to voter data. I construe Wyoming's law as providing confidentiality of voter information in this matter. Accordingly, in regards to your June 28th request for voter data, please be informed that I will not be providing any Wyoming voter registry information to the Commission.

Regarding your request to provide my views and recommendations relating your inquiries enumerated in the first page of your letter, I offer the following:

In addressing fraud nationwide, we must begin by recognizing that every state is different in terms of geography and population. In Wyoming, for example, our small population allows us to achieve clean voter rolls without the risk of disenfranchising voters at the polls. After every federal election, pursuant to state statute, Wyoming's voter rolls are updated, ensuring that only active voters remain on the rolls. This does nothing to limit our voters' access to the ballot because Wyoming citizens may register to vote on Election Day.

During my tenure I have strengthened Wyoming's verification systems to ensure voter roll integrity. My Office and Wyoming's twenty-three County Clerks know this State and its people best, and we have worked tirelessly to implement streamlined, secure, and accurate election systems and processes.

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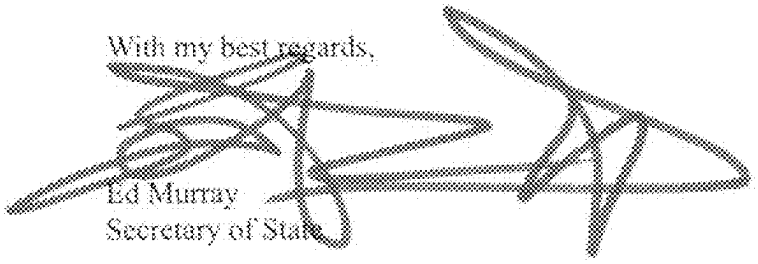
In upholding the law that only eligible Wyoming voters be allowed to cast a ballot, any suspected instances of voter fraud have been immediately turned over to law enforcement for investigation and prosecution. Over the past 17 years, we are aware of four voter fraud convictions. My Office is committed to providing our twenty-three County Clerks and local County Attorneys with whatever resources they need to prosecute these crimes to the fullest extent of the law. Wyoming voters can be assured that voter fraud will never change the outcome of an election in Wyoming.

Finally in response to your question pertaining to "what other issues do you believe the Commission should consider," I join our County Clerks in asking that you consider the ramifications Help America Vote Act (HAVA), one of the most significant federal election mandates to affect all states. As you know, HAVA mandated significant criteria and changes to election systems leaving state and local election officials with the burden of ongoing maintenance and compliance, together with the necessity of purchasing new equipment without full funding. The burden of underfunded federal mandates weighs heavily upon every state and local election official as the prospect of replacing aged equipment looms ever closer.

I am convicted in my belief that Wyoming's continued success running our elections demonstrates that there is, indeed, a model for successfully administering a state election system. In the end, being exempt from federal mandates strengthens and makes more secure Wyoming's ability to deliver elections with complete integrity.

With my best regards,



Ed Murray
Secretary of State

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/5/2017 7:39:26 PM
To: [redacted]; rivest@mit.edu
Subject: quick update

Dr. Rivest,

If you've already returned from Lake Tahoe, I hope you had a great trip (if you're still there, I hope you're still having a great trip!). I just had a couple quick updates I wanted to share with you.

First, I spoke with Harri Hursti this morning and confirmed his participation on your panel, so it'll be the two of you plus Dr. Appel. Harri said he might reach out to you to discuss the panel in more detail, so I wanted to give you a heads up that he might contact you. I hope to be able to share the full meeting agenda within the next 24 hours as well.

Also, I know the materials deadline has been a moving target, and I apologize again for that inconvenience. We are currently targeting this Friday to post all presentations and meeting materials on our webpage, so if you could shoot for sending me any presentations, handouts, or prepared testimony by COB Thursday (or even at the latest by first thing Friday morning, like 8:00 a.m.), we would really appreciate it. Again, my apologies for the moving target. If this timeline presents an issue for you, please just let me know and we'll figure something out.

If you have any questions or if I can help with anything else between now and the meeting, please do not hesitate to let me know.

Thanks again,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Second Meeting of the Presidential Advisory Commission on Election Integrity
Tuesday, September 12, 2017
10:00 a.m. ET
New Hampshire Institute of Politics, Saint Anselm College

Draft/Working Agenda as of 8.31.2017

1. Welcome Remarks – Vice Chairman Kris Kobach and Secretary Gardner (10:00am-10:15am)

2. **Panel One: The Effects of Election Integrity Issues on Voter Confidence**

   - Dr. Andrew Smith, Associate Professor of Political Science, University of New Hampshire (10:15am-10:30am)
   - Kimball Brace, President, Election Data Services, Inc. (10:30am-10:45am)
   - Dr. John Lott, Crime Prevention Research Center (10:45am-11:00am)
   - Q&A – All Members (11:00am-11:20am)

3. Break (11:20am-11:30am)

4. **Panel Two: Current Election Integrity Issues Affecting Public Confidence**

   - Peter Schweizer, President, Government Accountability Institute (11:30am-11:45pm)
   - Robert Popper, Director, Election Integrity Project, Judicial Watch (11:45pm-12:00pm)
   - Donald Palmer, Fellow, Bipartisan Policy Center (12:00pm-12:15pm)
   - Hans von Spakovsky, Senior Legal Fellow, Heritage Foundation and Member, PACEI (12:15pm-12:30pm)
   - Q&A – All Members (12:30-12:50pm)

5. Break (12:50pm-1:30pm)

6. **Panel Three: Electronic Voting Systems and Election Integrity – A Primer**

   - Dr. Andrew Appel, Professor of Computer Science, Princeton University (1:30pm-1:45pm)
   - Dr. Ronald Rivest, Professor of Computer Science, Massachusetts Institute of Technology (1:45pm-2:00pm)
   - Dr. Harry Hursti, Co-Founder of Nordic Innovation Labs (2:00pm-2:15pm)
   - Q&A – All Members (2:15pm-2:45pm)

7. Other Business – All Members (2:45pm-3:45pm)

8. Closing Remarks – Vice Chairman Kobach and Secretary Gardner (3:45pm-4:00pm)

9. Adjourn (4:00)

DRAFT

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/24/2017 5:39:55 PM
To: Kris Kobach [[redacted]]; [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: RE: [Embargoed until 9:00 a.m. ET Friday 8/25] - Meeting Announcement
Attachments: Press Release - Kobach-Gardner - Sept. PACEI Meeting.pdf

Attached is an updated release reflecting today's date. Feel free to push this out today any time after 3:30 p.m. Eastern (without an embargo).

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP
Sent: Thursday, August 24, 2017 11:25 AM
To: 'Kris Kobach' <[redacted]
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: [Embargoed until 9:00 a.m. ET Friday 8/25] - Meeting Announcement

Secretaries Kobach and Gardner,

Please see the attached press release. This is embargoed until 9:00 a.m. Eastern tomorrow (8/25). Feel free to release it to anyone you'd like after that time. If you share it in advance, please note that it is embargoed until then.

I am going to send a brief email to the other members soon informing them that the meeting with be in New Hampshire and providing instructions for booking travel arrangements.

If you have any questions or concerns, just let me know.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Presidential Advisory Commission on Election Integrity

For Immediate Release

August 24, 2017

New Hampshire Secretary of State Bill Gardner to Host Next Meeting of Bipartisan Presidential Advisory Commission on Election Integrity

The bipartisan Presidential Advisory Commission on Election Integrity will hold its next meeting on Tuesday, September 12, 2017, at the New Hampshire Institute of Politics at St. Anselm College in Manchester, New Hampshire.

“I am grateful to Secretary Bill Gardner for hosting the Commission in his home state of New Hampshire,” said the Commission’s Vice Chair and Kansas Secretary of State Kris Kobach. “Secretary Gardner’s experience as the nation’s longest-serving chief state elections official and New Hampshire’s pivotal role in the presidential selection process make New Hampshire a perfect location for the Commission to continue its work.”

“I am excited to host my fellow commissioners here in New Hampshire,” said Secretary Gardner. “New Hampshire is proud of its key elections role as the First-In-The-Nation Presidential Primary, and I am likewise proud to host the Commission in its first meeting outside of Washington, D.C. I look forward to a productive meeting here in the Granite State.”

Vice Chair Kobach will chair the meeting as the Vice President will not be in attendance. More information regarding the meeting will be released soon on the Commission’s webpage, which is available at https://www.whitehouse.gov/blog/2017/07/13/presidential-advisory-commission-election-integrity.

AMERICAN OVERSIGHT

Message

From: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
on behalf of von Spakovsky, Hans
Sent: 9/8/2017 6:54:27 PM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: [Postmaster] Email Delivery Failure

No problem - thanks for letting me know.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Friday, September 8, 2017 2:54 PM
To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Subject: FW: [Postmaster] Email Delivery Failure

Hi Hans,

I tried to send you all the materials for Tuesday's meeting, but got a bounce-back due to the file sizes. I'll send you a link to the webpage where all of the materials will be posted later today. Sorry about that.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Postmaster [mailto:postmaster@heritage.org]
Sent: Friday, September 8, 2017 2:27 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: [Postmaster] Email Delivery Failure

This is a delivery failure notification message indicating that an email you addressed to email address :
-- hans.vonspakovsky@heritage.org

could not be delivered. The problem appears to be :
-- Recipient email server rejected the message

Additional information follows :
-- 5.3.4 Message size exceeds fixed maximum message size

This condition occurred after 1 attempt(s) to deliver over a period of 0 hour(s).

If you sent the email to multiple recipients, you will receive one of these messages for each one which failed delivery, otherwise they have been sent.

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 6/27/2017 4:25:04 PM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
CC: Agen, Jarrod P. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b57cadaa254248adb080547bf0fb882e-Ag]; Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]; Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]
Subject: Re: Agenda for 6/28 Organizational Call: Election Integrity Comm'n

Looks fine. I think I would substitute "September/October" for September. And substitute "November/December" for November. Then set final meeting as February to coincide with the February NASS meeting in DC.

Sent from my iPhone

> On Jun 27, 2017, at 11:44 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Jarrod and Kris,
>
> Please see the attached agenda for tomorrow's organizational call with the Presidential Advisory Commission on Election Administration. We'd like to send this by noon today, if possible. If you have any edits or questions, please let me know.
>
> Thanks,
> Andrew
>
> Andrew J. Kossack
> Associate Counsel
> Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>
> <Organizational Conference Call 6.28.2017.docx>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/11/2017 1:51:34 PM
To: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
Subject: Re: Andrew, would like to request seats for two guests at the Sept. 12 meeting

Hi Hans - Fred Lucas is confirmed. Sorry for not circling back sooner. Safe travels!

On Sep 8, 2017, at 11:57 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Thanks, Hans. John's on the list already. I'll see if we can get Fred in also. Will confirm ASAP.
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
> ---
>
> **From:** von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
> **Sent:** Friday, September 8, 2017 11:55 AM
> **To:** Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> **Subject:** Andrew, would like to request seats for two guests at the Sept. 12 meeting
>
> John Fund
> Fred Lucas
>
> ---
>
> **Hans von Spakovsky**
> *Manager, Election Law Reform Initiative and Senior Legal Fellow*
> *Institute for Constitutional Government*
> The Heritage Foundation
> 214 Massachusetts Avenue, NE
> Washington, DC 20002
> 202-608-6207
> heritage.org

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 7/4/2017 4:30:50 PM
To: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]
CC: 'Lotter, Marc E. EOP/OVP' [Marc.E.Lotter@ovp.eop.gov]; 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]; 'Agen, Jarrod P. EOP/OVP' [Jarrod.P.Agen@ovp.eop.gov]
Subject: RE: At least our supporters are fired up

The SD SoS and others have latched onto the "documents will be made public" language.

http://dakotafreepress.com/2017/07/03/krebs-cites-ban-on-posting-sd-voter-file-info-online-to-justify-rejection-of-trump-kobach-data-request/

In a week or so, we may want to send a clarification:
1. The rolls will not be posted on any website.
2. The rolls will not be publicly available (any part of them).
3. The voter roll files will be destroyed after the commission has concluded its work. (Files showing individuals who are aliens, double registrants, deceased, etc., will not be destroyed, however.)

From: Paoletta, Mark R. EOP/OVP [mailto:Mark.R.Paoletta@ovp.eop.gov]
Sent: Tuesday, July 04, 2017 8:27 AM
To: Kris Kobach <[redacted]>
Cc: Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: Re: At least our supporters are fired up

Adding Jarrod Agen

Mark Paoletta
Counsel to the Vice President
202 456 2734 (work)
[redacted](cell)

Sent from my iPhone

On Jul 4, 2017, at 9:08 AM, Kris Kobach <[redacted]> wrote:

> Here's the column on Brietbart. Top article at the moment, with over 5,000 comments.
>
> Have a great holiday guys!
>
> http://www.breitbart.com/big-government/2017/07/03/kobach-why-states-need-to-assist-the-presidential-commission-on-election-integrity/

AMERICAN OVERSIGHT

Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 7/4/2017 1:26:34 PM
To: Kris Kobach [redacted]
CC: Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]; Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]
Subject: Re: At least our supporters are fired up

Adding Jarrod Agen

Mark Paoletta
Counsel to the Vice President
202 456 2734 (work)
[redacted] (cell)

Sent from my iPhone

On Jul 4, 2017, at 9:08 AM, Kris Kobach <[redacted]> wrote:

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AMERICAN OVERSIGHT

Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 7/18/2017 6:01:57 PM
To: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]; Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: availability tomorrow?

This is for an old meeting. Did you get a new link for tomorrow's meeting?

MARK R. PAOLETTA
Counsel to the Vice President
202 456 2734 (work)
[redacted](cell)
Mark.R.Paoletta@ovp.eop.gov

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Tuesday, July 18, 2017 1:55 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: FW: availability tomorrow?

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

From: von Spakovsky, Hans
Sent: Wednesday, June 28, 2017 2:34 PM
To: 'Kossack, Andrew J. EOP/OVP' <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: availability tomorrow?

The form is completed.

From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Wednesday, June 28, 2017 2:16 PM
To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Subject: RE: availability tomorrow?

Hans,

Sorry for disappearing on you - I had to put out a couple fires. We'll see you at 10:00 tomorrow. I'll send a calendar invitation.

Please fill out the form at the following link and let me know when it's completed:

https://events.whitehouse.gov/form?rid=3C6X4YYJMF

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Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Wednesday, June 28, 2017 11:58 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: availability tomorrow?

Andrew,

Mark called me and suggested 10:00. That works for me. Which entrance do I come in?

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Wednesday, June 28, 2017 8:45 AM
To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Subject: availability tomorrow?

Hi Hans,

Are you free at all tomorrow morning to meet with Mark and me to discuss a few matters related to the Election Integrity Commission? Mark and I are both open until around 11:30, so just let me know what works for you.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 6/30/2017 8:00:36 AM
To: Kris Kobach [redacted]
CC: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]
Subject: Re: California official bristles at Trump voter fraud panel's records request - San Francisco Chronicle

Let's have a conference call this morning to address and decided next steps. What works? 10 am?

Mark Paoletta
Counsel to the Vice President
202 456 2734 (work)
[redacted] (cell)

Sent from my iPhone

> On Jun 30, 2017, at 1:50 AM, Kris Kobach <[redacted]> wrote:
>
> This is what the follow up letter will need to address in part
>
> http://www.sfchronicle.com/politics/article/California-official-bristles-at-Trump-voter-fraud-11257803.php
>
> Alternatively we start punching now in the press...
>
> Sent from my iPhone

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/21/2017 3:00:38 PM
To: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
CC: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: Re: call today?

Sorry- held up for a second. We'll call you in 5 minutes.

Sent from my iPhone

> On Aug 21, 2017, at 9:44 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Will do. Thanks
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>
> -----Original Message-----
> From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
> Sent: Monday, August 21, 2017 9:41 AM
> To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> Subject: RE: call today?
>
> Yes, call me.
>
>
>
> Hans von Spakovsky
> Manager, Election Law Reform Initiative and Senior Legal Fellow
> Institute for Constitutional Government
> The Heritage Foundation
> 214 Massachusetts Avenue, NE
> Washington, DC 20002
> 202-608-6207
> heritage.org
>
> -----Original Message-----
> From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
> Sent: Monday, August 21, 2017 9:08 AM
> To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
> Subject: call today?
>
> Hi Hans,
>
> Hope you had safe travels and a great trip. Any chance you're free this morning at 11:00 for a quick call?
>
> Thanks,
> Andrew
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>

AMERICAN OVERSIGHT

Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 7/11/2017 11:27:07 PM
To: Poetter, Samantha [KSOS] [Samantha.Poetter@ks.gov]; Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]; Kris Kobach [redacted]
Subject: RE: celeste from mic re election integrity

I revised the press statement with kris and sent jarrod a new statement. Jarrod, use the other statement.

MARK R. PAOLETTA
Counsel to the Vice President
202 456 2734 (work)
202 881 6040 (cell)
Mark.R.Paoletta@ovp.eop.gov

From: Poetter, Samantha [KSOS] [mailto:Samantha.Poetter@ks.gov]
Sent: Tuesday, July 11, 2017 7:03 PM
To: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>; Kris Kobach <redacted>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: Re: celeste from mic re election integrity

I'm good with it. We tend not to comment on ongoing litigation.

SAMANTHA M POETTER
Director of Public Information
Phone: 785.296.8391
Kansas Secretary of State

From: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Sent: Tuesday, July 11, 2017 5:47:12 PM
To: Poetter, Samantha [KSOS]; Kris Kobach
Cc: Paoletta, Mark R. EOP/OVP
Subject: FW: celeste from mic re election integrity

I'd like to use this response from Sec Kobach if ok for these types of lawsuit questions:

"The bipartisan commission is looking forward to its first meeting on July 19 to discuss ways to enhance the integrity of our election system, the commission has no comment on this filing."

From: Celeste Katz [mailto:redacted]
Sent: Tuesday, July 11, 2017 4:54 PM
To: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: Re: celeste from mic re election integrity

I know you're busy... just circling back once more to see if you wanted to say anything about these remarks from the ACLU and the Lawyers' Committee, both of which are suing to delay or kill the election integrity panel... only want to make sure you have every opportunity to respond...

for example:

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Dale Ho, director of the ACLU Voting Rights Project, said on the conference call that the presidential commission "was designed to sell a lie. Donald Trump lost the popular vote by almost 3 million ballots, and this commission was designed to sell the lie that he didn't. The second thing that this commission was designed to do was to justify voter suppression measures with exaggerated and trumped up allegations of non-citizen and double voting."

Senior Political Correspondent
Celeste Katz
@CelesteKatzNYC | [redacted]

On Tue, Jul 11, 2017 at 10:20 AM, Celeste Katz <[redacted]> wrote:

> Me again!
>
> Is there any explainer for why these two fellows were chosen?

Senior Political Correspondent
Celeste Katz
@CelesteKatzNYC | [redacted]

AMERICAN OVERSIGHT

On Mon, Jul 10, 2017 at 8:06 PM, Celeste Katz [redacted] wrote:

I did get it, thanks ...

On Mon, Jul 10, 2017 at 7:52 PM Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov> wrote:

I'll check on meeting. I don't think they have issued any statements regarding lawsuits, but there was an email sent to states this morning. Have you gotten that?

On Jul 10, 2017, at 7:44 PM, Celeste Katz <[redacted] wrote:

I did receive, thanks... Do you know if the first meeting is ONLY public by livestream, or is public and ALSO available by livestream? I can't get the contact for the panel to respond to my emails, unfortunately... There are also a number of new lawsuits against the Commission today, including from the ACLU and the Lawyers' Committee...

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

On Mon, Jul 10, 2017 at 7:38 PM, Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov> wrote:

President Donald J. Trump today announced his intent to appoint the following individuals as members of the Presidential Advisory Commission on Election Integrity:

- J. Christian Adams of Virginia
- Alan Lamar King of Alabama

AMERICAN OVERSIGHT

On Jul 10, 2017, at 7:02 PM, Celeste Katz <[redacted] wrote:

Hi, Celeste again... I see where it says the President will name new members of the Election Integrity Commission today... is that still on? Do you know who they are?

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

On Thu, Jul 6, 2017 at 2:52 PM, Celeste Katz [redacted] wrote:

Hi Jarrod,

Celeste here again. Thanks very much for the statement from the secretary yesterday -- got a lot of attention.

I'm wondering if you could explain why the first meeting of the commission will be limited to livestream public participation (which I take to mean viewing only, not interaction) and no oral questions, per the Federal Register.

Does that mean even press is prohibited from being in the room?

Thanks in advance, CK

Senior Political Correspondent
Celeste Katz

AMERICAN OVERSIGHT

@CelesteKatzNYC [redacted]

On Wed, Jul 5, 2017 at 4:34 PM, Celeste Katz <[redacted] wrote:

> Great, thanks very much!

Senior Political Correspondent
Celeste Katz
@CelesteKatzNYC | [redacted]

On Wed, Jul 5, 2017 at 4:14 PM, Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov> wrote:

> Hi Celeste,
>
> We are about to issue this statement from Kris Kobach on this issue. Here's statement below…
>
> Statement from Kris Kobach:
> On June 28, the Presidential Advisory Commission on Election Integrity issued a letter requesting that states provide publicly available voter data as permitted under their state laws. At present, 20 states have agreed to provide the publicly available information requested by the Commission and another 16 states are reviewing which information can be released under their state laws. In all, 36 states have either agreed or are considering participating with the Commission's work to ensure the integrity of the American electoral system.
>
> While there are news reports that 44 states have "refused" to provide voter information to the Commission, these reports are patently false, more "fake

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news". At present, only 14 states and the District of Columbia have refused the Commission's request for publicly available voter information. Despite media distortions and obstruction by a handful of state politicians, this bipartisan commission on election integrity will continue its work to gather the facts through public records requests to ensure the integrity of each American's vote because the public has a right to know.

From: Celeste Katz [mailto:[redacted]
Sent: Wednesday, July 5, 2017 12:26 PM
To: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: celeste from mic re election integrity

Hi Jarrod,

Hope you had a good Fourth. I'm checking in about the election integrity panel...

Wondering what the VP thinks of so many states refusing to comply with Secretary Kobach's data request, and also regarding two complaints filed against him for possible violations of ethics regulations in connection with the commission.

Any help you could provide would be great.

Thanks in advance, CK

Senior Political Correspondent
Celeste Katz
@CelesteKatzNYC | [redacted]

--

AMERICAN OVERSIGHT

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

AMERICAN OVERSIGHT

Message

From: Poetter, Samantha [KSOS] [Samantha.Poetter@ks.gov]
Sent: 7/11/2017 11:02:30 PM
To: Agen, Jarrod P. EOP/OVP [jarrod.p.agen@ovp.eop.gov]; Kris Kobach [redacted]
CC: Paoletta, Mark R. EOP/OVP [mark.r.paoletta@ovp.eop.gov]
Subject: Re: celeste from mic re election integrity

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SAMANTHA M POETTER
Director of Public Information
Phone: 785.296.8391
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Senior Political Correspondent

AMERICAN OVERSIGHT

Celeste Katz

@CelesteKatzNYC | 917-952-3782

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Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | 917-952-3782

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Senior Political Correspondent
Celeste Katz

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>
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>
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AMERICAN OVERSIGHT

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Celeste Katz

@CelesteKatzNYC | 917-952-3782

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Celeste Katz

@CelesteKatzNYC | 917-952-3782

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AMERICAN OVERSIGHT

Great, thanks very much!

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | 917-952-3782

On Wed, Jul 5, 2017 at 4:14 PM, Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov> wrote:

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> **To:** Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
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Any help you could provide would be great.

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Celeste Katz

@CelesteKatzNYC | 917-952-3782

--

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | 917-952-3782

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 7/11/2017 10:53:59 PM
To: Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]; Kris Kobach [redacted]
Subject: RE: celeste from mic re election integrity

Jarrod,
I am on with Kris, and we just edited statement and he is good to go with it as revised.

MARK R. PAOLETTA
Counsel to the Vice President
202 456 2734 (work)
[redacted] (cell)
Mark.R.Paoletta@ovp.eop.gov

From: Agen, Jarrod P. EOP/OVP
Sent: Tuesday, July 11, 2017 6:47 PM
To: Poetter, Samantha [KSOS] <Samantha.Poetter@ks.gov>; Kris Kobach [redacted]
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: FW: celeste from mic re election integrity

I'd like to use this response from Sec Kobach if ok for these types of lawsuit questions:

"As the Vice Chairman of this bipartisan commission, I am looking forward to our first meeting on July 19 to discuss ways to enhance the integrity of our election system. I have no comment at this time on this filing."

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AMERICAN OVERSIGHT

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

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>
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Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

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Senior Political Correspondent
Celeste Katz
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President Donald J. Trump today announced his intent to appoint the following individuals as members of the Presidential Advisory Commission on Election Integrity:

- J. Christian Adams of Virginia
- Alan Lamar King of Alabama

On Jul 10, 2017, at 7:02 PM, Celeste Katz [redacted] wrote:

Hi, Celeste again... I see where it says the President will name new members of the Election Integrity Commission today... is that still on? Do you know who they are?

Senior Political Correspondent

AMERICAN OVERSIGHT

Celeste Katz

@CelesteKatzNYC | [redacted]

On Thu, Jul 6, 2017 at 2:52 PM, Celeste Katz [redacted] wrote:

Hi Jarrod,

Celeste here again. Thanks very much for the statement from the secretary yesterday -- got a lot of attention.

I'm wondering if you could explain why the first meeting of the commission will be limited to livestream public participation (which I take to mean viewing only, not interaction) and no oral questions, per the Federal Register.

Does that mean even press is prohibited from being in the room?

Thanks in advance, CK

Senior Political Correspondent

Celeste Katz

@CelesteKatzNYC | [redacted]

On Wed, Jul 5, 2017 at 4:34 PM, Celeste Katz [redacted] wrote:

Great, thanks very much!

AMERICAN OVERSIGHT

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

On Wed, Jul 5, 2017 at 4:14 PM, Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov> wrote:

Hi Celeste,

We are about to issue this statement from Kris Kobach on this issue.

Here's statement below…

Statement from Kris Kobach:

On June 28, the Presidential Advisory Commission on Election Integrity issued a letter requesting that states provide publicly available voter data as permitted under their state laws. At present, 20 states have agreed to provide the publicly available information requested by the Commission and another 16 states are reviewing which information can be released under their state laws. In all, 36 states have either agreed or are considering participating with the Commission's work to ensure the integrity of the American electoral system.

While there are news reports that 44 states have "refused" to provide voter information to the Commission, these reports are patently false, more "fake news". At present, only 14 states and the District of Columbia have refused the Commission's request for publicly available voter information. Despite media distortions and obstruction by a handful of state politicians, this bipartisan commission on election integrity will continue its work to gather the facts

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through public records requests to ensure the integrity of each American's vote because the public has a right to know.

From: Celeste Katz [mailto [redacted]
Sent: Wednesday, July 5, 2017 12:26 PM
To: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: celeste from mic re election integrity

Hi Jarrod,

Hope you had a good Fourth. I'm checking in about the election integrity panel...

Wondering what the VP thinks of so many states refusing to comply with Secretary Kobach's data request, and also regarding two complaints filed against him for possible violations of ethics regulations in connection with the commission.

Any help you could provide would be great.

Thanks in advance, CK

Senior Political Correspondent

Celeste Katz

@CelesteKatzNYC | [redacted]

AMERICAN OVERSIGHT

--

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

AMERICAN OVERSIGHT

Message

From: Poetter, Samantha [KSOS] [Samantha.Poetter@ks.gov]
Sent: 7/11/2017 11:29:31 PM
To: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]; Kris Kobach [redacted]
Subject: Re: celeste from mic re election integrity

Could I get a copy of it? Or would you like me to refer all of the inquiries to Jarrod? Either works on my end.

From: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Sent: Tuesday, July 11, 2017 6:27:07 PM
To: Poetter, Samantha [KSOS]; Agen, Jarrod P. EOP/OVP; Kris Kobach
Subject: RE: celeste from mic re election integrity

I revised the press statement with kris and sent jarrod a new statement. Jarrod, use the other statement.

MARK R. PAOLETTA
Counsel to the Vice President
202 456 2734 (work)
[redacted] (cell)
Mark.R.Paoletta@ovp.eop.gov

From: Poetter, Samantha [KSOS] [mailto:Samantha.Poetter@ks.gov]
Sent: Tuesday, July 11, 2017 7:03 PM
To: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>; Kris Kobach <[redacted]>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: Re: celeste from mic re election integrity

I'm good with it. We tend not to comment on ongoing litigation.

SAMANTHA M POETTER
Director of Public Information
Phone: 785.296.8391
Kansas Secretary of State

From: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Sent: Tuesday, July 11, 2017 5:47:12 PM
To: Poetter, Samantha [KSOS]; Kris Kobach
Cc: Paoletta, Mark R. EOP/OVP
Subject: FW: celeste from mic re election integrity

I'd like to use this response from Sec Kobach if ok for these types of lawsuit questions:

"The bipartisan commission is looking forward to its first meeting on July 19 to discuss ways to enhance the integrity of our election system, the commission has no comment on this filing."

From: Celeste Katz [mailto:[redacted]
Sent: Tuesday, July 11, 2017 4:54 PM
To: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: Re: celeste from mic re election integrity

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I know you're busy... just circling back once more to see if you wanted to say anything about these remarks from the ACLU and the Lawyers' Committee, both of which are suing to delay or kill the election integrity panel... only want to make sure you have every opportunity to respond...

for example:

Dale Ho, director of the ACLU Voting Rights Project, said on the conference call that the presidential commission "was designed to sell a lie. Donald Trump lost the popular vote by almost 3 million ballots, and this commission was designed to sell the lie that he didn't. The second thing that this commission was designed to do was to justify voter suppression measures with exaggerated and trumped up allegations of non-citizen and double voting."

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

On Tue, Jul 11, 2017 at 10:20 AM, Celeste Katz <[redacted]> wrote:

> Me again!
>
> Is there any explainer for why these two fellows were chosen?

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

AMERICAN OVERSIGHT

On Mon, Jul 10, 2017 at 8:06 PM, Celeste Katz <[redacted]> wrote:

I did get it, thanks ...

On Mon, Jul 10, 2017 at 7:52 PM Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov> wrote:

I'll check on meeting. I don't think they have issued any statements regarding lawsuits, but there was an email sent to states this morning. Have you gotten that?

On Jul 10, 2017, at 7:44 PM, Celeste Katz <[redacted]> wrote:

I did receive, thanks... Do you know if the first meeting is ONLY public by livestream, or is public and ALSO available by livestream? I can't get the contact for the panel to respond to my emails, unfortunately... There are also a number of new lawsuits against the Commission today, including from the ACLU and the Lawyers' Committee...

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

On Mon, Jul 10, 2017 at 7:38 PM, Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov> wrote:

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President Donald J. Trump today announced his intent to appoint the following individuals as members of the Presidential Advisory Commission on Election Integrity:

- J. Christian Adams of Virginia
- Alan Lamar King of Alabama

On Jul 10, 2017, at 7:02 PM, Celeste Katz <[redacted]> wrote:

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Senior Political Correspondent
Celeste Katz
@CelesteKatzNYC | [redacted]

On Thu, Jul 6, 2017 at 2:52 PM, Celeste Katz <[redacted]> wrote:

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> Celeste here again. Thanks very much for the statement from the secretary yesterday -- got a lot of attention.
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> I'm wondering if you could explain why the first meeting of the commission will be limited to livestream public participation (which I take to mean viewing only, not interaction) and no oral questions, per the Federal Register.
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> Does that mean even press is prohibited from being in the room?
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AMERICAN OVERSIGHT

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

On Wed, Jul 5, 2017 at 4:34 PM, Celeste Katz <[redacted]> wrote:

> Great, thanks very much!

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

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> Hi Celeste,
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> We are about to issue this statement from Kris Kobach on this issue. Here's statement below…
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> Statement from Kris Kobach:

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On June 28, the Presidential Advisory Commission on Election Integrity issued a letter requesting that states provide publicly available voter data as permitted under their state laws. At present, 20 states have agreed to provide the publicly available information requested by the Commission and another 16 states are reviewing which information can be released under their state laws. In all, 36 states have either agreed or are considering participating with the Commission's work to ensure the integrity of the American electoral system.

While there are news reports that 44 states have "refused" to provide voter information to the Commission, these reports are patently false, more "fake news". At present, only 14 states and the District of Columbia have refused the Commission's request for publicly available voter information. Despite media distortions and obstruction by a handful of state politicians, this bipartisan commission on election integrity will continue its work to gather the facts through public records requests to ensure the integrity of each American's vote because the public has a right to know.

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Sent: Wednesday, July 5, 2017 12:26 PM
To: Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: celeste from mic re election integrity

Hi Jarrod,

Hope you had a good Fourth. I'm checking in about the election integrity panel...

Wondering what the VP thinks of so many states refusing to comply with Secretary Kobach's data request, and also regarding two complaints filed against him for possible violations of ethics regulations in connection with the commission.

Any help you could provide would be great.

Thanks in advance, CK

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

AMERICAN OVERSIGHT

--

Senior Political Correspondent
Celeste Katz

@CelesteKatzNYC | [redacted]

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/3/2017 10:06:36 PM
To: Kris Kobach [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]
Subject: Re: Column I'm publishing

Defer to Mark and Marc, but this looks good to me overall.

One line that caught my attention was this one, only because the President's E.O. was broader in scope to include improper registrations, improper voting, etc.: "The Commission's chief goal is to measure the amount of voter fraud in that country."

What about something like, "The Commission's objective is to identify policies and practices that either advance or undermine the American people's confidence in our elections processes, including any vulnerabilities that could lead to improper or fraudulent registrations and voting. The voter rolls are the obvious starting point for the Commission's work."

Thanks,
Andrew

Sent from my iPhone

On Jul 3, 2017, at 5:02 PM, Kris Kobach <[redacted]n> wrote:

> Guys,
>
> I'm about to publish this column at Breitbart. It is basically the same arguments that I made on TV on Friday, now in written form.
>
> If you have any comments please let me know this evening. I'll be submitting it in a few hours.
>
> Thanks.
>
> Kris
> <Kobach-Brietbart Column 02 - State Voter Rolls.docx>

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Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/1/2017 4:27:20 PM
To: Christian Adams [adams@electionlawcenter.com]; von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
Subject: RE: Commission Meeting

Thanks, Christian. We'll add these to the stack for pre-publication.

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: Christian Adams [mailto:adams@electionlawcenter.com]
Sent: Friday, September 1, 2017 11:37 AM
To: Hans von Spakovsky <Hans.VonSpakovsky@heritage.org>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Commission Meeting

Andrew – I am going to ask questions of witnesses about some issues in these cases. I don't know if that means the materials should be available prior to the hearing or not. I will leave that to you. But the important thing is that courts have found that having more people on the voter rolls than people alive creates a strong inference that federal law is being violated. These cases all touch on this point.

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Message

From: Kris Kobach [redacted]
Sent: 7/27/2017 7:03:31 PM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]
CC: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: discussion document

Andrew,

Yes. Let's talk tomorrow. Looking at the document I'd make a few changes. Probably put the topics of meeting 4 in meeting 2. Voter registration list inaccuracies is a huge subject and really is the principal subject of the commission's work. Regarding voter participation, I like using that as theme to address "suppression" as well as the data showing turnout in photo ID states. However, that is more of a defensive topic, addressing the charges of those who oppose election security measures. So it should come later in the series of meetings.

Kris

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Thursday, July 27, 2017 12:41 PM
To: Kris Kobach [redacted]
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: discussion document

Kris,

Attached is the discussion document I mentioned regarding possible themes/topics for future meetings. If you have any availability tomorrow for a call, please let us know.

Thanks,
Andrew

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 9/7/2017 7:29:29 PM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]; 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: Documents

These documents explain the numbers. Thanks.

From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Thursday, September 07, 2017 2:26 PM
To: 'Kris Kobach' <[redacted]>; Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: FW: Documents

Here's the letter. I haven't reviewed yet.

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: NH House Communications [mailto:NHHouse@leg.state.nh.us]
Sent: Thursday, September 7, 2017 3:25 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Documents

Hi Andrew,
I have attached the two documents, both the initial request by the speaker and the response he received.

Jim

James E. Rivers
Director Of House Communications
State House, Room 312
107 North Main St.
Concord, NH 03301
603-271-3664
>http://www.gencourt.state.nh.us/house<

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 7/6/2017 3:01:31 AM
To: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]
CC: Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]; Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
Subject: Re: draft Kobach follow up letter (redline) (005)

I am okay with you sending it whenever you wish.

Signing off now. Will check email mid morning.

On Wed, Jul 5, 2017 at 8:53 PM, Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov> wrote:
Pls confirm declaration that we need to file tomorrow

Mark Paoletta
Counsel to the Vice President
202 456 2734 (work)
[redacted](cell)

Sent from my iPhone

On Jul 5, 2017, at 10:52 PM, Kris Kobach <[redacted]> wrote:

> OK. Let's go with the wording "we will dispose of it consistent with federal law." The "return it to the states" language seems strange in a digital age anyway, when copies are necessarily created.
>
> I'm signing off for tonight. I'll be on Laura Ingraham's show in the morning at 10:30 et.
>
> Thanks for your work on this.
>
> On Wed, Jul 5, 2017 at 8:32 PM, Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov> wrote:
>
> Kris,
>
> I spoke with the GC of the Archives and the White House Counsel. We cannot return this information to the states. Once it hits our servers, it is a presidential record. We need to strike that as an option. In my conversation with Archives GC, we explored whether we can dispose of this info consistent with federal law, and have POTUS make a determination that this is administrative info and not necessary to preserve. BUT the law requires the President obtain the concurrence of the Archives if he intends to dispose of records. He cannot do so unilaterally. So we are still working through this issue, and not certain what resolution will be. We can say that once done "we will dispose of it consistent with federal law." And leave it at that.
>
> Mark

AMERICAN OVERSIGHT

MARK R. PAOLETTA

Counsel to the Vice President

202 456 2734 (work)

[redacted] (cell)

Mark.R.Paoletta@ovp.eop.gov

From: Kris Kobach [mailto:[redacted]
Sent: Wednesday, July 5, 2017 9:41 PM
To: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Cc: Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: draft Kobach follow up letter (redline) (005)

Guys,

Here's my rewrite of the letter. I felt that it needed restructuring and rewording. I couldn't get the computer that I am using to make the changes in redline so you'll have to just compare the two drafts

Note that I omitted the possibility that the federal government may just keep the voter rolls confidentially into the future. It stands out like a sore thumb. Plus I will not support doing that.

If someone is insisting on CYA language, the "as permitted by federal law" will suffice.

You may send this out under my signature in the morning. If you catch any typos feel free to correct them. Thanks.

Kris

On Wed, Jul 5, 2017 at 5:29 PM, Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov> wrote:

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Latest version, we want to send out tomorrow morning.

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Message

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CC: Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]; Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
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Mark

MARK R. PAOLETTA

Counsel to the Vice President

202 456 2734 (work)

[redacted](cell)

Mark.R.Paoletta@ovp.eop.gov

From: Kris Kobach [mailto:[redacted]]
Sent: Wednesday, July 5, 2017 9:41 PM
To: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Cc: Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP

AMERICAN OVERSIGHT

<Andrew.J.Kossack@ovp.eop.gov>
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AMERICAN OVERSIGHT

Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 8/30/2017 1:17:54 AM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
CC: Kris Kobach [redacted]
Subject: Re: draft letter

Kris,
Any feedback?

Mark Paoletta
Counsel to the Vice President
202 456 2734 (work)
[redacted](cell)

Sent from my iPhone

On Aug 29, 2017, at 7:47 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Kris,
>
> Per our discussion earlier, below is the draft text of the letter. I attached a Word version as well just to show you what the letter would look like in final form. Let us know if you'd like to discuss further.
>
> Thanks,
> Andrew

August 30, 2017

Dear Fellow Commissioners,

I look forward to seeing you on September 12th in New Hampshire. My thanks again to Secretary Gardner for hosting us.

I wanted to contact you with a request regarding any written materials for the September 12th meeting. We want to ensure we operate with the highest level of transparency and in a way that allows the public to be fully informed of our Commission's work.

To that end, if you intend to share written materials with the other Commission members at the meeting, I ask that you please submit such materials to the Commission staff no later than 10 a.m. Eastern Time on Monday, September 11th. Materials that are not received by this time, or that staff is unable to post to the website by Monday, September 11th at 7:00 p.m. due to technical or other issues, will not be used at the September 12th meeting, so I encourage you to submit your materials by Friday, September 8th, if possible. We will ask invited presenters at the meeting to submit any PowerPoint presentations, handouts, or other materials intended to be shared with the Commission by Thursday, September 7th. This will allow the Commission staff to share such materials with you in advance of the meeting, as well as post them to the Commission's webpage by Monday, September 11th at 7:00 p.m.

This approach is intended to ensure a transparent meeting on September 12th. Consistent with that goal, the Commission has represented in ongoing litigation that materials that you intend to share with your fellow Commission members will be shared with the public in advance of meetings, where possible. I do not want to undermine our Commission's discussion or limit the free flow of information, and I understand unexpected

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issues could arise and members could desire to introduce other documents at the meeting. I would ask that other documents be shared at the meeting only under extraordinary circumstances that could not have been foreseen with sufficient time to send them to Commission staff by the deadline. Should this occur, however, please coordinate with Commission staff to ensure that sufficient copies are available to distribute to meeting participants and the public. As the Vice Chair and acting Chair for the September 12th meeting, I reserve the right to object to the introduction of any materials that do not follow this process.

I look forward to a great meeting on September 12th.

Sincerely,

<image001.png>
Kris W. Kobach
Vice Chair

<draft Kobach letter re meeting material deadline.docx>

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AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/30/2017 1:32:38 AM
To: Kris Kobach [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: draft letter
Attachments: LCCR discovery reply as filed.pdf; 25_Order on Misc Motion 8-18-17.pdf; 26. LCCR Proposed Discovery Plan.pdf

Kris,

For background, attached is the Judge's order setting tomorrow's hearing and requesting a discovery plan, the plaintiff's proposed discovery plan, and DOJ's reply.

Thanks,
Andrew

From: Paoletta, Mark R. EOP/OVP
Sent: Tuesday, August 29, 2017 9:18 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Kris Kobach <[redacted]>
Subject: Re: draft letter

Kris,
Any feedback?

Mark Paoletta
Counsel to the Vice President
202 456 2734 (work)
[redacted] (cell)

Sent from my iPhone

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>
> Thanks,
> Andrew
>
> ---
>
> August 30, 2017
>
> Dear Fellow Commissioners,
>
> I look forward to seeing you on September 12th in New Hampshire. My thanks again to Secretary Gardner for hosting us.

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I wanted to contact you with a request regarding any written materials for the September 12th meeting. We want to ensure we operate with the highest level of transparency and in a way that allows the public to be fully informed of our Commission's work.

To that end, if you intend to share written materials with the other Commission members at the meeting, I ask that you please submit such materials to the Commission staff no later than 10 a.m. Eastern Time on Monday, September 11th. Materials that are not received by this time, or that staff is unable to post to the website by Monday, September 11th at 7:00 p.m. due to technical or other issues, will not be used at the September 12th meeting, so I encourage you to submit your materials by Friday, September 8th, if possible. We will ask invited presenters at the meeting to submit any PowerPoint presentations, handouts, or other materials intended to be shared with the Commission by Thursday, September 7th. This will allow the Commission staff to share such materials with you in advance of the meeting, as well as post them to the Commission's webpage by Monday, September 11th at 7:00 p.m.

This approach is intended to ensure a transparent meeting on September 12th. Consistent with that goal, the Commission has represented in ongoing litigation that materials that you intend to share with your fellow Commission members will be shared with the public in advance of meetings, where possible. I do not want to undermine our Commission's discussion or limit the free flow of information, and I understand unexpected issues could arise and members could desire to introduce other documents at the meeting. I would ask that other documents be shared at the meeting only under extraordinary circumstances that could not have been foreseen with sufficient time to send them to Commission staff by the deadline. Should this occur, however, please coordinate with Commission staff to ensure that sufficient copies are available to distribute to meeting participants and the public. As the Vice Chair and acting Chair for the September 12th meeting, I reserve the right to object to the introduction of any materials that do not follow this process.

I look forward to a great meeting on September 12th.

Sincerely,

<image001.png>
Kris W. Kobach
Vice Chair

<draft Kobach letter re meeting material deadline.docx>

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, Plaintiff, v. PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY; *et al.*, Defendants.	Civil Action No. 1:17-cv-1354 (CKK)

DEFENDANTS' OPPOSITION TO PLAINTIFF'S PROPOSED DISCOVERY PLAN

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INTRODUCTION

Plaintiff has moved for expedited discovery related to whether defendants have complied with their representation that documents "prepared for" the Commission's July 19 meeting would be made publically available pursuant to section 10(b) of the Federal Advisory Committee Act ("FACA"). *Food Chem. News v. Dep't of Health & Human Servs.*, 980 F.2d 1468, 1472 (D.C. Cir. 1992) ("[W]henever practical, parties [should] have access to the relevant materials before or at the meeting at which the materials are used and discussed."); *see also* Mem. Supp. Pl.'s Mot Status Conference, ECF No. 21-1; Order (Aug. 18, 2017), ECF No. 25.

The present dispute involves only a few documents: background materials that were produced by individual Commissioners and distributed to the Commission for the first time at the July 19 meeting itself. There is no on-point case law addressing whether these documents would be covered by section 10(b) *before* being shared with the full Commission. Accordingly, Commission staff followed the guidance that was available—including an Office of Legal Counsel opinion that explained that section 10(b)'s disclosure requirement did not apply to "material [that] was not used by the committee as a whole" — and therefore reasonably believed that documents prepared by individual members did not need to be released pursuant to section 10(b) until they had been shared with the Commission. Mem. for Ass't Att'y Gen., Office of Legal Policy, from John O. McGinnis, Dep'y Ass't Att'y Gen., Office of Legal Counsel, Disclosure of Advisory Committee Deliberative Materials, 12 U.S. Op. Off. Legal Counsel 73, 76 (1988). The Commission's representation, which quoted the language of FACA, was informed by these interpretations.

If the Commission staff erred, they did so because of a good-faith error in their legal interpretation; and defendants sincerely apologize to the Court and to the plaintiff for the

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confusion over document disclosures with respect to the July 19 meeting. There was not then, and there is not now, any intent to deceive or mislead the Court or the plaintiff. The Commission fully intends to comply with FACA section 10(b) and its representations to this Court, and believes it has done so to date.

If the Court concludes that defendants' legal interpretation was wrong, the remedy would be for the Court to clarify the scope of the Commission's responsibilities moving forward and to order the disclosure of any section 10(b) documents used and discussed at the July 19 meeting (all of which the Commission believes have been released). This is a legal dispute where the relevant facts are not in dispute. But the discovery plan plaintiff submitted to this Court extends far beyond the narrow legal issue about the timing of document disclosure pursuant to FACA section 10(b), and instead seeks expedited merits discovery unrelated to the Commission's representations about the July 19 meeting. This discovery is inappropriate and should be rejected.

Plaintiff's discovery plan seeks broad and expedited merits discovery on the Commission's general document practices (including those unrelated to either the July 19 or the upcoming September 12 meeting), the role of the General Services Administration, and the Commission's activities writ large, all prior to the time by which defendants are due to respond to the complaint. And plaintiff seeks that discovery through multiple forms, including interrogatories and requests for document production, personal testimony from the Commission's Designated Federal Officer and Vice Chair and Rule 30(b)(6) depositions – all to be completed within approximately three weeks of this Court's hearing, and for some of the proposed discovery, much sooner. This plan does not comport either with this Circuit's recognition that expedited discovery in advance of a Rule 26(f) conference be subject to a

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"stringent standard," *In re Fannie Mae Deriv. Litig.*, 227 F.R.D. 142, 142-43 (D.D.C. 2005), or the Supreme Court's admonition that discovery requests directed to committees that "give advice and make recommendations to the President" be subject to "special considerations," *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 383 (2004).

Defendants do not believe fact discovery is appropriate for what is primarily a legal dispute about the timing of the release of documents pursuant to FACA section 10(b). Nonetheless, should this Court order expedited discovery, such discovery should be limited to written discovery related to documents produced for or at the July 19 meeting. Defendants respectfully ask that this Court reject plaintiff's overbroad attempt to conduct extensive merits discovery well in advance of defendants' filing of their responsive pleading and the Rule 26(f) conference.

STANDARD OF REVIEW

While Federal Rule of Civil Procedure 26 does not explicitly provide a standard for when expedited discovery is appropriate, in this Circuit "[t]he limited case law that discusses expedited discovery, however, reveals two common judicial approaches." *In re Fannie Mae*, 227 F.R.D. at 142. The first approach "require[s] the plaintiff to demonstrate (1) irreparable injury, (2) some probability of success on the merits, (3) some connection between the expedited discovery and the avoidance of the irreparable injury, and (4) some evidence that the injury that will result without expedited discovery looms greater than the injury that the defendant will suffer if the expedited relief is granted." *In re Fannie Mae*, 227 F.R.D. at 142-43 (citing *Notaro v. Koch*, 95 F.R.D. 403, 405 (S.D.N.Y. 1982)). This approach, called the *Notaro* test, has been adopted by courts in this District. *See id.*; *see also Landwehr v. F.D.I.C.*, 282 F.R.D. 1, 4 (D.D.C. 2010); *Humane Soc'y of U.S. v. Amazon.com, Inc.*, No. 07-cv-623 (CKK), 2007 WL 1297170, at *2

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(D.D.C. May 1, 2007). Other courts have used a "reasonableness test," which looks to "(1) whether a preliminary injunction is pending; (2) the breadth of the discovery requests; (3) the purpose for requesting the expedited discovery; (4) the burden on the defendants to comply with the requests; and (5) how far in advance of the typical discovery process the request was made." *In re Fannie Mae*, 227 F.R.D. at 143. This standard has been employed "particularly in cases [where] the expedited discovery is related to a motion for a preliminary injunction," *Disability Rights Council of Greater Wash. v. Wash. Metro. Area Transit Auth.*, 234 F.R.D. 4, 6 (D.D.C. 2006); *see also Guttenberg v. Emery*, 26 F. Supp. 2d 88, 97-98 (D.D.C. 2014). Furthermore, when discovery is to be propounded on officials who serve on a committee that "give[s] advice and make[s] recommendations to the President," as here, "special considerations control," *Cheney*, 542 U.S. at 385, in particular, the admonition that discovery be narrowly tailored.

ARGUMENT

I. Plaintiff's merits discovery plan does not meet the standards for expedited discovery.

While defendants do not dispute that this Court has the inherent power to evaluate representations made to it, *see, e.g.*, *Webb v. District of Columbia*, 146 F.3d 964, 971 (D.C. Cir. 1998), plaintiff's proposed discovery plan does not seek to test these representations, but instead propounds broad merits discovery unrelated to the instant dispute. Plaintiff therefore must show that its plan meets the standards for expedited discovery, but it has not done so.

To begin, plaintiff's plan fails under the *Notaro* standard, which requires at a minimum a showing both of irreparable injury and a connection between the expedited discovery and the avoidance of that injury to justify discovery before a Rule 26(f) conference. *See In re Fannie Mae*, 227 F.R.D., at 142. Plaintiff does not identify a proposed irreparable injury. To the extent there is one, it presumably would be if the Commission did not provide "access to the relevant

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[section 10(b)] materials before or at the meeting at which the materials are used and discussed." *Food Chem. News*, 980 F.2d at 1472. But this is ultimately a legal question about whether materials shared by one Commissioner with the full Commission membership for the first time at a meeting need be disclosed before the meeting; it is not a factual question benefiting from discovery, much less expedited discovery. In any event, the proposed discovery – much of which focuses on the Commission's activities writ large, *see* Proposed Discovery Plan at 2-4, does not address this issue. *See, e.g.*, *Landwehr*, 282 F.R.D. at 4 (concluding that plaintiffs have not satisfied the *Notaro* test when they "have failed to identify any irreparable injury they will suffer absent expedited discovery."); *Humane Soc'y of U.S.*, 2007 WL 129170, at *2 ("Defendant Marburger never demonstrates what harm, let alone irreparable harm, would befall Defendant Marburger in waiting to depose Ms. Wisor until after a discovery schedule is in place.").

Nor does plaintiff's proposed plan comport with the "reasonableness test" for expedited discovery. *Disability Rights Council*, 234 F.R.D. at 6. As an initial matter, this test is particularly employed "in cases where the expedited discovery is related to a motion for a preliminary injunction," *id.*, which is not the case here. But even if this test does apply, plaintiff has not shown that it is satisfied. The first factor is "whether a preliminary injunction is pending." *In re Fannie Mae*, 227 F.R.D. at 143. It is not. The second factor is "the breadth of the discovery requests." *Id.* As will be discussed further, these requests are overbroad. Instead of merely requesting limited written discovery, plaintiff requests five separate categories of documents, an unknown number of interrogatories covering those topics, at least one Rule 30(b)(6) deposition on these topics, two fact depositions, including one of the Commission's Vice Chair, and a "*Vaughn*" index; all to be completed by September 22. This request stands in

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stark contrast to courts' recognition that requiring even a single expedited deposition can be unreasonable. *E.g.*, *Humane Soc'y of U.S.*, 2007 WL 1297170, at *3.

The third factor is the purpose for the requested discovery. In their original motion, the plaintiff suggests the purpose of discovery is whether "Defendants . . . abide[d] by their representations to the Court" with respect to section 10(b) documents discussed at the July 19 meeting. *See* ECF No. 21-1, at 1. Plaintiff now mainly forestalls those topics, and instead seeks discovery on a much broader array of "jurisdictional and core merits issues." Proposed Discovery Plan, ECF No. 26, at 2. But the purpose of expedited discovery – particularly expedited discovery in advance of a responsive pleading – is not to test the merits of the plaintiff's argument. *See Guttenberg*, 26 F. Supp. 3d at 99 (rejecting, under the reasonableness test, a request for expedited discovery where "plaintiffs' discovery requests go to the merits of the dispute.").

The fourth factor courts consider is "the burden on the defendants to comply with the requests." *In re Fannie Mae*, 227 F.R.D. at 143. As discussed above, plaintiff requests a "*Vaughn* index" that would include all communications by Commission members and staff since May 11, 2017, a date near six weeks prior to the filing of the Commission's charter, regardless of subject, by September 5, 2017 (three working days after the Court holds a hearing on the motion, and the day after Labor Day). It requests Rule 30(b)(6) depositions by September 6, 2017 covering five broad topics, presumably of an individual who would *also* have been working in preparing the *Vaughn* index, and potentially also an employee of GSA, both of whom would require time to prepare adequately. It seeks substantive responses to interrogatories and requests for documents by September 15, 2017 (half the time to respond that is provided by the Federal Rules, *see* Fed. R. Civ. P. 33(b)(2)); Fed. R. Civ. P. 32(b)(2)). And finally, it seeks fact

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depositions of Mr. Kossack and Vice Chair Kobach, again on a host of subjects, by September 22, 2017. Such requests would place a tremendous burden on the Commission and its staff.

Finally, the proposed discovery comes "far in advance of the typical discovery process." *In re Fannie Mae*, 227 F.R.D. at 143. Defendants' responsive pleading, including its anticipated Motion to Dismiss under Rule 12, is not due until September 11, 2017 – nearly a week *after* the first discovery request would be due. Courts have repeatedly recognized that expedited discovery filed even after motion-to-dismiss briefing has *concluded* is premature. *See Guttenberg*, 26 F. Supp. 3d at 99 ("At the very least, reasonableness dictates that the Court consider defendants' motion to dismiss before requiring extensive and expensive discovery"); *Landwher*, 282 F.R.D. at 4 (finding motion for expedited discovery filed just after motion-to-dismiss briefing concluded to be premature). Here, of course, motion-to-dismiss briefing has not yet begun. For all these reasons, plaintiff's overbroad requests for discovery are not reasonable.

II. Plaintiff's specific requests for discovery are overbroad and unreasonable.

While plaintiff's discovery plan does not generally satisfy the standards for expedited discovery, its specific requests are individually overbroad and unreasonable, and should therefore be rejected.

1. *Vaughn* Index

Plaintiff's expedited request for a *"Vaughn* index" of "all documents and other material withheld that are responsive to the Lawyers' Committee's July 3, 2017 request for records" is doubly inappropriate.

First, plaintiff's July 3 request is facially overbroad with respect to FACA section 10(b). Plaintiff, in essence, filed a FOIA request asking for all materials related to the Commission, as it seeks all email and materials sent to or from any Commission member "or any federal employee

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. . . providing support to the Commission." *See* July 3 Letter, ECF No. 1-1, at 166. But section 10(b) only requires materials that "were made available to or prepared for or by each advisory committee shall be made available" to the public. 5 U.S.C. app 2 § 10(b). It does not include every document related to the Commission; indeed, documents regarding staff activities or subcommittees chaired by committee members are excluded from section 10(b)'s requirements. *See Nat'l Anti-Hunger Coalition v. Exec. Comm. of President's Private Sector on Cost Control*, 557 F. Supp. 524, 529 (D.D.C.) ("[S]urely Congress did not contemplate that interested parties like the plaintiffs should have access to every paper through which recommendations are evolved . . ."), *aff'd*, 711 F.2d 1071 (D.C. Cir. 1983); 12 U.S. Opp. Off. Legal Counsel 73, 75 (1988) (section 10(b) does not apply to advisory material produced by staff members, staffing entities, or subcommittees, "so long as the material was not used by the committee as a whole"). Consistent with that authority, administrative and preparatory emails are not covered by section 10(b) and need not be disclosed. Plaintiff's overbroad *Vaughn* request is improper on its face and should be rejected. *See Wash. Legal Found*, 17 F.3d at 1452 ("Thus, a court should not order a [*Vaughn*] index when the non-applicability of the [disclosure obligation] is apparent without one.").

Second, there is no basis for a *Vaughn* index of the Commission's materials, and particularly not in the context of expedited discovery over a Commission that has just begun its operations. *Vaughn* indexes are not part of FACA: instead, the Committee affirmatively produces documents that are covered by section 10(b); those documents that do not fall within section 10(b) are simply not produced, there is no privilege log required for documents that are not covered by 10(b). In support of its novel theory, plaintiff relies exclusively on *Washington Legal Foundation v. U.S. Sentencing Commission*, 17 F.3d 1446 (D.C. Cir. 1994). But that case

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concerned a separate legal doctrine, the common law right of access, not the proper processing of documents pursuant to FACA section 10(b). Nor, more to the point, did it involve interlocutory, *expedited* discovery – it involved an order by an appellate court after a district court had ruled on a motion for summary judgment. *See id.* at 1448. That allowed the court to rule based on a developed record, not, as here, in the context of an ongoing Presidential Advisory Committee. Plaintiff puts forth no authority that provides for a *Vaughn* index in the context of expedited discovery predating a motion to dismiss, either in FACA or in the FOIA context in which it normally occurs, and indeed, even *Washington Legal Foundation* recognized the burden that a *Vaughn* index imposes. *See id.* at 1452 ("We are well aware that a *Vaughn* index requires a significant expenditure both of judicial resources and of the parties' time and money.").

The burden is particularly strong here. The stated basis for plaintiff's motion is whether documents introduced for the first time at the July 19 meeting needed, under section 10(b), to have been disclosed in advance of or at the meeting. This question about the Commission's section 10(b) obligations is a legal one. The proper mechanism for resolving it is either at the motion to dismiss stage (to the extent plaintiff's requests are overbroad as a matter of law) or at the summary judgment stage (to the extent that there may be relevant fact issues). It is not through expedited, pre-motion to dismiss discovery of the form sought here. Nor should expedited discovery be used as a basis to discover, at this early stage, *all* documents which may eventually be disclosable under section 10(b). *See Food Chem News*, 980 F.2d at 1472 (imposing disclosure timing obligations only on materials used at a meeting); *see also Anti-Hunger Coal.*, 557 F. Supp. at 529 (rejecting view that FACA plaintiffs should "have a hearing at every step of the information-gathering and preliminary decision-making process"). The propriety of disclosure can – and should – be litigated in the normal course.

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2. Category One: Information regarding the Commission's record maintenance practices.

Plaintiff's request for written discovery and the production of documents regarding the Commission's "records maintenance practices" is also overbroad and unreasonable. As plaintiff itself concedes, "[t]he ultimate issue remaining in this case is the scope of Defendants' disclosure obligations under Section 10(b)." ECF No. 21, at 12. As discussed above, the question of what, precisely, section 10(b) requires to be disclosed and, as relevant to the issue currently before the Court, the timing of that disclosure is purely a legal one. The Court can resolve this legal issue without factual information about the Commission's compliance with the preservation obligations set forth in its charter. *See* Fed. R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any nonprivileged matter that is *relevant* to any party's claim or defense and *proportional to the needs to the case*") (emphasis added).

Further, plaintiff has not shown how expedited discovery regarding the Commission's records maintenance practices implicates "jurisdictional and core merits issues." Proposed Discovery Plan at 2. Two of plaintiff's claims arise under the Administrative Procedure Act ("APA"). It is well-settled that "[t]he APA . . . is not a jurisdiction-conferring statute." *Trudeau v. Fed. Trade Comm'n*, 456 F.3d 178, 183 (D.C. Cir. 2006). Moreover, although the "three threshold requirements" of mandamus "are jurisdictional," *Am. Hosp. Ass'n v. Burwell*, 812 F.3d 183, 189 (D.C. Cir. 2016); *see also* Order, at 2.n2, ECF No. 25, the question of whether the Commission is violating a clear duty to act is predicated on the scope and timing of the Commission's disclosure obligations under section 10(b)—a question of law, not fact. The question of law should be resolved first as a prerequisite to determining what, if any, additional factual information is required. And, to the extent plaintiff seeks discovery of the Commission's

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records maintenance practices for "core merits issues," it has not even attempted to justify or otherwise demonstrate a need for such discovery at this early stage of the litigation.

Finally, plaintiff's reliance on *Competitive Enterprise Institute ("CEI") v. Office of Science and Technology Policy*, 827 F.3d 145 (D.C. Cir. 2016), and General Records Schedule ("GRS") 6.2 to justify its request for expedited discovery is misplaced. The Commission's charter states that the Commission's records will be "maintained pursuant to the Presidential Records Act of 1978 and FACA." Charter at ¶ 13, *available at* https://www.whitehouse.gov/sites/whitehouse.gov/files/docs/commission-charter.pdf. *CEI* involves a claim brought under the Freedom of Information Act ("FOIA") and does not address record management issues associated with the Presidential Records Act of 1978 ("PRA"), 44 U.S.C. §2201 *et seq.* *See* 827 F.3d at 147 (observing that "[t]he basic task of a court in adjudicating alleged wrongful withholdings under FOIA is framed under . . . [t]he Federal Records Act . . . the Records Disposal Act" and the FOIA). Importantly, the GRS expressly does *not* apply to a presidential advisory committee's records that, as here, fall under the PRA. *See* GRS 6.2 at 129 (If a "Presidential advisory committee's records fall under" the Federal Records Act "you may apply this GRS." If a "Presidential advisory committee's records fall under" the Presidential Records Act "you should request information on appropriate disposition from NARA's Presidential Materials Division[.]"); *see also* 44 C.F.R. § 102-3.175(e). Plaintiff's proposed discovery regarding the Commission's record maintenance practices should, therefore, be denied as overbroad and unreasonable.

3. Category Two: The existence, identification, and collection of "substantive committee records" under GRS 6.2

As an initial matter, the only legal justification plaintiff proffers in support of its request for interrogatories and requests for production of documents relating to the "existence of

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Commission records meeting the criteria for 'substantive committee records'" is GRS 6.2. Proposed Discovery Plan at 2-3. But, as noted above, GRS 6.2 specifically provides that it is not applicable to a presidential advisory committee's records that fall under the PRA. Instead, the Commission's disclosure obligations are defined in section 10(b) of FACA, as interpreted through this Circuit's case law. *See, e.g.*, *Anti-Hunger Coal.*, 557 F. Supp. at 529. Plaintiff's Category 2 request should be denied for this reason alone.

Further, this request is overbroad and unreasonable, at least at this early stage of the litigation. To begin, the applicability of GRS 6.2 to the Commission in the context of FACA section 10(b) is a legal question prerequisite to any discovery into what the Commission has done with regard to these standards. Moreover, even if GRS 6.2 were applicable here, the existence or non-existence of records that qualify as "substantive committee records" under GRS 6.2 is, contrary to plaintiff's assertion, *see* Proposed Discovery Plan at 3, immaterial to resolving the legal question that is currently before the Court—the scope and timing of the Commission's disclosure obligations under section 10(b). Nor, for the reasons discussed above, is this request relevant to mandamus jurisdiction. Finally, all of the documents covered by section 10(b) that were provided to the Commission members in advance of and at the July 19 meeting have been posted to the Commission's webpage. *See* Second Declaration of Andrew J. Kossack ¶¶ 2, 7, ECF No. 23-1. While the parties disagree on the timing of when those documents should have been disclosed, there is no disagreement as to whether those documents should have been disclosed pursuant to section 10(b). Plaintiff's request, therefore, is both overbroad and unreasonable.

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4. Category Three: Efforts by the Commission to identify and collect materials to be used or discussed at the Commission's meetings.

As plaintiff notes, the factual question of what documents were released, and when, is not in dispute. What is in dispute is a legal question regarding whether materials need to be collected and disclosed in advance of a Commission meeting when the materials have not been disseminated to the Commission as a whole prior to the meeting. Because this is a legal dispute, legal clarification of the requirements of section 10(b) should be resolved in the first instance and fact discovery is not relevant to the resolution of that question. Nevertheless, should the Court disagree, discovery should be limited to a limited number of written interrogatories focused solely on the Commission's efforts to identify and collect materials used or discussed at the July 19 meeting, so long as defendants have adequate time to respond.

5. Category Four: GSA's role in providing support to the Commission.

Plaintiff seeks interrogatories and documents regarding the administrative support and advice the General Services Administration ("GSA") has provided to the Commission because such information is "pertinent to this Court's jurisdiction under the Administrative Procedure[] Act." Proposed Discovery Plan at 3. But, as discussed above, it is well settled that "[t]he APA . . . is not a jurisdiction-conferring statute." *Trudeau*, 456 F.3d at 183. Thus, this category of proposed fact discovery is simply not relevant as a matter of law to the question of this Court's ability to consider plaintiff's APA claims. Plaintiff's request amounts to nothing more than a fishing expedition and as such is overbroad and unreasonable.

6. Category Five: "The Commission's performance of 'substantial independent functions' (if any) beyond advising the President."

Plaintiff seeks documents, interrogatories, and at least three depositions (a Rule 30(b)(6) deposition, a deposition of Andrew Kossack, and a deposition of Vice Chair Kobach) regarding

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the Commission's activities and duties. This discovery is overbroad and irrelevant, particularly at this time, even in the context of the reasons for which plaintiff seeks discovery. As an initial note, plaintiff claims that this category is "relevant to this Court's jurisdiction under the APA." But the D.C. Circuit has explicitly recognized that "the APA does not confer jurisdiction," *Trudeau*, 456 F.3d at 185, and so this basis is inadequate as a matter of law. Nor, in any event, does this information have any basis on "determining the Commission's compliance with its obligations under FACA." Proposed Discovery Plan at 6. Those obligations are defined, of course, by FACA, not the APA, and whether the Commission is an "agency" for purposes of the APA (and it is not) is not relevant to the limited question of FACA disclosure requirements (which, in any event, would provide the substantive basis for any APA action, even if the APA did apply). Moreover, if plaintiff does intend to argue that the APA does apply in response to defendants' legal arguments that it does not, the proper time for discovery, if at all, would be after the resolution of defendants' motion to dismiss. *See Guttenberg*, 26 F.3d at 99 ("At the very least, reasonableness dictates that the Court consider defendants' motion to dismiss before requiring extensive and expensive discovery.").

III. If there is to be discovery – and there is no basis for it – it should be in writing and narrowly tailored to the Commission's immediate obligations.

Finally, if this Court does order expedited discovery – and, as discussed above, there is no basis to do so – such discovery should be in writing and narrowly tailored to illuminate any factual questions necessary to resolve legal issues about the Commission's immediate obligations, *i.e.*, that "whenever practicable, parties have access to the relevant [section 10(b)] materials before or at the meeting at which the materials are used and discussed." *Food Chem. News*, 980 F.2d at 1472. Broad discovery covering the entire scope of the litigation is not

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appropriate at this early stage, and depending on the disposition of the defendants' forthcoming motion to dismiss, may not be appropriate at all.

That is particularly true in this context. The Supreme Court has cautioned that where "discovery requests are directed to the Vice President and other senior Government officials who serve on a [committee] to give advice and make recommendations to the President," "special considerations control," and the court should be reluctant to approve "overly broad discovery requests." *Cheney*, 542 U.S. at 385-86. The proposed discovery requests – which seek deposition testimony from the Vice Chair of the Commission and the Commission's Designated Federal Officer (himself an attorney in the Office of the Vice President) and documents, interrogatories, and Rule 30(b)(6) depositions from a Commission located within the Office of the Vice President – do not comport with this direction.

Indeed, here, plaintiff seeks unspecified discovery requests about the Commission's record maintenance practices (Category 1 and 3), the existence of a broad range of records (which may not even be subject to FACA section 10(b)) (Category 2 and *Vaughn*), the role of the GSA writ large (Category 4), and indeed, the full range of past, present, and potential activities of the Commission (Category 5). And it seeks to gather that information using the full range of discovery tools, written and oral, and to do so within an extraordinarily short time period. This is not "precisely identified and specifically enumerated" discovery requests, but are requests that "ask for everything under the sun" and are therefore inappropriate under *Cheney*. 542 U.S. at 387; *see also id.* at 387-88 (identifying overbroad discovery requests). Moreover, plaintiff also seeks to depose members of the Vice President's staff and the Commission Co-Chair – even the overbroad discovery in *Cheney* did not go so far.

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Consistent with *Cheney*'s direction, any discovery in this case should be limited and narrowly tailored – and plaintiff's proposed discovery plan is not.

CONCLUSION

For the foregoing reasons, plaintiff's proposed discovery plan should be denied.

Dated: August 28, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

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17-2361-A-006332

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW,

Plaintiff,

v.

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

Defendants.

Civil Action No. 17-1354 (CKK)

ORDER
(August 18, 2017)

The Court has received Plaintiff's [21] Motion for a Status Conference, For Limited Expedited Discovery, and for Appropriate Relief Based on Defendants' Failure to Honor Commitments to the Court to Produce Relevant Records Prior to July 19 Commission Meeting ("Discovery Mot."). That Motion alleges that Defendants have failed to abide by their representations to the Court, made in the context of the parties' briefing on Plaintiff's [3] Motion for a Temporary Restraining Order and Preliminary Injunction, which was denied by Memorandum Opinion dated July 18, 2017. *Lawyers' Comm. for Civil Rights Under Law v. Presidential Advisory Comm'n on Election Integrity*, --- F. Supp. 3d ---, No. CV 17-1354 (CKK), 2017 WL 3028832 (D.D.C. July 18, 2017). In particular, Defendants represented that: (i) "[b]ecause the July 19 meeting is an initial meeting where the commissioners will introduce themselves and discuss the general direction of the Commission's work, there are few documents that pertain to the meeting; and (ii) "other documents that are prepared for or by the Commission will be posted to the Commission's webpage prior to the meeting, and by July 14 if possible." Decl. of Andrew J. Kossack, ECF No. 15-1 ("Kossack Decl."), ¶ 10.

In the pending motion, Plaintiff alleges that a variety of documents prepared for and discussed during the July 19 meeting were not disclosed to the public prior to or at the meeting. These include the prepared remarks delivered by Commission members and certain documents created by the Heritage Foundation. Discovery Mot. at 4. Defendants respond that these documents were not posted before the July 19 meeting "because the individual members had not submitted them to the full Commission membership before the meeting began." Defs.' Mem. in Opp'n, ECF No. 23, at 1. Defendants' position, if the Court understands it correctly, is that documents undeniably *prepared for* a specific meeting of the Commission, need not be disclosed prior to or at the meeting because the individual Commission members who prepared those documents had not yet disclosed them to the Commission. This strikes the Court as an incredible interpretation of both Defendants' prior representations to the Court, made under penalty of perjury, and of the

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law.

Defendants previously represented that documents prepared for the Commission would be disclosed prior to the July 19 meeting, without the qualification presently being advanced. Furthermore, nothing in the law of this circuit excuses the disclosure of materials prepared for an advisory committee meeting simply because they are prepared by an individual committee member. Section 10(b) of FACA requires the disclosure of "documents which were made available to or *prepared for* or by [the] advisory committee . . . ." (Emphasis added.) *Food Chemical* states unequivocally that "it is essential that, whenever practicable, parties have access to the relevant materials before or at the meeting at which the materials are used and discussed." *Food Chem. News v. Dep't of Health & Human Servs.*, 980 F.2d 1468, 1472 (D.C. Cir. 1992).

A hearing on the pending motion shall be held on **Wednesday, August 30, 2017** at **10:00 A.M.** Government counsel shall be prepared to discuss the Commission's non-disclosure of materials prior to the July 19 meeting, including: (i) what efforts were taken to inform Commission members of their disclosure obligations; and (ii) what steps were taken by the Commission to determine the universe of materials that were prepared for the Commission in advance of the July 19 meeting. In addition, By **August 24, 2017**, at **5:00 P.M. EST**, Plaintiff shall submit a proposed discovery plan, detailing the discovery that it seeks, providing a timetable for obtaining that discovery, and providing additional legal support for those requests, as necessary.[1] By **August 28, 2017**, at **5:00 P.M. EST**, Defendants may file a reply to the proposed discovery plan.

SO ORDERED.

Dated: August 18, 2017

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge

[1] Defendants raise concerns regarding this Court's subject-matter jurisdiction in relation to the pending discovery requests. *See* Defs.' Mem. in Opp'n at 15–18. In this case, however, merits discovery may become intertwined with issues regarding the Court's subject-matter jurisdiction, as one of the elements of mandamus jurisdiction is whether "the government agency or official is violating a clear duty to act . . . ." *Am. Hosp. Ass'n v. Burwell*, 812 F.3d 183, 189 (D.C. Cir. 2016). Accordingly, to the extent merits discovery is premature, jurisdictional discovery may nonetheless be appropriate.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, Plaintiff, v. PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY; GENERAL SERVICES ADMINISTRATION, et al., Defendants.	Docket No. 1:17-cv-01354-CKK Electronically Filed

PLAINTIFF LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW'S
PROPOSED DISCOVERY PLAN

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Pursuant to this Court's August 18, 2017 Order, the Lawyers' Committee for Civil Rights Under Law (the "Lawyers' Committee") hereby submits its proposed plan for expedited discovery from the Presidential Advisory Commission on Election Integrity (the "Commission").

I. *Vaughn* Index

The Lawyers' Committee reiterates its request that Defendants produce a *Vaughn* index of all documents and other materials withheld that are responsive to the Lawyers' Committee's July 3, 2017 request for records. As detailed in the Lawyers' Committee's motion for expedited discovery, the D.C. Circuit's decision in *Washington Legal Foundation v. U.S. Sentencing Commission*, 17 F.3d 1446 (D.C. Cir. 1994), is on-point precedent endorsing the use of a *Vaughn* index, outside of the FOIA context, to provide clarity as to "precisely what records [are] at issue" in this case. *Id.* at 1452. The index will substantially aid the Court in evaluating whether the records listed are subject to Section 10(b) of FACA. Given Defendants' mutable explanations of their conduct and interpretations of their responsibilities, it is important that the Lawyers' Committee and Court be able to see precisely what records exist and are at issue, rather than having to rely on Defendants' generalizations.[1]

[1] The *Vaughn* index will reveal, for example, whether there are substantive communications or documents being exchanged between only a subset of commissioners. While the Lawyers' Committee believes that such communications and documents are clearly subject to disclosure under Section 10(b) and D.C. Circuit precedent, Defendants have argued that such materials are not subject to Section 10(b) because they have not been shared with all commissioners. There is strong reason to believe such materials exist. In recent news accounts, the Commission's Democratic members have reported that they have received no communications related to the Commission since the July 19 meeting and thus have not been involved in any way in the Commission's work. *See* Kira Lerner, *Democrats on Trump's voting commission iced out since last meeting*, Think Progress, Aug. 22, 2017, https://thinkprogress.org/democrats-voting-commission-ceec3ea98a33/.

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II. Interrogatories and Requests for Production of Documents

The Lawyers' Committee also seeks to serve a limited number of interrogatories and requests for productions of documents (RFPs) narrowly targeted at jurisdictional and core merits issues:[2]

- **Category 1**: The Commission's records maintenance practices, including technical, administrative, and other steps taken to preserve Commission communications and other materials, guidance provided to Commission members and staff regarding records preservation obligations, and efforts to identify and retrieve Commission communications (if any) and other materials outside of official government systems.

  Legal Justifications: Under the Commission's charter, "[t]he records of the Commission" must be "maintained pursuant to the Presidential Records Act of 1978 and FACA." ECF No. 1-1 Ex. H. The Presidential Records Act requires that all "documentary materials," including electronic communications, that are "created or received" by Commission members or staff and that "relate to or have an effect upon" their official duties must be archived on official government systems. 44 U.S.C. §§ 2201-03. The Lawyers' Committee believes that most or all of these Presidential records are also subject to Section 10(b) of FACA. *See* ECF No. 1 ¶ 44; General Records Schedule 6.2. The Lawyers' Committee accordingly seeks discovery regarding measures Defendants have taken to comply with their records preservation requirements. This discovery will explore whether communications and other materials are on non-archived systems (*e.g.*, in personal email accounts, texts, and instant messages), as Defendants have an obligation to search and retrieve responsive records from such systems. *See Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145, 149-50 (D.C. Cir. 2016); *see also* GRS 6.2 FAQ 16, ECF No. 24-2 (explaining that FACA DFOs must ensure preservation of "correspondence between committee members and others that relate to the committee's decisions or actions"). In addition to these issues, the Commission's compliance with PRA and FACA requirements may be relevant to jurisdictional issues, including the appropriateness of mandamus relief.

- **Category 2**: The existence of Commission records meeting the criteria for "substantive committee records" under GRS 6.2, and how the Commission has identified and collected each category of "substantive committee records" in GRS 6.2.

  Legal Justifications: As explained in the Lawyers' Committee's previous briefs, Section 10(b) of FACA requires disclosure of all records that qualify as "substantive committee records" under GRS 6.2. *See* ECF No. 16 at 15; ECF No. 24 at 3; *see also* GRS 6.2 FAQ

[2] For clarity, this is a list of issues that will be the subject of discovery requests, not the actual interrogatories and RFPs that the Lawyers' Committee are seeking to serve.

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17, ECF No. 24-2 ("Exchanges of substantive information between members regarding the work of the committee or subcommittee are records that reflect the work of the committee and document its thought processes."). Like the *Vaughn* index, information illuminating what GRS 6.2 materials exist will aid the Court in evaluating the ultimate merits questions regarding the scope of Defendants' obligations under Section 10(b). In addition to these issues, the Commission's compliance with PRA and FACA requirements may be relevant to jurisdictional issues, including the appropriateness of mandamus relief.

- **Category 3**: Efforts by the Commission to identify and *collect* all materials to be used or discussed at the Commission's meetings.

  Legal Justifications: D.C. Circuit precedent requires the Commission to disclose, before or at its meetings, any documents that will be used or discussed at the meetings. *Food Chem. News v. Dep't of Health & Human Servs.*, 980 F.2d 1468, 1472 (D.C. Cir. 1992). It is undisputed that Defendants did not disclose such records in advance of the Commission's July 19, 2017 meeting. It is important to determine how Defendants interpret and implement their obligation to identify and collect the materials that commissioners used or discussed at the July 19 meeting and that will be used and discussed at future meetings. In addition to these issues, the sufficiency of the Commission's efforts may be relevant to jurisdictional issues, including the appropriateness of mandamus relief.

- **Category 4**: The role of the General Services Administration (GSA) in providing support to the Commission, including GSA's role in scheduling Commission meetings and in managing and advising on the Commission's obligations regarding disclosure of records.

  Legal Justifications: This category is pertinent to this Court's jurisdiction under the Administrative Procedures Act (APA). As explained in the Lawyers' Committee's briefs, GSA has taken a role in organizing and scheduling the Commission's meetings, and in instructing the Commission on their records obligations. ECF No. 24 at 15-16. For instance, GSA delivered a presentation to the Commission on July 19, 2017 titled "GSA FACA Overview" that includes slides on permissible communications between commissioners and "transparency" and records requirements.[3] It will be highly relevant to know which officials from GSA prepared and delivered this presentation and any elaboration they offered on the Commission's records obligations during the presentation or at other times.

- **Category 5**: The Commission's performance of "substantial independent functions" (if any) beyond advising the President.

[3] *See* https://www.whitehouse.gov/sites/whitehouse.gov/files/docs/PACEI-GSA-FACA-Overview.pdf (slides 11 and 22).

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Legal Justifications: This category is also relevant to this Court's jurisdiction under the APA. This Court held in the *EPIC* case that "[t]he record presently before the Court [was] insufficient to demonstrate that the Commission is an 'agency' for purposes of the APA." *EPIC v. Presidential Advisory Comm'n on Election Integrity*, 17-cv-01320-CKK, ECF No. 40 at 27. The *EPIC* decision noted that the Commission had represented that "no other federal agencies [were] 'cooperating' with the Commission" and that the request to states for voter data was solely to advance the Commission's "stated purpose of producing an advisory report for the President." *Id.* at 27-28. Subsequent communications from the Commission have cast doubt on these representations, and discovery will illuminate whether they were accurate.[4] If, for example, the Commission or individual commissioners share the voter data or the related statistical analysis directly with the Department of Justice, with state and local governments, or with private organizations, rather than including the analysis only in a public report to the President, that would strongly indicate that the Commission is exercising substantial independent functions and not merely advising the President.

III. Requested Depositions

For the reasons set forth in the Lawyers' Committee motion, ECF No. 21-1, a custodian of records Rule 30(b)(6) deposition is an efficient mechanism to identify the existence and location of relevant Commission documents. The Lawyers' Committee previously submitted a list of sample Rule 30(b)(6) topics regarding the Commission's records and recordkeeping practices (consistent with Categories 1 and 2 described above). *See* ECF No. 24-3.

In addition to a deposition on these topics, the Lawyers' Committee also seeks the following discrete testimony:

- Additional 30(b)(6) testimony from the Commission regarding Categories 3-5 described above.

- Testimony from the Designated Federal Officer, Andrew Kossack, regarding all five categories of information and materials described above. Such testimony would include questions regarding Mr. Kossack's adherence to the guidance in GRS 6.2 FAQ 16 and 17, which instructs that "DFOs . . . should maintain the official records an advisory

[4]Two days after the Court issued its decision in EPIC, Commission Vice Chair Kobach sent a letter to all Secretaries of State indicating that in addition to collecting voter data, the Commission also intends to analyze the data, including conducting a "statistical" analysis and making "other general observations that may be drawn from the data " Ltr. from Presidential Advisory Commission on Election Integrity to The Hon. John Merrill, July 26, 2017 (hereinafter "July 26 Letter"), https://tinyurl.com/yc5c7xcf.

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committee creates or receives as long as the committee exists," including "records such as correspondence between committee members and others that relate to the committee's decisions or actions." GRS 6.2 FAQ 16, ECF No. 24-2. In the event Mr. Kossack is not designated as the Rule 30(b)(6) witness, his personal testimony on these topics is germane to jurisdictional and merits issues.

- Testimony from Commission Vice Chair Kobach regarding Categories 1, 2, and 5 described above. Vice Chair Kobach, as the operational leader of the Commission, has unique knowledge regarding whether he or other commissioners have communicated or kept documents regarding the Commission outside of official federal government systems, the existence of certain types of records (such as any documents relating to the Commission that have not been shared with the full Commission), and whether the Commission's anticipated activities extend beyond providing advice to the President.

IV. Timing

Earlier today, the Defendants announced that the next public meeting of the Commission will take place on September 12 in Manchester, New Hampshire, with the public comment period closing on September 8.[5] The notice does not indicate whether the Commission will (i) make documents relating to the meeting available before the public comment period closes or (ii) otherwise take steps to enable meaningful public participation.

So that the Lawyers' Committee will have the opportunity, if necessary, to seek further relief from the Court in advance of that meeting, the Lawyers' Committee proposes the following schedule for discovery:

- On or by August 31, 2017, the Lawyers' Committee will serve Defendants with Interrogatories, Requests for Production of Documents, and Notices of Deposition for Defendants' 30(b)(6) witness, Designated Federal Officer Kossack, and Vice Chair Kobach.

- On or by September 5, 2017, Defendants will produce a Vaughn index detailing each record currently withheld that is responsive to the Lawyers' Committee's July 3, 2017 request for records.

[5] The notice provides that there will be no oral comments from the public at the meeting. *See* The Presidential Commission on Election Integrity *Upcoming Public Advisory Meeting* (Aug. 25, 2017), available at https://s3.amazonaws.com/public-inspection.federalregister.gov/2017-17968.pdf

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- On or by September 6, 2017, Defendants will make available for deposition Defendants' 30(b)(6) witness(es).

The Lawyers' Committee believes that the production of the Vaughn index and 30(b)(6) testimony will be sufficient to identify any issues warranting emergency injunctive relief.

Following that time, the Lawyers' Committee proposes the following schedule for the completion of discovery:

- On or by September 15, 2017, Defendants will provide substantive responses to the Interrogatories and produce documents responsive to the Requests for Production of Documents.

- On or by September 22, 2017, the parties shall complete the depositions of Designated Federal Officer Kossack, and Vice Chair Kobach.

CONCLUSION

This discovery narrowly targets jurisdictional issues and other information essential to determining the Commission's compliance with its obligations under FACA. For the foregoing reasons, the Lawyers' Committee respectfully requests that the Court approve the proposed discovery plain set forth above.

DATED: August 24, 2017

Respectfully Submitted,

/s/ John A. Freedman

Kristen Clarke (D.C. Bar # 973885)
Jon Greenbaum (D.C. Bar # 489887)
Ezra D. Rosenberg (D.C. Bar # 360927)
Marcia Johnson-Blanco (D.C. Bar # 495211)
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17-2361-A-006341

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Counsel for Plaintiff Lawyers' Committee for Civil Rights Under Law

*D.D.C. application pending

AMERICAN OVERSIGHT

Message

From: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Sent: 6/23/2017 1:30:20 PM
To: Christian Adams [adams@electionlawcenter.com]; 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]; 'Kris Kobach' [redacted]
CC: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]; 'Morgan, Matthew E. EOP/OVP' [Matthew.E.Morgan@ovp.eop.gov]
Subject: RE: draft letter requesting voter rolls

Yes, doesn't need to be done now.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

-----Original Message-----
From: Christian Adams [mailto:adams@electionlawcenter.com]
Sent: Friday, June 23, 2017 9:13 AM
To: 'Kossack, Andrew J. EOP/OVP' <Andrew.J.Kossack@ovp.eop.gov>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; 'Kris Kobach' [redacted]
Cc: 'Paoletta, Mark R. EOP/OVP' <Mark.R.Paoletta@ovp.eop.gov>; 'Morgan, Matthew E. EOP/OVP' <Matthew.E.Morgan@ovp.eop.gov>
Subject: RE: draft letter requesting voter rolls

I don't disagree at all. These are just things that are available at some point to request.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Thursday, June 22, 2017 7:03 PM
To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; Kris Kobach [redacted] Christian Adams <adams@electionlawcenter.com>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: RE: draft letter requesting voter rolls

Thanks to you both for the quick review. The list below is fantastic, and it's a good question about how much we want to request at this point. I welcome all of your input on that question, but my initial thought is to prioritize the voter roll request and ask only for it first. For many/most states, that should be a simple request and one that they wouldn't have grounds to object to by arguing it's burdensome or overbroad, etc. If they have to additional searches for records that aren't as readily available, I'm concerned we'll get stonewalled for everything right out of the gate.

That said, even assuming we go that route, it's worth considering how we might phase in these additional requests, and/or selecting certain states for certain requests to maximize the response we get. Is it worth raising the requests below for discussion with the other members at a commission meeting? If the full commission could vote to formalize the requests, states might feel more compelled to respond, particularly if we can get the SoS members of the panel to buy in (and lead the way in their respective states).

Those are my thoughts, but again, please feel free to disagree.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----

AMERICAN OVERSIGHT

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Thursday, June 22, 2017 2:46 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Kris Kobach <[redacted]; Christian Adams <adams@electionlawcenter.com>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: RE: draft letter requesting voter rolls

Andrew,

Christian and I have reviewed the letter and have no changes to suggest. However, you need to decide whether you want to use this letter as an opportunity to request other information from state election officials. If you wanted to expand the letter for that purpose, here are the questions/requests we have jointly put together that we suggest you consider:

1. Records your office obtained or received from state district court clerks, United States District Court clerks, or other sources regarding individuals who were ineligible to serve on juries because of a lack of American citizenship, death, or relocation out of the jurisdiction, including but not limited to records concerning juror qualification questionnaires on which the individual that completed the questionnaire indicated that he or she is not a United States citizen. Include subsequent list maintenance records produced pursuant to inquiries based on this information, including all documents that provide the name of the registrant, the voting history of such registrant, the nature and content of any notice sent to the registrant, including the date of the notice, the response (if any) of the registrant, and actions taken regarding the registrant's registration (if any) and the date of the action. This request extends to electronic records capable of compilation.

2. All communications with federal or state law enforcement agencies regarding your list maintenance activities relating to #1, above.

3. The number of notices sent to inactive voters since the publication of the 2014 EAC Report including the date, scope and contents of any countywide mailing to all registered voters.

4. Any records indicating the use of citizenship or immigration status for list maintenance activities, including but not limited to the Systematic Alien Verification for Entitlements (SAVE) Program database. Any other records produced in reliance on other sources of citizenship verification data.

5. All documents and records of communication received by your office from registered voters, legal counsel, claimed relatives, or other agents requesting a removal or cancellation from the voter roll for any reason related to non-U.S. citizenship/ineligibility. Please include any official records indicating corresponding maintenance actions undertaken thereafter.

6. All documents and records of communication received by your office from registered voters, legal counsel, claimed relatives, or other agents since requesting a removal or cancellation from the voter roll claiming wrongful registration or no prior intent to register, regardless of eligibility. Please include any official records indicating corresponding maintenance actions undertaken thereafter.

7. Please describe the maintenance procedures you use to ensure the accuracy of your voter registration list and to remove registrants who are no longer eligible due to death, felony conviction, relocation, legally-declared mental incompetency, or any other reason.

8. Please describe what steps are taken to verify the accuracy of the information on voter registration applications when they are initially submitted to state election officials.

9. Please list all other local, state or federal databases that are regularly compared or checked against your voter registration list.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Wednesday, June 21, 2017 5:13 PM

AMERICAN OVERSIGHT

To: Kris Kobach [redacted] von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; Christian Adams <adams@electionlawcenter.com>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: draft letter requesting voter rolls

Please see the attached draft letter requesting state voter rolls. We'd welcome your candid feedback. As you'll see, it's a work in progress as we're still sorting through some logistical/technical questions, but we wanted to go ahead and share this to get your initial thoughts.

To minimize inbox clogging, feel free to send any comments and edits to me directly and I'll reconcile all of them into a new version.

Feel free to call anytime if you prefer to discuss over the phone.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Christian Adams [adams@electionlawcenter.com]
Sent: 6/23/2017 1:12:55 PM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]; 'von Spakovsky, Hans' [Hans.VonSpakovsky@heritage.org]; 'Kris Kobach' [redacted]
CC: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]; Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]
Subject: RE: draft letter requesting voter rolls

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Sent: Thursday, June 22, 2017 7:03 PM
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Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

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Subject: RE: draft letter requesting voter rolls

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AMERICAN OVERSIGHT

not limited to records concerning juror qualification questionnaires on which the individual that completed the questionnaire indicated that he or she is not a United States citizen. Include subsequent list maintenance records produced pursuant to inquiries based on this information, including all documents that provide the name of the registrant, the voting history of such registrant, the nature and content of any notice sent to the registrant, including the date of the notice, the response (if any) of the registrant, and actions taken regarding the registrant's registration (if any) and the date of the action. This request extends to electronic records capable of compilation.

2. All communications with federal or state law enforcement agencies regarding your list maintenance activities relating to #1, above.

3. The number of notices sent to inactive voters since the publication of the 2014 EAC Report including the date, scope and contents of any countywide mailing to all registered voters.

4. Any records indicating the use of citizenship or immigration status for list maintenance activities, including but not limited to the Systematic Alien Verification for Entitlements (SAVE) Program database. Any other records produced in reliance on other sources of citizenship verification data.

5. All documents and records of communication received by your office from registered voters, legal counsel, claimed relatives, or other agents requesting a removal or cancellation from the voter roll for any reason related to non-U.S. citizenship/ineligibility. Please include any official records indicating corresponding maintenance actions undertaken thereafter.

6. All documents and records of communication received by your office from registered voters, legal counsel, claimed relatives, or other agents since requesting a removal or cancellation from the voter roll claiming wrongful registration or no prior intent to register, regardless of eligibility. Please include any official records indicating corresponding maintenance actions undertaken thereafter.

7. Please describe the maintenance procedures you use to ensure the accuracy of your voter registration list and to remove registrants who are no longer eligible due to death, felony conviction, relocation, legally-declared mental incompetency, or any other reason.

8. Please describe what steps are taken to verify the accuracy of the information on voter registration applications when they are initially submitted to state election officials.

9. Please list all other local, state or federal databases that are regularly compared or checked against your voter registration list.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Wednesday, June 21, 2017 5:13 PM
To: Kris Kobach <[redacted]>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; Christian Adams <adams@electionlawcenter.com>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: draft letter requesting voter rolls

Please see the attached draft letter requesting state voter rolls. We'd welcome your candid feedback. As you'll see, it's a work in progress as we're still sorting through some logistical/technical questions, but we wanted to go ahead and share this to get your initial thoughts.

To minimize inbox clogging, feel free to send any comments and edits to me directly and I'll reconcile all of them into a new version.

Feel free to call anytime if you prefer to discuss over the phone.

Thanks,
Andrew

Andrew J. Kossack

AMERICAN OVERSIGHT

Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/5/2017 11:37:41 PM
To: 'Kris Kobach' [redacted]; cwlawson@sos.in.gov; [redacted]; [redacted]; Christy McCormick [[redacted]; david@capitolpartnersar.com; Mark Rhodes [mrhodes@woodcountywv.com]; von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]; Christian Adams [adams@electionlawcenter.com]; Alan L. King [[redacted]; matthew.dunlap@maine.gov; King, Alan [kinga@jccal.org]; David Dunn [[redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: RE: ethics reminder regarding teaching, speaking, and writing
Attachments: Agenda for Sept. 12th Meeting.pdf

Dear Members,

The agenda for next week's meeting is attached. We plan to post this publicly tomorrow. If you have any questions, please let me know.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Presidential Advisory Commission on Election Integrity

Agenda
Second Meeting of the Presidential Advisory Commission on Election Integrity
Tuesday, September 12, 2017, 10:00 a.m. EST
New Hampshire Institute of Politics, Saint Anselm College

1. **Welcome Remarks – Vice Chairman Kris Kobach and Secretary Bill Gardner**

2. **Panel One: Historical Election Turnout Statistics and the Effects of Election Integrity Issues on Voter Confidence**

   - Dr. Andrew Smith, Associate Professor of Political Science, University of New Hampshire
   - Kimball Brace, President, Election Data Services, Inc.
   - Dr. John Lott, President, Crime Prevention Research Center and Author, *Evidence of Voter Fraud and the Impact that Regulations to Reduce Fraud Have on Voter Participation Rates* (2006)
   - Q&A and Discussion – All Members

3. **Panel Two: Current Election Integrity Issues Affecting Public Confidence**

   - Donald Palmer, Fellow, Bipartisan Policy Center
   - Robert Popper, Director, Election Integrity Project, Judicial Watch
   - Ken Block, President, Simpatico Software Systems
   - Hans von Spakovsky, Senior Legal Fellow, Heritage Foundation and Member, PACEI
   - Q&A and Discussion – All Members

4. **Demonstration of Historic New Hampshire Voting Machines Still in Use Since 1892**

   - Thaire Bryant, Polling Place Moderator for Town of Eaton, New Hampshire
   - T. Patrick Hines, Polling Place Moderator for Town of Windsor, New Hampshire

5. **Panel Three: Electronic Voting Systems and Election Integrity – A Primer**

   - Dr. Andrew Appel, Professor of Computer Science, Princeton University
   - Dr. Ronald Rivest, Professor of Computer Science, Massachusetts Institute of Technology
   - Harri Hursti, Co-Founder of Nordic Innovation Labs
   - Q&A and Discussion – All Members

6. **Discussion and Other Business - All Members**

7. **Closing Remarks – Vice Chairman Kobach and Secretary Gardner**

8. **Adjourn**

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/28/2017 7:19:04 PM
To: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
Subject: RE: expert - highly recommended - used in several cases by attorneys whose judgment I trust

Great. Thanks again.

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Friday, July 28, 2017 2:47 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: expert - highly recommended - used in several cases by attorneys whose judgment I trust

Steven Camarota, Ph.D.
Director of Research
Center for Immigration Studies
202 466 8185
sac@cis.org

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

AMERICAN OVERSIGHT

Message

From: Christian Adams [adams@electionlawcenter.com]
Sent: 6/26/2017 2:55:51 PM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]; [redacted] 'von Spakovsky, Hans' [Hans.VonSpakovsky@heritage.org]
CC: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]; 'Morgan, Matthew E. EOP/OVP' [Matthew.E.Morgan@ovp.eop.gov]
Subject: RE: Federal Clerk Info Request

Gentlemen: I made one small addition and sent my draft to Hans for his edits, if any. He will pass it along with his edits.

One thing we have found over the years asking for this sort of information is that sometimes the lists of names no longer exist, but data compilations do exist. In other words, the forms getting out of jury duty no longer are available, but a report internally saying words to the effect of "last year we had the following excusals - Non-citizen: 230; Dead: 1,002; Moved: 3,221". These can be almost as useful as the actual forms or lists of individuals.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Monday, June 26, 2017 9:53 AM
To: [redacted]; Christian Adams <adams@electionlawcenter.com>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: Federal Clerk Info Request

Attached is a draft letter requesting information from Federal clerks. Please let me know if you have edits or suggestions.

Thank you,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Sent: 6/26/2017 3:13:16 PM
To: Christian Adams [adams@electionlawcenter.com]; 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]; [redacted]
CC: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]; 'Morgan, Matthew E. EOP/OVP' [Matthew.E.Morgan@ovp.eop.gov]
Subject: RE: Federal Clerk Info Request
Attachments: federal court clerk request letter.docx

Here it is with an additional edit from me.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

-----Original Message-----
From: Christian Adams [mailto:adams@electionlawcenter.com]
Sent: Monday, June 26, 2017 10:56 AM
To: 'Kossack, Andrew J. EOP/OVP' <Andrew.J.Kossack@ovp.eop.gov>; [redacted] von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Cc: 'Paoletta, Mark R. EOP/OVP' <Mark.R.Paoletta@ovp.eop.gov>; 'Morgan, Matthew E. EOP/OVP' <Matthew.E.Morgan@ovp.eop.gov>
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Sent: Monday, June 26, 2017 9:53 AM
To: [redacted]; Christian Adams <adams@electionlawcenter.com>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: Federal Clerk Info Request

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Please let me know if you have edits or suggestions.

Thank you,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

[DATE]

Dear [INSERT FEDERAL CLERK]

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 ("Order"). The Commission is charged with studying the registration and voting processes used in Federal elections and making recommendations to the President of the United States that will increase the American people's confidence in the integrity of Federal elections processes. Pursuant to subsection 7(b) of the Order, "[r]elevant executive departments and agencies shall endeavor to cooperate with the Commission."

To support the Commission's work, I am requesting a list of all individuals determined to be ineligible or who were otherwise excused from Federal jury duty in your district due to death, relocation outside of the jurisdiction, felony conviction, or lack of citizenship. For each of the previous four (4) calendar years (2013-2016), please list the names of all such individuals, any addresses or other identifying information, and the reason for jury duty ineligibility.

If you do not have a list of individuals, we are requesting any data compilations, summaries or other documents describing the extent of individuals excused for jury duty under the circumstances described. Additionally, please identify the sources used by you to obtain the names of potential jurors.

You may submit this information electronically to [HYPERLINK "mailto:ElectionIntegrityStaff@ovp.eop.gov"]. If you have any questions, please contact Commission staff at the same email address. We would appreciate receiving your response by _____.

These records will be maintained pursuant to the Presidential Records Act of 1978. The records will be used solely for purposes of informing the Commission's work under Executive Order 13799, and no personally identifiable information will be released publicly.

Thank you for your assistance with this request.

Sincerely,

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

DRAFT

AMERICAN OVERSIGHT

Message

From: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Sent: 6/26/2017 3:13:16 PM
To: Christian Adams [adams@electionlawcenter.com]; Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]; [redacted]
CC: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]; Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]
Subject: RE: Federal Clerk Info Request
Attachments: federal court clerk request letter.docx

Here it is with an additional edit from me.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

-----Original Message-----
From: Christian Adams [mailto:adams@electionlawcenter.com]
Sent: Monday, June 26, 2017 10:56 AM
To: 'Kossack, Andrew J. EOP/OVP' <Andrew.J.Kossack@ovp.eop.gov>; [redacted]; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Cc: 'Paoletta, Mark R. EOP/OVP' <Mark.R.Paoletta@ovp.eop.gov>; 'Morgan, Matthew E. EOP/OVP' <Matthew.E.Morgan@ovp.eop.gov>
Subject: RE: Federal Clerk Info Request

Gentlemen: I made one small addition and sent my draft to Hans for his edits, if any. He will pass it along with his edits.

One thing we have found over the years asking for this sort of information is that sometimes the lists of names no longer exist, but data compilations do exist. In other words, the forms getting out of jury duty no longer are available, but a report internally saying words to the effect of "last year we had the following excusals - Non-citizen: 230; Dead: 1,002; Moved: 3,221". These can be almost as useful as the actual forms or lists of individuals.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Monday, June 26, 2017 9:53 AM
To: [redacted]; Christian Adams <adams@electionlawcenter.com>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: Federal Clerk Info Request

Attached is a draft letter requesting information from Federal clerks.
Please let me know if you have edits or suggestions.

Thank you,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

[DATE]

Dear [INSERT FEDERAL CLERK]

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 ("Order"). The Commission is charged with studying the registration and voting processes used in Federal elections and making recommendations to the President of the United States that will increase the American people's confidence in the integrity of Federal elections processes. Pursuant to subsection 7(b) of the Order, "[r]elevant executive departments and agencies shall endeavor to cooperate with the Commission."

To support the Commission's work, I am requesting a list of all individuals determined to be ineligible or who were otherwise excused from Federal jury duty in your district due to death, relocation outside of the jurisdiction, felony conviction, or lack of citizenship. For each of the previous four (4) calendar years (2013-2016), please list the names of all such individuals, any addresses or other identifying information, and the reason for jury duty ineligibility.

If you do not have a list of individuals, we are requesting any data compilations, summaries or other documents describing the extent of individuals excused for jury duty under the circumstances described. Additionally, please identify the sources used by you to obtain the names of potential jurors.

You may submit this information electronically to [HYPERLINK "mailto:ElectionIntegrityStaff@ovp.eop.gov"]. If you have any questions, please contact Commission staff at the same email address. We would appreciate receiving your response by _____.

These records will be maintained pursuant to the Presidential Records Act of 1978. The records will be used solely for purposes of informing the Commission's work under Executive Order 13799, and no personally identifiable information will be released publicly.

Thank you for your assistance with this request.

Sincerely,

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

DRAFT

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 6/28/2017 2:59:25 AM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
CC: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]; Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]
Subject: RE: final drafts
Attachments: Clerk Request Letter - FINAL.docx; Generalized SoS Request - FINAL.docx

I had a really minor correction (lower case f) on the clerk letter.

On the SoS general letter, I revised the questions again. I don't think voter intimidation should be listed before voter fraud. That is a secondary or tertiary concern of the commission. Also the first question suggested that the federal government should be making changes in election procedures.... something many Republicans (including me) regard to be potentially unconstitutional. I rephrased it as what changes to federal laws concerning elections would you like to see. Then it does not seem as if we are asking for an invitation for new federal mandates.

With these changes it's good to go.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, June 27, 2017 5:52 PM
To: Kris Kobach <[redacted]>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: final drafts

Kris,

Please see the attached. If you're good with these, we'll get them finalized and ready to go out tomorrow.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

[EMBED AcroExch.Document.11]

June 28, 2017

ADDRESS
ADDRESS
ADDRESS
ADDRESS

Dear [INSERT FEDERAL CLERK]

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 ("Order"). 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.

To support the Commission's work, I am requesting a list of all individuals determined to be ineligible or who were otherwise excused from Federal jury duty in your district due to death, relocation outside of the jurisdiction, felony conviction, or lack of United States citizenship. For each year from 2006 onward, please list the names of all such individuals, any addresses or other identifying information associated with each individual, and the reason for jury duty ineligibility.

If you do not maintain a list of such individuals, we are requesting copies of documents that provide information regarding individuals seeking to be excused from jury duty, and any data compilations, summaries or other documents describing the extent of individuals excused for jury duty under the circumstances described above. Additionally, please identify the sources used by your office to obtain the names of potential jurors.

You may submit this information electronically to [HYPERLINK "mailto:ElectionIntegrityStaff@ovp.eop.gov"], or via 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 [HYPERLINK "https://safe.amrdec.army.mil/safe/Welcome.aspx"]. If you have any questions, please contact Commission staff at the same email address. We would appreciate receiving your response by July 14, 2017.

These records will be maintained pursuant to the Presidential Records Act of 1978. The records will be used solely for purposes of informing the Commission's work under Executive Order 13799, and no personally identifiable information will be released to the public.

Thank you for your assistance in fulfilling this request.

Sincerely,

AMERICAN OVERSIGHT

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

AMERICAN OVERSIGHT

[EMBED AcroExch.Document.11]

June 28, 2017

ADDRESS
ADDRESS
ADDRESS
ADDRESS

Dear [CHIEF STATE ELECTION OFFICIAL]

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 ("Order"). 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 it work, I invite you to contribute your views and recommendations throughout this process. In particular:

1. What changes, if any, to federal ~~voter registration systems and processes~~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 ~~hamper your authority as an election administrator~~ or hinder your ability to ensure the integrity of elections you administer?
~~4. What recommendations do you have for preventing voter intimidation or disenfranchisement?~~
~~5.~~ 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?
~~6.~~
7. What other issues do you believe the Commission should consider?

Formatted: Indent: Before: 0.5", No bullets or numbering

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.

You may submit your feedback electronically to [HYPERLINK "mailto:ElectionIntegrityStaff@ovp.eop.gov"]. 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

AMERICAN OVERSIGHT

available to the public. If you have any questions, please contact Commission staff at the same email address.

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

Sincerely,

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

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 6/28/2017 2:22:19 PM
To: [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]
Subject: RE: final versions of letters

One related issue: Our comms team is concerned about including a specific request for party identification in the letters. Do we have to call that element out specifically?

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP
Sent: Wednesday, June 28, 2017 9:50 AM
To: '[redacted]' <[redacted]>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: FW: final versions of letters

Attached are a few examples of the letters in finalized/signed form. Please take a look and let me know if you have any comments or concerns about salutations, format, etc.

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Schilb, Veronica J. EOP/OVP (Intern)
Sent: Wednesday, June 28, 2017 9:48 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: final versions of letters

Here are examples of the different letters. Let me know if anyone has any edits to how they are addressed. Shouldn't be too hard to get these finalized and sent out once we have the green light.

Thanks!

Veronica

AMERICAN OVERSIGHT

Message

From: Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]
Sent: 6/30/2017 5:48:39 PM
To: Kris Kobach [redacted]; Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]
Subject: RE: I will be on Tucker Carlson's show

So, Tucker & Anderson Copper tonight. What time are you on MSNBC this afternoon?

From: Kris Kobach [mailto:[redacted]]
Sent: Friday, June 30, 2017 1:30 PM
To: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>; Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: I will be on Tucker Carlson's show

Just don't know the hit time yet.

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 6/30/2017 5:50:49 PM
To: 'Agen, Jarrod P. EOP/OVP' [Jarrod.P.Agen@ovp.eop.gov]; 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]; 'Lotter, Marc E. EOP/OVP' [Marc.E.Lotter@ovp.eop.gov]
Subject: RE: I will be on Tucker Carlson's show

MSNBC debating Padilla at 2:25 Central 3:25 Eastern. Also after the MSNBC hit, they will tape an interview for NBC nightly news (Lester Holt).

From: Agen, Jarrod P. EOP/OVP [mailto:Jarrod.P.Agen@ovp.eop.gov]
Sent: Friday, June 30, 2017 12:49 PM
To: Kris Kobach <[redacted]; Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>
Subject: RE: I will be on Tucker Carlson's show

So, Tucker & Anderson Copper tonight. What time are you on MSNBC this afternoon?

From: Kris Kobach [mailto:[redacted]
Sent: Friday, June 30, 2017 1:30 PM
To: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>; Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: I will be on Tucker Carlson's show

Just don't know the hit time yet.

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/27/2017 5:33:18 PM
To: Kris Kobach [redacted]
Subject: RE: Kansas matching program

Sounds great on the matching program.

I'm with you on nailing down a meeting date/location ASAP. Do you have time maybe tomorrow for a call with Mark and me? I'll send you a document I created with some proposed themes for future meetings to review between now and then. It's just a discussion document to get us started, but we'd like to get your thoughts and try to map out a path forward.

Gardner is very interested in hosting the next meeting in New Hampshire, so that's another possibility as well…

From: Kris Kobach [mailto:[redacted]]
Sent: Thursday, July 27, 2017 1:24 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Kansas matching program

Andrew,

My election director, Bryan Caskey, will be calling you about giving the WH a copy of our matching program (which was created in-house). We should be able to get that to the Commission today as well.

On a second matter, I'd like to get that September meeting date (and place) nailed down, so we can have a firm deadline for completing the match of Kansas voters against the DHS files. Can we shoot for Tuesday September 12 or Wednesday September 13?

Any ideas on location? We could do Florida since it's a critical swing state, or Maine because Matt invited us, or anywhere else in the country. Maybe DC for meeting #3 and save California for meeting #4.

Kris

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 8:17:56 PM
To: [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: Kobach

Hi Kris,

Stefan said he tried you a few minutes ago and your voicemail was full. Guessing he missed the window when you were free. If you have some availability later, he said to feel free to call him directly: [redacted] is his mobile.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: Kossack, Andrew J. EOP/OVP
Sent: Friday, September 8, 2017 3:50 PM
To: [redacted]
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: Fwd: Kobach

Kris, FYI - Stefan is out of the office but says (below) he will reach out ASAP.

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

Sent from my iPhone

Begin forwarded message:

> **From:** "Passantino, Stefan C. EOP/WHO" <Stefan.C.Passantino@who.eop.gov>
> **Date:** September 8, 2017 at 3:47:51 PM EDT
> **To:** "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov>
> **Cc:** "Gast, Scott F. EOP/WHO" <Scott.F.Gast@who.eop.gov>
> **Subject: Re: Kobach**
>
> I can call in a bit.
>
> Stefan C. Passantino
> Deputy Counsel to the President
> Office of the White House Counsel

AMERICAN OVERSIGHT

On Sep 8, 2017, at 3:44 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Short notice, but I just heard from Kobach and he said he's available for a bit if one or both of you want to connect. His cell is [redacted].
>
> Andrew J. Kossack
> Associate Counsel
> Office of the Vice President
> Email: Andrew.J.Kossack@ovp.eop.gov
> Cell: [redacted]
>
> Sent from my iPhone

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/25/2017 4:28:33 PM
To: 'Kris Kobach' [redacted]; cwlawson@sos.in.gov; [redacted]; [redacted]; Christy McCormick [redacted]; david@capitolpartnersar.com; Mark Rhodes [mrhodes@woodcountywv.com]; von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]; Christian Adams [adams@electionlawcenter.com]; Alan L. King [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]
Subject: RE: letters from two states
Attachments: Reply Letter to PACEI.PDF

FYI – Please see the attached letter from Ohio SoS John Husted.

From: Kossack, Andrew J. EOP/OVP
Sent: Friday, July 21, 2017 4:18 PM
To: 'Kris Kobach' <[redacted]>; 'cwlawson@sos.in.gov' <cwlawson@sos.in.gov>; '[redacted]' <[redacted]>; '[redacted]' <[redacted]>; '[redacted]' <[redacted]>; 'Christy McCormick' <[redacted]>; 'david@capitolpartnersar.com' <david@capitolpartnersar.com>; 'Mark Rhodes' <mrhodes@woodcountywv.com>; 'von Spakovsky, Hans' <Hans.VonSpakovsky@heritage.org>; 'Christian Adams' <adams@electionlawcenter.com>; 'Alan L. King' <[redacted]>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: letters from two states

Please see the two attached letters we recently received from the Colorado and Wyoming secretaries of state. These will be added to our webpage soon as well.

Hope everyone has a great weekend.

Thanks,
Andrew

AMERICAN OVERSIGHT

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.

AMERICAN OVERSIGHT

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

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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

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 6/30/2017 9:01:29 PM
To: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
Subject: RE: media
Attachments: PEIC Letter to Iowa.pdf

Apologies – I was tied up. Iowa's version is attached as an example.

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Friday, June 30, 2017 3:56 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: media

Can you send me a pdf of final version of letter sent out to states?

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Friday, June 30, 2017 3:05 PM
To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Subject: RE: media

Fantastic. You'll do a great job. I'm thrilled you're official – congrats!

I know you can work off the top of your head, but I'm working to clear some talkers right now for our comms team and others. Will send those to you as soon as I can, just FYI.

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Friday, June 30, 2017 3:00 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: media

Andrew,

AMERICAN OVERSIGHT

Mark called me and said it was ok to do media. So fyi, I'm doing Larry O'Connor's radio show on WMAL at 5:00 today on Virginia refusing to provide the requested information. And I just taped with James Rosen of Fox News for Special Report tonight on same issue.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

AMERICAN OVERSIGHT

Presidential Advisory Commission on Election Integrity

June 28, 2017

The Honorable Paul Pate
Secretary of State
Lucas Bldg., 1st Fl., 321 E. 12th St.
Des Moines, IA 50319

Dear Secretary Pate,

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 it 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 Iowa, 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

AMERICAN OVERSIGHT

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,

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

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 10:20:38 PM
To: 'Kris Kobach' [redacted]; cwlawson@sos.in.gov; [redacted]; [redacted]; Christy McCormick [redacted]; david@capitolpartnersar.com; Mark Rhodes [mrhodes@woodcountywv.com]; von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]; Christian Adams [adams@electionlawcenter.com]; Alan L. King [redacted]; matthew.dunlap@maine.gov; King, Alan [kinga@jccal.org]; David Dunn [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]; Passantino, Stefan C. EOP/WHO [Stefan.C.Passantino@who.eop.gov]; Gast, Scott F. EOP/WHO [Scott.F.Gast@who.eop.gov]
Subject: RE: Meeting Materials for September 12th

If anyone did not receive my email below due to the large file sizes, the meeting materials are now posted here: https://www.whitehouse.gov/presidential-advisory-commission-election-integrity-resources. Please check to confirm that any materials you plan to present or distribute at the meeting are posted here. If you have any questions, just let me know.

Thanks again,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP
Sent: Friday, September 8, 2017 2:15 PM
To: 'Kris Kobach' <[redacted]>; 'cwlawson@sos.in.gov' <cwlawson@sos.in.gov>; '[redacted]' <[redacted]>; '[redacted]'; '[redacted]'; 'Christy McCormick' [redacted]; 'david@capitolpartnersar.com' <david@capitolpartnersar.com>; 'Mark Rhodes' <mrhodes@woodcountywv.com>; 'von Spakovsky, Hans' <Hans.VonSpakovsky@heritage.org>; 'Christian Adams' <adams@electionlawcenter.com>; 'Alan L. King' <[redacted]>; 'matthew.dunlap@maine.gov' <matthew.dunlap@maine.gov>; 'King, Alan' <kinga@jccal.org>; 'David Dunn' [redacted]
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Passantino, Stefan C. EOP/WHO <Stefan.C.Passantino@who.eop.gov>; Gast, Scott F. EOP/WHO <Scott.F.Gast@who.eop.gov>
Subject: Meeting Materials for September 12th

Members,

Attached are materials for next week's meeting. My apologies for the large file sizes.

We are in the process of posting these materials on our webpage for public viewing. I will let you know once they are available there.

Many thanks to all of you for your hard work and flexibility on the timeline for submitting these materials.

Thank you,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 10:20:38 PM
To: 'Kris Kobach' [redacted]; cwlawson@sos.in.gov; [redacted]; Christy McCormick [redacted]; david@capitolpartnersar.com; Mark Rhodes [mrhodes@woodcountywv.com]; von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]; Christian Adams [adams@electionlawcenter.com]; Alan L. King [redacted]; matthew.dunlap@maine.gov; King, Alan [kinga@jccal.org]; David Dunn [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]; Passantino, Stefan C. EOP/WHO [Stefan.C.Passantino@who.eop.gov]; Gast, Scott F. EOP/WHO [Scott.F.Gast@who.eop.gov]
Subject: RE: Meeting Materials for September 12th

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Thanks again,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP
Sent: Friday, September 8, 2017 2:15 PM
To: 'Kris Kobach' <[redacted]>; 'cwlawson@sos.in.gov' <cwlawson@sos.in.gov>; [redacted]; 'Christy McCormick' <[redacted]>; 'david@capitolpartnersar.com' <david@capitolpartnersar.com>; 'Mark Rhodes' <mrhodes@woodcountywv.com>; 'von Spakovsky, Hans' <Hans.VonSpakovsky@heritage.org>; 'Christian Adams' <adams@electionlawcenter.com>; 'Alan L. King' <[redacted]>; 'matthew.dunlap@maine.gov' <matthew.dunlap@maine.gov>; 'King, Alan' <kinga@jccal.org>; 'David Dunn' <[redacted]>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Passantino, Stefan C. EOP/WHO <Stefan.C.Passantino@who.eop.gov>; Gast, Scott F. EOP/WHO <Scott.F.Gast@who.eop.gov>
Subject: Meeting Materials for September 12th

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We are in the process of posting these materials on our webpage for public viewing. I will let you know once they are available there.

AMERICAN OVERSIGHT

Many thanks to all of you for your hard work and flexibility on the timeline for submitting these materials.

Thank you,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 9/7/2017 4:53:30 AM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]
CC: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: NH data

Please text me the moment it is announced in the morning.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Wednesday, September 06, 2017 9:44 PM
To: 'Kris Kobach' <[redacted]>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: NH data

Kris,

This is not public yet, but Secretary Gardner shared the numbers from the analysis of 2016 same-day registrants. As of August 30, 2017, only 1,014 of the 6,540 same-day registrants who registered with an out-of-state license had obtained a New Hampshire driver's license. The other 5,526 individuals had not obtained a New Hampshire driver's license. Of those 5,526, 3.3 percent, or more than 180 individuals, registered a vehicle in New Hampshire sometime between the election and August 30, 2017. In other words, those 180 individuals visited a Department of Motor Vehicles branch to register a vehicle in New Hampshire, but still did not obtain a driver's license in spite of claiming to be a resident for purposes of the 2016 election.

To put the 5,526 figure in context, the vote margin between President Trump and Hillary Clinton was 2,732. Senator Kelly Ayotte lost by 743 votes to Maggie Hassan.

Secretary Gardner expects the New Hampshire Speaker of the House, Shawn Jasper (R), to release this information sometime tomorrow (Thursday the 7th). The analysis compared New Hampshire voter data with New Hampshire DMV data.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 6/29/2017 5:38:41 PM
To: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
Subject: RE: NRO article on voter ID study that debunked earlier study

Hans,

Thanks so much for sending all these materials, and for your time and helpful advice this morning. Looking forward to keeping in touch and continuing to work with you.

Best,

Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Thursday, June 29, 2017 11:49 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: NRO article on voter ID study that debunked earlier study

http://www.nationalreview.com/article/448765/hillary-clinton-wisconsin-voter-suppression-claim-dubious-excuse-flawed-campaign

NATIONAL REVIEW

No, Hillary, Voter-ID Laws Don't 'Suppress' Turnout

Mrs. Clinton maligns Wisconsin's effort to protect the integrity of its elections in an attempt to excuse her own fatally flawed campaign.

By Hans A. von Spakovsky & Benjamin Janacek — June 20, 2017

Hillary Clinton just doesn't know how to lose gracefully. She does, however, have a knack for coming up with ever more inventive excuses for her loss to Donald Trump.

Just last month, she chalked it up to "voter suppression" in Wisconsin. This spurious claim was a reference to the Badger State's common-sense voter-ID law, which has been upheld by the courts. It followed on the heels of a tweet from Wisconsin's Democratic senator, Tammy Baldwin, claiming the law had reduced voter turnout by 200,000 statewide.

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Both claims relied on a study commissioned by Priorities USA Action and conducted by CIVIS USA, two liberal groups that actively supported Clinton's presidential bid. Unfortunately for Clinton and Baldwin, though, the study has been roundly debunked.

Politifact rated Baldwin's claim as "Mostly False," asserting that "experts . . . question the methodology of the report and say there is no way to put a number on how many people in Wisconsin didn't vote because of the ID requirement."

While it is true that 2016 saw Wisconsin's turnout drop from 2012, it is also true that the state still experienced higher turnout than in 2008, before the voter-ID law was passed. Moreover, according to the U.S. Elections Project, Wisconsin had the fifth-highest turnout rate in the country, far higher than that of many states with no ID requirement. 69.4 percent of the state's eligible voters showed up to the polls, far surpassing the national average of 59.3 percent and the 56.8 percent rate in Clinton's home state of New York, where there is no voter-ID law.

Wisconsin's turnout decrease from 2012 is just as likely, or more likely, attributable to a natural regression from its unusually high 2012 turnout rate. President Obama's high-powered turnout operation, coupled with Wisconsin's own Paul Ryan being on the GOP ticket, would easily explain the 2012 surge in statewide voter turnout. Hillary Clinton's ineffective campaign, her decision not to visit the state, and the general leftward shift of the Democratic party may also have dampened enthusiasm for her candidacy.

Democrats have generally admitted that they failed to connect with blue-collar workers in 2016. In fact, their party chairman, Tom Perez, has organized a year-long outreach program to try to rectify the problem. Unfortunately for Democrats, these voters are highly concentrated in Rust Belt states, such as Wisconsin, Michigan, Iowa, Minnesota, Ohio, and Pennsylvania, that proved especially susceptible to Trump's economic message. None of those states saw any increase in voter turnout, but it wasn't because of voter-ID laws, which vary widely among them; it was because Clinton failed to rally their working-class voters to her side, convinced that she could rely on Obama's winning coalition from 2008 and 2012 to put her over the top.

The problem with that strategy was two-fold: (1) The voters of the Obama coalition make up disproportionately high percentages of state populations in already deep-blue states such as New York and California; and (2) they were not nearly as enthusiastic about Clinton as they had been about Obama. *FiveThirtyEight*'s David Wasserman warned last September that the demographic groups the Clinton campaign was targeting were concentrated in non-swing states. The Clinton campaign failed to heed that warning.

In fact, turnout data from 2012 and 2016 do not show any "voter suppression" because of ID requirements. Nine of the eleven states that have implemented so-called strict ID Laws either saw an increase in turnout

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or exceeded the national average in turnout in 2016. Two of them, Wisconsin and New Hampshire, finished in the top five nationally. Meanwhile only two of the 17 states plus Washington, D.C., that have no ID requirement finished among the top five.

In short, there is no credible evidence that voter-ID laws have impeded turnout, especially among minorities and Democrats, as their opponents suggest.

The debunked Wisconsin study is, unfortunately, not alone in misusing the data for political gain. A January 2017 study by three professors from the University of California San Diego and Bucknell University — frequently referenced in liberal media outlets — is another unfortunate example. The study erroneously claims that voter-ID laws have a disparate impact on minorities and "diminish the participation of Democrats and those on the left, while doing little to deter the vote of Republicans and those on the right." This sensational finding generated a media storm, with the help of several opinion pieces from the authors making the politically charged (and false) claim that voter-ID laws "lower minority turnout and benefit the Republican Party."

But these claims, too, were recently debunked by a group of professors from Yale, Stanford, and the University of Pennsylvania. Upon examining the data in the original study, the group found "no definitive relationship between strict voter ID laws and turnout." It also found that the original study contained measurement errors, omitted-variable bias, and misinterpreted data.

In reality, then, such studies are designed to obscure the truth. The Heritage Foundation has published numerous papers looking at turnout data in states that implemented voter-ID laws. All of those studies show that ID requirements do not keep voters from the polls, and that some states have even seen increases in turnout after their ID laws went into effect. A University of Missouri study found that Indiana's turnout increased 2 percent after its voter-ID law was implemented, with no negative impact on minority voters in particular, and increased turnout for Democrats as a whole. Yet another study, this one by the University of Delaware and the University of Nebraska-Lincoln, found that at both the aggregate and individual levels, voter-ID laws did not affect turnout across racial, ethnic, or socioeconomic lines during the 2000, 2002, 2004, and 2006 elections.

In short, there is no credible evidence that voter-ID laws have impeded turnout, especially among minorities and Democrats, as their opponents suggest. Meanwhile, a Heritage Foundation database tracking documented voter fraud now contains 492 cases and 773 criminal convictions, with untold other cases unreported and unprosecuted.

It is thus more important than ever that we implement voter-ID laws, while also taking steps to prevent non-citizens and individuals registered in multiple states from voting. Across the country, as Heritage's database shows, voter-fraud convictions include everything from impersonation fraud and false

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registrations to ineligible voting by felons and non-citizens. American voter fraud continues apace, and the United States remains one of the only democracies in the world without a uniform requirement for voter identification.

Ax-grinding politicians such as Clinton and Baldwin will doubtless continue to malign ID laws. But their spurious claims have not dissuaded state officials from trying to protect the integrity of their elections. Most recently, Arkansas instituted a law that requires voters to either show an ID when they vote or cast a provisional ballot and provide ID by the Monday after the election. After a long and contentious court battle, Texas recently amended its voter-ID law to require either photo ID or other documents listing the voter's name and address. And even as Clinton was losing at the polls, Missouri voters last year overwhelmingly approved a constitutional amendment that allows the state to require voters to prove they are whom they say they are when they vote, reversing a faulty decision by the state's Supreme Court.

It is vital that states not let the politically expedient, dubious claims of Democrats hamper the important task of securing our elections' integrity. Otherwise, our ability to function as a democratic republic will be imperiled.

— Hans A. von Spakovsky is a senior legal fellow and Benjamin Janacek is a member of the Young Leaders' Program at the Heritage Foundation.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

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Message

From: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Sent: 6/13/2017 3:31:22 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; [redacted]; adams@electionlawcenter.com
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]; Passantino, Stefan C. EOP/WHO [Stefan.C.Passantino@who.eop.gov]
Subject: RE: Organizational Call: Presidential Commission on Election Integrity

Andrew,

Look forward to working with you. I am open on Wednesday afternoon after 2:00, Thursday morning, and Friday until 2:00.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, June 13, 2017 11:24 AM
To: [redacted]; adams@electionlawcenter.com; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Passantino, Stefan C. EOP/WHO <Stefan.C.Passantino@who.eop.gov>
Subject: Organizational Call: Presidential Commission on Election Integrity

Greetings,

I was recently detailed to the Office of the Vice President to serve as the lead staffer for the Presidential Commission on Election Integrity. We would like to arrange a call to update you and discuss next steps. To that end, could you please send me your availability over the next few days? We will try to keep the call at no more than an hour. Thursday afternoon is not an option, but please let me know any other time when you'll be free (or when you're unavailable, if that's simpler).

Thank you for your willingness to serve in this capacity. I look forward to working with you and supporting your efforts.

Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Christian Adams [adams@electionlawcenter.com]
Sent: 6/13/2017 4:07:56 PM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]; [redacted]; hans.vonspakovsky@heritage.org
CC: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]; Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]; Passantino, Stefan C. EOP/WHO [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=fc65c54191934c42854fc12226f750f6-Pa]
Subject: RE: Organizational Call: Presidential Commission on Election Integrity

Thursday most of the day I am in meetings in Pittsburgh. Other than that, I can accommodate.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, June 13, 2017 11:24 AM
To: [redacted]; adams@electionlawcenter.com; hans.vonspakovsky@heritage.org
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Passantino, Stefan C. EOP/WHO <Stefan.C.Passantino@who.eop.gov>
Subject: Organizational Call: Presidential Commission on Election Integrity

Greetings,

I was recently detailed to the Office of the Vice President to serve as the lead staffer for the Presidential Commission on Election Integrity. We would like to arrange a call to update you and discuss next steps. To that end, could you please send me your availability over the next few days? We will try to keep the call at no more than an hour. Thursday afternoon is not an option, but please let me know any other time when you'll be free (or when you're unavailable, if that's simpler).

Thank you for your willingness to serve in this capacity. I look forward to working with you and supporting your efforts.

Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kris Kobach [[redacted]]
Sent: 7/25/2017 5:18:09 PM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
CC: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]
Subject: Re: PACEI - Koback Follow Up Letter July 24 2017
Attachments: PACEI - Kobach Follow Up Letter July 25 2017 with KWK edits.docx

Andrew here is the letter with my edits in red line. Once you have accepted these changes, please send it out and let me know once it has been sent. Thanks.

-Kris

On Tue, Jul 25, 2017 at 11:44 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
Kris,

Attached is the latest version, which incorporates one edit from our comms team suggesting we reduce the line in the first paragraph describing EPIC's motion. DOJ also suggested we remove the NVRA line at the end due to their concern that it could be interpreted as the Commission seeking to enforce the NVRA against states. I swapped that for a citation instead to the Executive Order, as you can see here.

If you have any concerns with those changes or other edits, just let me know.

Thanks,
Andrew

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[EMBED AcroExch.Document.11]

July 25, 2017

Dear [CHIEF ELECTION OFFICIAL]

This letter is intended to follow up on my letter of June 28, 2017, which requested publicly available voter registration records of the bipartisan Presidential Advisory Commission on Election Integrity. On July 10, 2017, the Commission requested that you delay submitting any ~~data~~ records until the U.S. District Court for the District of Columbia ruled on a motion from the Electronic Privacy Information Center that sought to prevent the Commission from receiving the records. On July 24, 2017, the court denied that motion. In light of that decision in the Commission's favor, I write to renew the June 28 request, as well as to answer questions some States raised about the request's scope and the Commission's intent for the registration ~~data~~records.

~~First,~~ I appreciate the cooperation of chief election officials from more than 30 States who have already responded to ~~this~~ the June 28 request and either agreed to provide ~~this~~ these publicly-available ~~data~~records, or are currently evaluating what specific ~~data~~ records they may provide in accordance with their State laws.

Like you, I serve as the chief election official of my State. And like you, ensuring the privacy and security of any non-public voter information is a ~~top~~ high priority. My June 28 letter only requested information that is already 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. As you know, federal law requires the States to maintain certain voter registration information and make it available to the public pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). The Commission recognizes that State laws differ regarding what specific voter registration information is publicly available.

I want to assure you that the Commission will not publicly release any personally identifiable information regarding any individual voter or any group of voters from the voter registration ~~data~~ records you submit. Individuals' voter registration ~~data~~ records will be kept confidential and secure throughout the duration of the Commission's existence. Once the Commission's analysis is complete, the Commission will dispose of the data as permitted by federal law. The only information that will be made public are statistical conclusions drawn from the data, other general observations that may be drawn from the data, and any correspondence that you may send to the Commission in response to the narrative questions enumerated in the June 28 letter. Let me be clear, the Commission will not release any ~~personal voter data~~personally identifiable information to the public.

In addition, to address issues raised in recent litigation regarding the data transfer portal, the Commission is offering a new tool for you to transmit data directly to the White House

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computer system. To securely submit your State's data, please have a member of your staff contact Ron Williams on the Commission's staff at [HYPERLINK "mailto:ElectionIntegrityStaff@ovp.eop.gov"] and provide his or her contact information. Commission staff will then reach out to your point of contact to provide detailed instructions for submitting the data securely.

The Commission will approach all of its work without preconceived conclusions or prejudgments. The Members of this bipartisan Commission are interested in gathering facts, and going where those facts lead. We take seriously the Commissions' mission pursuant to Executive Order 13799 to identify those laws, rules, policies, activities, strategies and practices that either enhance or undermine ~~the American people's confidence in~~ the integrity of ~~Federal~~ elections processes. I look forward to working with you in the months ahead to advance those objectives.

Sincerely,

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

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Message

From: Daryl Metcalfe [Dmetcalf@pahousegop.com]
Sent: 7/19/2017 2:12:41 PM
To: Kris Kobach [redacted]
Subject: RE: Pennsylvania Data
Attachments: Letter to Gov Wolf from State Govt signatories.pdf

Hi Kris,

Thank you for the information.

Please see the attached letter that my colleagues and I sent to the Governor.

Please let me know if there is a way that I can be of assistance.

Serving the 12th District,

Daryl D. Metcalfe
State Representative
Majority Chairman, House State Government Committee
PA House of Representatives
www.RepMetcalfe.com

-----Original Message-----
From: Kris Kobach [mailto:[redacted]]
Sent: Wednesday, July 12, 2017 3:01 PM
To: Daryl Metcalfe <Dmetcalf@pahousegop.com>
Subject: RE: Pennsylvania Data

Daryl,

Great to hear from you. Yes it was identical to the others. It was sent out by the staff of the commission. If you want a copy, contact Andrew Kossack at:
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

Anything you can do to make sure that Pennsylvania cooperates would be helpful. Ultimately we need a state's list of registered voters if we are going to look for things like aliens registered to vote in that state.
Thanks.

Kris

-----Original Message-----
From: Daryl Metcalfe [mailto:Dmetcalf@pahousegop.com]
Sent: Wednesday, July 12, 2017 8:51 AM
To: Kris Kobach <[redacted]>
Subject: Pennsylvania Data

Hi Kris,

We are not able to obtain a copy of the letter that you sent to Pennsylvanian requesting voter data.

Would you be able to email a copy to me.

We were able to reference the letter you sent to Connecticut and compared to several other states they were the same.

Just wanted to confirm Pennsylvania letter was the same as others which we assume it was.

Thank you.

Serving the 12th District,
Daryl Metcalfe
State Representative
The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the

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intended recipient is prohibited. If you received this information in error, please contact the sender and delete the message and material from all computers.

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DARYL METCALFE, MEMBER
HOUSE OF REPRESENTATIVES
ROOM 144 MAIN CAPITOL
PO BOX 202012
HARRISBURG, PENNSYLVANIA, 17120-2012
PHONE: (717) 783-1707
FAX: (717) 787-4771

E-mail: dmetcalf@pahousegop.com
Website: RepMetcalfe.com

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

CRANBERRY TOWNSHIP MUNICIPAL BUILDING
2525 ROCHESTER ROAD, SUITE 201
CRANBERRY TOWNSHIP, PA 16066
PHONE: (724) 772-3110
FAX: (724) 772-2922

STATE GOVERNMENT COMMITTEE
CHAIRMAN

July 11, 2017

The Honorable Tom Wolf
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf,

We are writing to express our disappointment with the letter that you sent on June 30th to the Presidential Advisory Commission on Election Integrity. Your refusal to cooperate with the Commission's reasonable request to provide publicly-available data and input from the states for the purpose of improving our election system is unacceptable and brings Pennsylvania into disrepute.

This Commission is made up of a bipartisan group of distinguished state election officials from both Democratic and Republican state administrations. The Commission was formed to "promote fair and honest" elections by making a study of "the registration and voting processes" used in elections. Neither the Commission's composition, nor its mission lead logically to your outrageous assertion that the Commission's request "implies that [the Commission] may undertake a systematic effort to suppress the vote in Pennsylvania."

The letter sent by the Commission simply requested that Pennsylvania provide any publicly-available voter roll data. It did not, as your letter implies, demand that we turn over other private, personal data of citizens when such data was not publicly available or when doing so would violate state law.

As your letter contrarily notes, the publicly available voter file can be purchased from the Department of State for $20 by any citizen. You also properly indicate that such data must only be used for legally permissible purposes and may not be published on the Internet in accordance with state law. It is, however, shocking for you to claim that this information can be safely handed out to anyone with $20, but that you will not provide it to a lawfully created, bipartisan Presidential Advisory Commission tasked with analyzing our election system.

Your response deprives Pennsylvania of a seat at the table with a bipartisan Commission that may be helpful in analyzing and addressing many issues regarding election integrity. The Commission's letter called for the state's feedback regarding a host of items that it may consider in the future. Your dismissive, and at times even insulting, letter ignored the opportunity for the state to provide a thoughtful response. You have let your desire to say no to a Commission created by the President outweigh your responsibility to do what is best for Pennsylvania.

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Furthermore, your response makes it appear that your administration has something to hide that may be uncovered if an investigation into voter fraud is conducted. If you are so certain that voter fraud is not a significant issue, then the best way to demonstrate this would be to cooperate with this bipartisan commission.

Unfortunately, as you may be aware, Pennsylvania has been the subject of several well documented cases of voter irregularities in the past few years alone. In January 2016, three former Philadelphia election officials pleaded guilty to misdemeanor charges of violating the Election Code. An additional four Philadelphia election officials were charged with election fraud in 2015.

The House State Government Committee held a hearing on improving the integrity of elections in October of 2016. A testifier from the Public Interest Legal Foundation presented evidence obtained through public records requests to the Committee that a number of foreign nationals have been registered to vote in Philadelphia and have illegally voted in prior elections. In addition, Philadelphia City Commissioner Al Schmidt released a report investigating the city's 2012 primary election. The report concluded that there were hundreds of cases of irregularities that warranted further investigation including cases of voting by non-registered individuals, non-U.S. citizens, individuals voting more than once, individuals voting in the incorrect party's primary, and divisions with more recorded votes than voters.

Finally, numerous studies, including a 2012 study by the Pew Center, have shown that voting rolls are filled with invalid or inaccurate registrations. This includes many voters who are registered in another state or who are deceased. Any one of these incidents alone should be enough reason for you to be willing to cooperate in any way possible with a bipartisan Commission seeking to improve voting integrity throughout the country.

You conclude your letter, Governor Wolf, by lecturing the Commission that the "right to vote is absolute and I have no confidence that you seek to bolster it." Please allow us to make some necessary qualifications to your statement. The right to vote is absolute, but only to citizens of our state who are legally permitted to do so. We have no confidence that you seek to protect Pennsylvanian voters who are properly exercising their right to vote by preventing those who should not be voting in our state from doing so. Your absolute refusal to even engage with the Commission is detrimental to Pennsylvania. Regardless of political party affiliation or ideology, every patriotic Governor should cooperate to ensure the integrity of our elections.

Sincerely,

Daryl D. Metcalfe
Chairman
House State Government Committee

DDM:pln

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The following State Representatives are signatories to the letter to Governor Wolf on July 11, 2017:

Rep. Daryl Metcalfe
Rep. Stephen Barrar
Rep. Cris Dush
Rep. Matt Gabler
Rep. Seth Grove
Rep. Kristin Hill
Rep. Jerry Knowles
Rep. Brett Miller
Rep. Brad Roae
Rep. Frank Ryan
Rep. Rick Saccone
Rep. Thomas Sankey
Rep. Craig Staats
Rep. Justin Walsh
Rep. Judy Ward
Rep. Jeff Wheeland

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 7/12/2017 7:00:37 PM
To: 'Daryl Metcalfe' [Dmetcalf@pahousegop.com]
Subject: RE: Pennsylvania Data

Daryl,

Great to hear from you. Yes it was identical to the others. It was sent out by the staff of the commission. If you want a copy, contact Andrew Kossack at:
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

Anything you can do to make sure that Pennsylvania cooperates would be helpful. Ultimately we need a state's list of registered voters if we are going to look for things like aliens registered to vote in that state. Thanks.

Kris

-----Original Message-----
From: Daryl Metcalfe [mailto:Dmetcalf@pahousegop.com]
Sent: Wednesday, July 12, 2017 8:51 AM
To: Kris Kobach <[redacted]>
Subject: Pennsylvania Data

Hi Kris,

We are not able to obtain a copy of the letter that you sent to Pennsylvanian requesting voter data.

Would you be able to email a copy to me.

We were able to reference the letter you sent to Connecticut and compared to several other states they were the same.

Just wanted to confirm Pennsylvania letter was the same as others which we assume it was.

Thank you.

Serving the 12th District,
Daryl Metcalfe
State Representative
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Message

From: Kris Kobach [redacted]
Sent: 6/20/2017 7:38:35 PM
To: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]; Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
CC: Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]
Subject: RE: Presidential Advisory Comm'n on Election Integrity

Yes. I can do it too. What number should I call?

From: Paoletta, Mark R. EOP/OVP [mailto:Mark.R.Paoletta@ovp.eop.gov]
Sent: Tuesday, June 20, 2017 2:11 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Kris Kobach [redacted]
Subject: Re: Presidential Advisory Comm'n on Election Integrity

Yes

Mark Paoletta
Counsel to the Vice President
[redacted]

Sent from my iPhone

On Jun 20, 2017, at 3:09 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Does this work for you all for the DHS discussion?
>
> Sent from my iPhone
>
> On Jun 20, 2017, at 2:38 PM, Krebs, Christopher <christopher.krebs@hq.dhs.gov> wrote:
>
> > Andrew, thanks - how does 4pm Eastern tomorrow look?
> >
> > Chris
> >
> > Christopher C. Krebs
> > Department of Homeland Security
> > [redacted]
>
> ---
>
> **From:** Kossack, Andrew J. EOP/OVP
> **Sent:** Monday, June 19, 2017 7:11:30 PM
> **To:** Krebs, Christopher
> **Cc:** Paoletta, Mark R. EOP/OVP; Morgan, Matthew E. EOP/OVP; Kris Kobach
> **Subject:** Presidential Advisory Comm'n on Election Integrity

AMERICAN OVERSIGHT

Hi, Chris,

My colleagues here in the Office of the Vice President asked me to reach out to you to follow up on an earlier discussion regarding the Election Integrity Commission. I came on board here recently to staff the commission, and one of our first tasks is to gather relevant data and information to inform the commission's work. We'd like to continue that earlier discussion and explore how the commission might partner with DHS going forward.

Are you available for a call sometime in the next 48 hours or so with Mark, Matt, and myself from OVP, as well as our commission's vice-chair, Secretary Kris Kobach?

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
on behalf of von Spakovsky, Hans
Sent: 7/10/2017 4:25:43 PM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: recent email re: data request

I thought it went well. I will send you the audio link when it is up.

From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Monday, July 10, 2017 12:00 PM
To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: Re: recent email re: data request

Thanks for the heads up. How do you think it went?

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

Sent from my iPhone

On Jul 10, 2017, at 11:58 AM, von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org> wrote:

> FYI - spent an hour on the 1A show on WAMU this morning talking about the commission; Maine SOS was also on the show.
>
> Hans von Spakovsky
> Manager, Election Law Reform Initiative and Senior Legal Fellow
> Institute for Constitutional Government
> The Heritage Foundation
> 214 Massachusetts Avenue, NE
> Washington, DC 20002
> [redacted]
> heritage.org
>
> -----Original Message-----
> From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
> Sent: Monday, July 10, 2017 10:04 AM
> To: 'Kris Kobach' [redacted]; cwlawson@sos.in.gov; [redacted]; [redacted]; [redacted]; Christy McCormick [redacted]; [redacted]; Mark Rhodes <mrhodes@woodcountywv.com>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
> Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
> Subject: recent email re: data request

AMERICAN OVERSIGHT

Dear Members,

Please see the email below, which just went out to state election officials a few minutes ago. As you can see, in light of the recent litigation, we have asked states to hold off on submitting data at this time. Please let me know if you have any questions.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: FN-OVP-Election Integrity Staff
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

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 7/18/2017 4:00:07 PM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
CC: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]; Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]
Subject: RE: revised agenda; final by-laws

Andrew,

Both documents look great. Please print out a hard copy for me, along with supporting docs (EO, list of topics, anything you guys would like me to mention in the discussion at end of agenda, etc.)

Thanks.

Kris

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, July 18, 2017 10:53 AM
To: Kris Kobach [redacted]
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: revised agenda; final by-laws

Kris,

Attached is an updated, clean copy of the draft by-laws. This is substantially similar to what you reviewed last night, with the exception of a few fixes for clarification, formatting, etc. We revised the Public Comment section (IV(J)) just to clarify how that interacts with the open meetings language in IV(E), so you might want to take a quick look at that.

Also attached is a revised agenda reflecting the deletion of the swearing in ceremony.

These are on final review here. Once they clear and if you're ok with these, we'll shoot them out to members ASAP. If there's anything else you'd like me to mention to members at this point, just let me know.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 7/7/2017 8:24:34 PM
To: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]; Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]
Subject: Re: revised/clean version
Attachments: Kobach follow up letter 7.7.2017 CLEAN with KWK edits.docx

I made a few minor changes that should be denoted by the red lines in the margins. Capitalized States where used as a noun (proper style for legal writing), and took out the reference to public records requests--in most states no such formal request needs to be made to obtain a copy of the voter rolls.

It can go in this form, if you guys are okay with it.

On Fri, Jul 7, 2017 at 12:21 PM, Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov> wrote:
Revised, with minor edits. Please review asap.

Mark Paoletta
Counsel to the Vice President
[redacted] (work)
[redacted] (cell)

Sent from my iPhone

Begin forwarded message:

> **From:** "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov>
> **Date:** July 7, 2017 at 10:43:00 AM
>
> Please see the attached, per our discussion.
>
> Thanks,
> Andrew
>
> Andrew J. Kossack
> Associate Counsel
> Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

[EMBED AcroExch.Document.DC]

July 76, 2017

Dear [CHIEF ELECTION OFFICIAL]

This letter is intended to follow up on my letter of June 28, 2017, which requested publicly available voter registration records on behalf of the bipartisan Presidential Advisory Commission on Election Integrity. I appreciate the cooperation of the chief election officials from 36 Sstates who have already responded to this request and either agreed to provide this publicly available data, or are currently evaluating what specific data they may provide in accordance with their state laws. Some Sstates have raised questions concerning the request, which I will answer in this letter.

Like you, I serve as the chief election official of my State. And like you, ensuring the privacy and security of any non-public voter information is a top priority. My June 28 letter only requested information that is already available to the public under the laws of your State, which is information that states regularly provide to ~~any other third-party who requests it through a public records request, including~~ political candidates, journalists, and other interested members of the public. As you know, federal law requires the States to maintain certain voter registration information and make it available to the public pursuant to the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). The Commission recognizes that state laws differ regarding what specific voter registration information is publicly available.

I want to assure you that the Commission will not publicly release any personally identifiable information regarding any individual voter or any group of voters. Individuals' voter registration data will be kept confidential and secure throughout the duration of the Commission's existence. Once the Commission's analysis is complete, the Commission will dispose of the data as permitted by federal law. The only information that will be made public are statistical conclusions drawn from the data, other general observations that may be drawn from the data, and any correspondence that you may send to the Commission in response to the narrative questions enumerated in the June 28 letter. Let me be clear, the Commission will not release any personal voter data to the public.

The Commission will approach its work without preconceived ~~notions~~ conclusions or prejudgments. The Members of this bipartisan Commission are interested in gathering facts, and going where those facts lead. We take seriously the NVRA's purposes "to protect the integrity of the electoral process; and to ensure that accurate and current voter registration rolls are maintained." 52 U.S.C. 20501(b)(3)-(4).

I look forward to working with you in the months ahead to advance those objectives.

Sincerely,

AMERICAN OVERSIGHT

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

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/30/2017 11:35:56 AM
To: Kris Kobach [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: Re: revised letter

Hi Kris,

Sorry to bug you on this, but just wanted to make sure you're ok with the final version before the 10:00 hearing. The only change after our conversation was the addition of this language in the paragraph with deadlines:

We also will ask presenters for the meeting to meet these same deadlines for their materials they intend to share with the Commission.

I think that's consistent with our discussion, but again, just want to make sure you're good with it.

Thanks again,
Andrew

On Aug 29, 2017, at 10:20 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Kris,
>
> Thanks again for your review. Attached is a revised version. Please let us know if this works. Just want to make sure you're comfortable.
>
> Thanks,
> Andrew
>
> <draft Kobach letter re meeting material deadline.docx>

AMERICAN OVERSIGHT

Message

From: Lawson, Connie (SOS) [cwlawson@sos.IN.gov]
Sent: 10/17/2017 7:35:48 PM
To: Christy McCormick [redacted]; Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]
CC: Kris Kobach [redacted]; Mark Rhodes [mrhodes@woodcountywv.com]; von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]; Christian Adams [adams@electionlawcenter.com]; Alan L. King [redacted]; matthew.dunlap@maine.gov; King, Alan [kinga@jccal.org]
Subject: RE: sad news

Andrew,
It truly is sad news! I enjoyed the time I spent with him and am so sorry for him and his family.

-----Original Message-----
From: Christy McCormick [mailto:[redacted]]
Sent: Tuesday, October 17, 2017 3:07 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Kris Kobach [redacted]; Lawson, Connie (SOS) <cwlawson@sos.IN.gov>; [redacted] Mark Rhodes <mrhodes@woodcountywv.com>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; Christian Adams <adams@electionlawcenter.com>; Alan L. King [redacted]; matthew.dunlap@maine.gov; King, Alan <kinga@jccal.org>
Subject: Re: sad news

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Andrew,

This is extremely sad news. Thank you for letting us know. If you decide to do anything - send flowers or a memorial of some kind - please let me know how I can contribute. God bless his soul and his family and community as well.

Christy

> On Oct 17, 2017, at 1:10 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Members,
>
> I regret to share that David Dunn passed away yesterday in Arkansas. I trust each of you is as saddened as I was to hear this news. David was a valued member of this Commission, and he was also a joy to be around and a great person. It goes without saying that he'll be missed.
>
> Please keep David's family and friends in your thoughts and prayers.
>
> Andrew
>
>

AMERICAN OVERSIGHT

Message

From: Reed Phillips [RPhillips@algop.org]
Sent: 8/22/2017 3:40:44 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
CC: Kris Kobach [[redacted]]; Terry Lathan [Terry@algop.org]; Harold Sachs [HSachs@algop.org]
Subject: Re: Secretary Kobach from Chairman Lathan, ALGOP

Thank you, Secretary Kobach.

Andrew, I'll be waiting to hear from you.

Best,
Reed

_____
Reed Phillips
Political Director
Alabama Republican Party
o: (205) 212-5900
c: (256) 496-0489
www.algop.org

> On Aug 22, 2017, at 9:57 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Thank you, Secretary Kobach. And thanks to Mrs. Lathan for the willingness to help.
>
> Reed, I'll need to touch base with our legal counsel on this end to confirm a couple things, but I'll be in touch soon with additional information.
>
> Thank you,
> Andrew
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>
> -----Original Message-----
> From: Kris Kobach [mailto:[redacted]]
> Sent: Tuesday, August 22, 2017 10:42 AM
> To: 'Terry Lathan' <Terry@algop.org>; 'Reed Phillips' <RPhillips@algop.org>; 'Harold Sachs' <HSachs@algop.org>
> Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> Subject: RE: Secretary Kobach from Chairman Lathan, ALGOP
>
> Dear Mrs. Lathan,
>
> Thank you very much for assisting the commission by providing the AL voter
> list. I am cc'ing Andrew Kossack, of the President's Commission on Election
> Integrity. He can work with Reed Phillips to facilitate the transfer of the
> list.
>
> Thanks again. This will be very helpful in the Commission's work
> identifying fraudulent registrations and other forms of voter fraud.
>
> Kris Kobach
>
> -----Original Message-----
> From: Terry Lathan [mailto:Terry@algop.org]
> Sent: Monday, August 21, 2017 10:46 AM
> To: [redacted]; Reed Phillips <RPhillips@algop.org>; Harold Sachs <HSachs@algop.org>
> Subject: Secretary Kobach from Chairman Lathan, ALGOP
>
> Dear Mr. Secretary:
>
> The ALGOP will honor your request and have a full state voter pull for the
> commission you chair. Our political director, Reed Phillips, will initiate

AMERICAN OVERSIGHT

> this process immediately.
>
> Please send him the person you would like us to work with in sending you the
> AL voter list. It is approximately 3.2 million names.
>
> The only ask we make is that this information is not used for any other
> purposes other than the focus of checking for voter fraud.
>
> We are glad to help the President's Commission.
>
> Mrs. Terry Lathan
> Chairman, Alabama Republican Party
>
>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/22/2017 2:57:21 PM
To: Kris Kobach [[redacted]]; 'Terry Lathan' [Terry@algop.org]; 'Reed Phillips' [RPhillips@algop.org]; 'Harold Sachs' [HSachs@algop.org]
Subject: RE: Secretary Kobach from Chairman Lathan, ALGOP

Thank you, Secretary Kobach. And thanks to Mrs. Lathan for the willingness to help.

Reed, I'll need to touch base with our legal counsel on this end to confirm a couple things, but I'll be in touch soon with additional information.

Thank you,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, [redacted]
[redacted]202.881.8797
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Kris Kobach [mailto:[redacted]]
Sent: Tuesday, August 22, 2017 10:42 AM
To: 'Terry Lathan' <Terry@algop.org>; 'Reed Phillips' <RPhillips@algop.org>; 'Harold Sachs' <HSachs@algop.org>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Secretary Kobach from Chairman Lathan, ALGOP

Dear Mrs. Lathan,

Thank you very much for assisting the commission by providing the AL voter list. I am cc'ing Andrew Kossack, of the President's Commission on Election Integrity. He can work with Reed Phillips to facilitate the transfer of the list.

Thanks again. This will be very helpful in the Commission's work identifying fraudulent registrations and other forms of voter fraud.

Kris Kobach

-----Original Message-----
From: Terry Lathan [mailto:Terry@algop.org]
Sent: Monday, August 21, 2017 10:46 AM
To: [redacted]; Reed Phillips <RPhillips@algop.org>; Harold Sachs <HSachs@algop.org>
Subject: Secretary Kobach from Chairman Lathan, ALGOP

Dear Mr. Secretary:

The ALGOP will honor your request and have a full state voter pull for the commission you chair. Our political director, Reed Phillips, will initiate this process immediately.

Please send him the person you would like us to work with in sending you the AL voter list. It is approximately 3.2 million names.

The only ask we make is that this information is not used for any other purposes other than the focus of checking for voter fraud.

We are glad to help the President's Commission.

Mrs. Terry Lathan
Chairman, Alabama Republican Party

AMERICAN OVERSIGHT

Message

From: Terry Lathan [Terry@algop.org]
Sent: 8/22/2017 2:45:32 PM
To: Kris Kobach [redacted]
CC: Reed Phillips [RPhillips@algop.org]; Harold Sachs [HSachs@algop.org]; Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: Secretary Kobach from Chairman Lathan, ALGOP

Our pleasure.

Terry Lathan
Chairman, Alabama Republican Party

> On Aug 22, 2017, at 9:43 AM, Kris Kobach <redacted> wrote:
>
> Dear Mrs. Lathan,
>
> Thank you very much for assisting the commission by providing the AL voter
> list. I am cc'ing Andrew Kossack, of the President's Commission on Election
> Integrity. He can work with Reed Phillips to facilitate the transfer of the
> list.
>
> Thanks again. This will be very helpful in the Commission's work
> identifying fraudulent registrations and other forms of voter fraud.
>
> Kris Kobach
>
> -----Original Message-----
> From: Terry Lathan [mailto:Terry@algop.org]
> Sent: Monday, August 21, 2017 10:46 AM
> To: [redacted]; Reed Phillips <RPhillips@algop.org>; Harold Sachs
> <HSachs@algop.org>
> Subject: Secretary Kobach from Chairman Lathan, ALGOP
>
> Dear Mr. Secretary:
>
> The ALGOP will honor your request and have a full state voter pull for the
> commission you chair. Our political director, Reed Phillips, will initiate
> this process immediately.
>
> Please send him the person you would like us to work with in sending you the
> AL voter list. It is approximately 3.2 million names.
>
> The only ask we make is that this information is not used for any other
> purposes other than the focus of checking for voter fraud.
>
> We are glad to help the President's Commission.
>
> Mrs. Terry Lathan
> Chairman, Alabama Republican Party
>
>

AMERICAN OVERSIGHT

Message

From: Reed Phillips [RPhillips@algop.org]
Sent: 8/22/2017 3:40:44 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
CC: Kris Kobach [redacted]; Terry Lathan [Terry@algop.org]; Harold Sachs [HSachs@algop.org]
Subject: Re: Secretary Kobach from Chairman Lathan, ALGOP

Thank you, Secretary Kobach.

Andrew, I'll be waiting to hear from you.

Best,
Reed

_____
Reed Phillips
Political Director
Alabama Republican Party
o: (205) 212-5900
c: (256) 496-0489
www.algop.org

> On Aug 22, 2017, at 9:57 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Thank you, Secretary Kobach. And thanks to Mrs. Lathan for the willingness to help.
>
> Reed, I'll need to touch base with our legal counsel on this end to confirm a couple things, but I'll be in touch soon with additional information.
>
> Thank you,
> Andrew
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>
> -----Original Message-----
> From: Kris Kobach [mailto:[redacted]]
> Sent: Tuesday, August 22, 2017 10:42 AM
> To: 'Terry Lathan' <Terry@algop.org>; 'Reed Phillips' <RPhillips@algop.org>; 'Harold Sachs' <HSachs@algop.org>
> Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> Subject: RE: Secretary Kobach from Chairman Lathan, ALGOP
>
> Dear Mrs. Lathan,
>
> Thank you very much for assisting the commission by providing the AL voter
> list. I am cc'ing Andrew Kossack, of the President's Commission on Election
> Integrity. He can work with Reed Phillips to facilitate the transfer of the
> list.
>
> Thanks again. This will be very helpful in the Commission's work
> identifying fraudulent registrations and other forms of voter fraud.
>
> Kris Kobach
>
> -----Original Message-----
> From: Terry Lathan [mailto:Terry@algop.org]
> Sent: Monday, August 21, 2017 10:46 AM
> To: [redacted]; Reed Phillips <RPhillips@algop.org>; Harold Sachs <HSachs@algop.org>
> Subject: Secretary Kobach from Chairman Lathan, ALGOP
>
> Dear Mr. Secretary:
>
> The ALGOP will honor your request and have a full state voter pull for the
> commission you chair. Our political director, Reed Phillips, will initiate

AMERICAN OVERSIGHT

> this process immediately.
>
> Please send him the person you would like us to work with in sending you the
> AL voter list. It is approximately 3.2 million names.
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> The only ask we make is that this information is not used for any other
> purposes other than the focus of checking for voter fraud.
>
> We are glad to help the President's Commission.
>
> Mrs. Terry Lathan
> Chairman, Alabama Republican Party
>
>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/18/2017 8:33:56 PM
To: Kris Kobach [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: Shorman/Lowry questions

Sorry – hit send too quickly. Here's the revised first paragraph per legal's feedback:

> Secretary Kobach is serving as Vice Chairman of the Presidential Advisory Commission on Election Integrity in his personal capacity. Commission members are considered "Special Government Employees" under federal law. The members of the Commission were never issued federal email accounts, but they received ethics training and were instructed that they could continue to use personal email accounts as long as they ensure that all emails relating to commission business are copied or forwarded to a federal government email account.

From: Kossack, Andrew J. EOP/OVP
Sent: Monday, September 18, 2017 4:33 PM
To: 'Kris Kobach' <[redacted]>
Subject: RE: Shorman/Lowry questions

I'm still waiting on our comms team, but legal suggested the following revised first paragraph:

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: Kris Kobach [mailto:[redacted]]
Sent: Monday, September 18, 2017 4:32 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: Shorman/Lowry questions

I need to answer the reporter now if possible. The deadline has arrived.

I plan on using the statement I sent to you earlier. Please advise.

On Mon, Sep 18, 2017 at 2:46 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Kris – Sorry for the delay, but I should be able to send you a revised response within a few minutes. I'll circle back ASAP. Thanks.
>
> Andrew J. Kossack
>
> Executive Director, Presidential Advisory Commission on Election Integrity
>
> Associate Counsel, Office of the Vice President
>
> Cell: [redacted]

AMERICAN OVERSIGHT

Email: Andrew.J.Kossack@ovp.eop.gov

From: Kris Kobach [mailto:[redacted]]
Sent: Monday, September 18, 2017 1:33 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: Fwd: Shorman/Lowry questions

Andrew here's my tentative response:

Secretary Kobach is serving as Vice Chairman of the Presidential Advisory Commission on Election Integrity in his personal capacity. Commission members are considered "Special Government Employees" under federal law. As such, the members of the Commission were never issued federal email accounts. They received ethics training and were instructed that they could continue to use personal email accounts while ensuring that all emails relating to commission business were retained.

Because Secretary Kobach is serving on the Commission in his personal capacity, not as a representative of the State of Kansas, he determined that it would be inappropriate to use his Kansas state email account. The title "Kansas Secretary of State" follows his name in some printed material simply because it identifies to the reader who he is. It does not indicate that he is conducting Kansas State business while serving on the Commission. Similarly, for example, the title "Election Assistance Commission" sometimes follows the name of Christy McCormick in Commission material simply to identify her; it does not indicate that she is conducting EAC business while serving on the Commission.

Secretary Kobach's personal emails concerning the Commission are therefore not subject to KORA, since he is not conducting public business on behalf of the State of Kansas while serving on the Commission.

AMERICAN OVERSIGHT

---------- Forwarded message ----------
From: "Samantha Poetter" <[redacted]>
Date: Sep 18, 2017 9:29 AM
Subject: Shorman/Lowry questions
To: "Kris Kobach" <[redacted]>
Cc:

This was sent to me:

Samantha,

Hunter Woodall from the Star here. Bryan Lowry and I are doing a follow up story on the election integrity commission today with a 2 p.m. deadline. We need some clarity from the Secretary of State's office regarding recent comments made by Secretary Kobach.

Secretary Kobach told Pro Publica recently that he's on President Trump's election integrity commission as a private citizen.

The portion of the story I'm referring to explains that "Kobach confirmed that he plans to continue to use his personal gmail account to conduct commission business. Using his Kansas secretary of state email address, he said, would be a "waste of state resources" as he's acting as a private citizen on the commission and not in his role as secretary of state."

How is that possible when the commission's materials always refer to him as the Kansas Secretary of State? You've been doing his communications work for that and the work on the commission is directly related to his election duties.

Does that mean your office does not consider his private emails about the commission subject to KORA under the 2016 law?

The law I'm referring to was written about at length by Bryan Lowry, including here. Per his story that law makes "private e-mails by public officials subject to the Kansas Open Records Act if they pertain to public business."

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To: Kris Kobach [redacted]
Subject: RE: Shorman/Lowry questions

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Date: Sep 18, 2017 9:29 AM
Subject: Shorman/Lowry questions
To: "Kris Kobach" <[redacted]>
Cc:

This was sent to me:

Samantha,

Hunter Woodall from the Star here. Bryan Lowry and I are doing a follow up story on the election integrity commission today with a 2 p.m. deadline. We need some clarity from the Secretary of State's office regarding recent comments made by Secretary Kobach.

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AMERICAN OVERSIGHT

Hunter Woodall

The Kansas City Star

[redacted]

SAMANTHA M. POETTER

[redacted]

[redacted]

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 9/18/2017 7:59:46 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: Shorman/Lowry questions

Thanks. I may also use Secretary Blackwell as an example in the final paragraph. He is identified as "former Secretary of State." It is simply a way of telling readers/viewers who we are.

I need to send that answer in the next 20 minutes.

On Mon, Sep 18, 2017 at 2:46 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

Kris – Sorry for the delay, but I should be able to send you a revised response within a few minutes. I'll circle back ASAP. Thanks.

Andrew J. Kossack

Executive Director, Presidential Advisory Commission on Election Integrity

Associate Counsel, Office of the Vice President

Cell: [redacted]

Email: Andrew.J.Kossack@ovp.eop.gov

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Sent: Monday, September 18, 2017 1:33 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
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Hunter Woodall

The Kansas City Star

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The Kansas City Star

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Hunter Woodall

The Kansas City Star

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The Kansas City Star
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AMERICAN OVERSIGHT

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Sent: 9/18/2017 8:33:56 PM
To: Kris Kobach [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: Shorman/Lowry questions

Sorry – hit send too quickly. Here's the revised first paragraph per legal's feedback:

> Secretary Kobach is serving as Vice Chairman of the Presidential Advisory Commission on Election Integrity in his personal capacity. Commission members are considered "Special Government Employees" under federal law. The members of the Commission were never issued federal email accounts, but they received ethics training and were instructed that they could continue to use personal email accounts as long as they ensure that all emails relating to commission business are copied or forwarded to a federal government email account.

From: Kossack, Andrew J. EOP/OVP
Sent: Monday, September 18, 2017 4:33 PM
To: 'Kris Kobach' [redacted]
Subject: RE: Shorman/Lowry questions

I'm still waiting on our comms team, but legal suggested the following revised first paragraph:

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: Kris Kobach [mailto:[redacted]]
Sent: Monday, September 18, 2017 4:32 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: Shorman/Lowry questions

I need to answer the reporter now if possible. The deadline has arrived.

I plan on using the statement I sent to you earlier. Please advise.

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The Kansas City Star

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AMERICAN OVERSIGHT

Message

From: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
Sent: 8/20/2017 2:16:52 PM
To: Kris Kobach [redacted]
CC: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: Statistician at DoJ

Will follow up this week.

Mark Paoletta
Counsel to the Vice President
[redacted]

Sent from my iPhone

On Aug 20, 2017, at 10:13 AM, Kris Kobach <[redacted]> wrote:

> Mark and Andrew,
>
> Ben Overholt has reached out to me, through Christy McCormick. He as strong statistical abilities, and he is the in-house statistician for the voting rights section at DoJ. Check out the analysis that he did of Kansas in response to seeing me interviewed on TV. I really would like to get him on board.
>
> I have heard that someone on our team tried to contact DoJ about him and was turned down. Is that correct? If so, I would like to personally elevate the request to AG Sessions's office.
>
> KRis
>
> <Overholt Resume-Commission.pdf>
>
> <Overholt letter.docx>
>
> <Overholt analysis of Kansas.docx>

AMERICAN OVERSIGHT

Message

From: Christopher C. Hull, Ph.D. (IMI) [chris@issuemanagement.net]
Sent: 5/12/2017 1:49:49 PM
To: Deroy Murdock [tiradesrus@hotmail.com]
CC: Kris Kobach - Kansas Secretary of State[redacted]]
Subject: RE: Take 2: Vote fraud in Kansas + more
Attachments: 170428 The Real Problem with the 2016 Election - Voter Fraud and Illegal Voting.docx

Secretary Kobach-

Congratulations on your appointment to co-chair the vote integrity commission. Now I can get over your not getting the DHS Deputy slot, which is what I was rooting for. Maybe.

Attached please find a document I put together with extensive help from Deroy. It summarizes all my research on voter fraud in one place.

In addition, here is a podcast from today welcoming your appointment by Frank Gaffney, just FYI.

Hope it is helpful. Please let us know what more we can do to lend a hand to your critical efforts!

-Chris

Christopher C. Hull, Ph.D.
President and Campaign Manager
Issue Management, Inc.
4536 46th St. NW
Washington, DC 20016
(202) 258-9710 (phone)
(202) 318-8340 (fax)
chris@issuemanagement.net

Issue Management, Inc.

From: Deroy Murdock [mailto:tiradesrus@hotmail.com]
Sent: Wednesday, April 26, 2017 9:02 AM
To: Kris Kobach - Kansas Secretary of State
Cc: Deroy Screeds Murdock; Dr. Christopher C. Hull Ph.D. - Issue Management Inc.; Christopher Hull
Subject: Take 2: Vote fraud in Kansas + more

Hi, Kris:

As we discussed the other night, I am re-sending the April 15 e-mail that I sent to you and fellow Harvard man Dr. Christopher Hull, Ph.D. He has a fine proposal to study illegal voting by foreigners and then publicize the results of his research.

AMERICAN OVERSIGHT

Given your mutual interest in this vital matter, I hope you two will be in touch very soon.

Chris, why don't you get the ball rolling by sending Kris your proposal and a few words of greeting? Kris, please follow up after that.

I think you two would benefit from the acquaintance and hope you will communicate.

Many thanks and best wishes,

Deroy Murdock
New York City

P.S. Chris and Kris. How about that?

From: Deroy Murdock <tiradesrus@hotmail.com>
Sent: Saturday, April 15, 2017 12:17 PM
To: Kris Kobach - Kansas Secretary of State
Cc: Deroy Murdock; Deroy Screeds Murdock; William de Wolff - NYU College Republican Club; William de Wolff - NYU College Republicans; Dr. Christopher C. Hull Ph.D. - Issue Management Inc.; Christopher Hull
Subject: Vote fraud in Kansas + more

Hi, Kris:

Congrats and THANK YOU for convicting Victor David Garcia Bebek. Nice work. I wish you had 500 more like him.

BTW, now that you have nailed this alien for defrauding American voters, will you push for his deportation? PLEASE do so. $5,000 and probation are nothing. He should be booted from this country, and *very* visibly. He should serve as a high-profile cautionary tale for any other non-citizens who might be tempted to nullify the legitimate votes of citizens. Don't be nice, Kris. Kick this bastard's ass out of the country!

AMERICAN OVERSIGHT

Meanwhile, I love how I just looked up this story and found several others that say that there is no "massive" vote fraud in America, and it's neither "widespread" nor "epidemic." Therefore: Shut up and go back to sleep.

By this logic, if we do not have 1 million people dropping dead from influenza annually, we should cancel the flu vaccine. After all, this problem is neither massive, nor widespread, nor epidemic. So, let's not fight it or even try to prevent it, not even a little bit. In fact, let's pass a new law that bars flu vaccines to vote-fraud deniers until this ailment is massive, widespread, and epidemic.

Disgusting!

Please keep me posted on your anti-vote fraud efforts. This is one of my bugaboos. I really hope Vice President Mike Pence drills deeply into this issue, proves that it is a problem, and then works closely with DOJ and state-level folks like you to hose out the manure-clogged barn that is America's voting system.

Finally, the more we can prove that vote fraud is the Democrats' secret weapon, the harder we'll make it for them to fight it, and the more elections they will lose.

So, please, please keep pounding them like a sledge hammer!

Best wishes,

Deroy

P.S. I have copied here my very bright and highly promising research director, **Mr. William de Wolff**. He has helped me research an article or two on this topic. I will ask him to keep his eyes open for more examples like this one.

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Also copied: **Dr. Christopher Hull, Ph.D.** Chris was chief of staff to Rep. Steve King (R - Iowa). He now runs Issues Management, Inc. in Washington. He is keenly interested in this issue and has a proposal for a project to document non-citizen voting in Nov. 2016 as a vivid example of foreign influence in U.S. elections. (Where have I heard that expression?) If you want to learn more about what Chris is trying to do, I am sure he would be happy to tell you. Also, as I think of it, you two very likely were at Harvard at the same time. Please chat with each other.

http://www.kansas.com/news/local/crime/article144233919.html

Wichita man pleads guilty to voter fraud

www.kansas.com

Victor David Garcia Bebek of Wichita pleaded guilty last week in Sedgwick County District Court to three counts of voting without being qualified, which is a misdemeanor. Bebek voted in a 2012 special election, the 2012 general election, and the 2014 general election.

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The Real Problem with the 2016 Election: Illegal Voting

Christopher C. Hull, Ph.D.

To widespread [HYPERLINK "https://www.nytimes.com/2017/01/23/us/politics/donald-trump-congress-democrats.html"], President Trump has [HYPERLINK "https://twitter.com/realDonaldTrump/status/802972944532209664"] [HYPERLINK "https://twitter.com/realDonaldTrump/status/803033642545115140"] [HYPERLINK "http://nymag.com/daily/intelligencer/2017/01/trump-repeats-voter-fraud-lie-in-meeting-with-lawmakers.html"] perhaps the largest example of unlawful interference in the 2016 election: Ineligible voters voting fraudulently. While media reports continue to include phrases like "[HYPERLINK "http://www.redstate.com/california_yankee/2016/11/28/team-trump-offers-evidence-for-millions-voting-illegally/"]" in their coverage of the President's charges, mostly [HYPERLINK "http://www.politifact.com/punditfact/statements/2016/nov/18/blog-posting/no-3-million-undocumented-immigrants-did-not-vote-/"] on a single Twitter troll whose charges have not been validated, they simply ignore:

1. The [HYPERLINK "http://www.foxnews.com/opinion/2017/01/25/john-fund-and-hans-von-spakovsky-why-trumps-probe-voter-fraud-is-long-overdue.html"] which the Democratic candidate won by under 1,000 votes, and an investigation by a House committee found 624 invalid votes by noncitizens in that one California congressional district

2. [HYPERLINK "http://www.nationalreview.com/article/291289/ghosts-voters-past-deroy-murdock"] [HYPERLINK "https://www.eac.gov/assets/1/AssetManager/The%20Impact%20of%20the%20National%20Voter%20Registration%20Act%20on%20Federal%20Elections%202007-2008.pdf"], according to the U.S. Election Assistance Commission, registered voters totaled:

    a. 101.6% of the voting-age population in North Dakota

    b. 101.9% of the voting-age population in Michigan

    c. 102.2% of the voting-age population in Alaska; and

    d. 103.9% of the voting-age population in Maine

3. That in [HYPERLINK "https://pjmedia.com/blog/lawlessness-at-the-doj-voting-section-told-not-to-enforce-purging-the-dead-or-ineligible-from-voting-rolls/"], Obama Deputy Assistant Attorney General Julie Fernandes [HYPERLINK "http://www.nationalreview.com/articles/247724/opinion-just-deroy-murdock"] [HYPERLINK "http://www.nationalreview.com/article/291289/ghosts-voters-past-deroy-murdock"] Department of Justice staffers of the Voting Section that although the 1993 Motor Voter Law "[HYPERLINK "https://pjmedia.com/blog/lawlessness-at-the-doj-voting-section-told-not-to-enforce-purging-the-dead-or-ineligible-from-voting-rolls/"] the states to ensure that no ineligible voters were on the rolls -- including dead people, felons, and people who had moved",

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"[HYPERLINK "https://pjmedia.com/blog/lawlessness-at-the-doj-voting-section-told-not-to-enforce-purging-the-dead-or-ineligible-from-voting-rolls/"] **have no interest in enforcing this provision of the law**. It has nothing to do with increasing turnout, and we are just not going to do it."

4. A [HYPERLINK "https://townhall.com/columnists/deroymurdock/2017/01/28/why-do-democrats-fear-trumps-probe-of-fake-voter-fraud-n2277853"] [HYPERLINK "http://www.redstate.com/california_yankee/2016/11/28/team-trump-offers-evidence-for-millions-voting-illegally/"] that said:
    a. 1.8 million dead Americans were registered to vote
    b. 2.75 million Americans were enrolled in two states each
    c. 68,725 were enrolled in three; and
    d. "[HYPERLINK "http://www.redstate.com/california_yankee/2016/11/28/team-trump-offers-evidence-for-millions-voting-illegally/"] 24 million, or one out of every eight, voter registrations in the United States are no longer valid or are significantly inaccurate"
5. The [HYPERLINK "http://www.foxnews.com/opinion/2017/01/25/john-fund-and-hans-von-spakovsky-why-trumps-probe-voter-fraud-is-long-overdue.html"] by New York City officials who "found they could vote in someone else's name 97 percent of the time without detection"
6. That in April, 2014, North Carolina "[HYPERLINK "https://townhall.com/columnists/deroymurdock/2017/01/28/why-do-democrats-fear-trumps-probe-of-fake-voter-fraud-n2277853"] that 13,416 dead voters were registered, of whom 81 recently had voted"
7. A [HYPERLINK "http://www.sciencedirect.com/science/article/pii/S0261379414000973"] published in *Electoral Studies Journal* that found that in 2008 and 2010:
    a. More than 25% of non-citizens were estimated to be registered to vote
    b. Non-citizens may have cast as many as 2.8 million votes
    c. "Non-citizen voting likely changed 2008 outcomes including Electoral College votes and the composition of Congress"; and
    d. "Non-citizen votes likely gave Senate Democrats the pivotal 60th vote needed to overcome filibusters in order to pass health care reform and other Obama administration priorities in the 111th Congress"

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8. A [HYPERLINK "http://www.redstate.com/california_yankee/2016/11/28/team-trump-offers-evidence-for-millions-voting-illegally/"] finding that “more than 14 percent of non-citizens in both the 2008 and 2010 elections indicated they were registered to vote”

9. A September, 2016 [HYPERLINK "https://publicinterestlegal.org/files/Report_Alien-Invasion-in-Virginia.pdf"] by a non-partisan organization that found more than 1,000 illegal aliens had registered to vote in just eight counties in Virginia, nearly 20% of whom voted, as well as Virginia Democratic Gov. Terry McCauliffe’s veto of a [HYPERLINK "http://freebeacon.com/issues/mcauliffe-vetoes-bill-investigate-virginia-voter-rolls-registered-eligible-voters/"] to require investigations of jurisdictions in the state whose voter rolls contain more registered voters than citizens who are eligible to vote

10. That in January, 2017, it was reported that a [HYPERLINK "http://www.foxnews.com/opinion/2017/01/25/john-fund-and-hans-von-spakovsky-why-trumps-probe-voter-fraud-is-long-overdue.html"] “has estimated that up to 3 percent of the 30,000 people called for jury duty from voter-registration rolls over a two-year period were not U.S. citizens”

11. A [HYPERLINK "http://www.foxnews.com/opinion/2017/01/25/john-fund-and-hans-von-spakovsky-why-trumps-probe-voter-fraud-is-long-overdue.html"] that “[HYPERLINK "https://urldefense.proofpoint.com/v2/url?u=http-3A__login.voicebroadcasting.com_pollresults.wr-3Fpollid-3D957198019605130010636159963905 81&d=DwMFaQ&c=cnx1hdOQtepEQkpermZGwQ&r=kaAUPcZhpO1MvBc6jwa0VBiGZWXka6ART1tFuyQjLfc&m=OBB9v4e4EMEaAmP7i2JJd9IVcNcAiSD6ihYpYoaWFtU&s=fS_Fqi2Y4f200oz4BKDYpbWJLmDfeHV8K-ZLO8x4MR4&e=" \t "_blank"] that 2.1 percent of noncitizens voted in the Nov. 8 election”

12. There has been mysterious [HYPERLINK "6.%09https:/townhall.com/columnists/deroymurdock/2017/01/28/why-do-democrats-fear-trumps-probe-of-fake-voter-fraud-n2277853"] by Democratic elected officials that:

    a. By even raising the question of voter fraud, the “president is doing [HYPERLINK "http://www.reuters.com/article/us-usa-trump-election-idUSKBN1591FP"] to himself and to our country”; and

    b. Even more suspiciously if voter fraud doesn’t exist, [HYPERLINK "6.%09https:/townhall.com/columnists/deroymurdock/2017/01/28/why-do-democrats-fear-trumps-probe-of-fake-voter-fraud-n2277853"] their allies “Fight it NOW!”

Moreover, if the President’s charges are indeed baseless, then there should be [HYPERLINK "1.%09https:/townhall.com/columnists/deroymurdock/2017/01/28/why-do-democrats-fear-trumps-probe-of-fake-voter-fraud-n2277853"] to federal investigators requesting and, if necessary, subpoenaing or [HYPERLINK "http://law.justia.com/cases/federal/appellate-courts/F2/306/222/89984/"] [HYPERLINK "https://www.gpo.gov/fdsys/pkg/USCODE-2010-

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title42/html/USCODE-2010-title42-chap20-subchapII.htm"] [HYPERLINK "http://law.justia.com/cases/federal/appellate-courts/F2/306/222/89984/"] voter records from all 50 states and cross-referencing them with federal lists such as:

1. The Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements ([HYPERLINK "https://www.uscis.gov/save/about-save"]) that one election law expert [HYPERLINK "https://townhall.com/columnists/deroymurdock/2017/01/28/why-do-democrats-fear-trumps-probe-of-fake-voter-fraud-n2277853"] "the ultimate alien database," [HYPERLINK "https://www.uscis.gov/save/about-save"] "Verifies an applicant's immigration or citizenship status within seconds," given that it [HYPERLINK "https://townhall.com/columnists/deroymurdock/2017/01/28/why-do-democrats-fear-trumps-probe-of-fake-voter-fraud-n2277853"] "green card holders, foreign tourists, exchange students, and those on work visas as well as illegals who have broken the law or otherwise surfaced on Uncle Sam's radar", and/or separately

2. The [HYPERLINK "https://www.dhs.gov/sites/default/files/publications/ois_lpr_pe_2012.pdf"] Legal Permanent Residents ([HYPERLINK "http://www.migrationpolicy.org/article/green-card-holders-and-legal-immigration-united-states"]) in the United States, that is, the non-citizens with Green Cards

3. The [HYPERLINK "http://tpr.org/post/immigrants-working-illegally-us-file-tax-returns-without-fear-deportation" \l "stream/0Privacy"] individuals with Individual Taxpayer Identification Numbers ([HYPERLINK "http://www.irs.gov/Individuals/General-ITIN-Information"]) issued by the IRS, [HYPERLINK "http://www.foxnews.com/opinion/2017/01/25/john-fund-and-hans-von-spakovsky-why-trumps-probe-voter-fraud-is-long-overdue.html"] to illegal aliens

4. The [HYPERLINK "https://www.nilc.org/wp-content/uploads/2016/02/DACA-3-year-status-report-2015-08-14.pdf"] recipients of Deferred Action for Childhood Arrivals ([HYPERLINK "https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca"]), Barack Obama's first illegal and unconstitutional amnesty; or

5. The [HYPERLINK "http://www.brycs.org/aboutRefugees/refugee101.cfm"] refugees and asylees still in the United States who have not become naturalized citizens or LPRs.

Such an inquiry should be able to identify concerns nationwide, and remedy them with updates to voter rolls, criminal investigations, and appropriate sentences, including deportations.

Regardless of what mainstream media outlets [HYPERLINK "https://www.nytimes.com/2017/01/23/us/politics/donald-trump-congress-democrats.html"], voter fraud and illegal voting is widespread in America, and should be reduced or eliminated to ensure the integrity of our representative republic.

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Message

From: Kris Kobach [redacted]
Sent: 6/30/2017 6:59:25 PM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]; 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: Talking Points

Perfect.

From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Friday, June 30, 2017 1:50 PM
To: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Kris Kobach [redacted]
Subject: RE: Talking Points

With the FOIA addition:

What will the commission make public?
Under the Federal Advisory Committee Act (FACA), the Commission will make documents, reports and other materials public once they are made available to or prepared for or by the Commission as a whole. No reports submitted to the full Commission will contain any personal or identifying information from state voter rolls, unless such information has already been made public in the course of a criminal proceeding or other public process.

An exemption to the Freedom of Information Act (FOIA) permits the Commission to withhold information that would otherwise be disclosed pursuant to FACA if such disclosure would "'constitute a clearly unwarranted invasion of personal privacy." The Commission does not intend to release any personally identifiable information publicly.

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Paoletta, Mark R. EOP/OVP
Sent: Friday, June 30, 2017 1:45 PM
To: Kris Kobach <[redacted]>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: Talking Points

We can look but not sure here is one that requires publicly available info to be kept confidential

Mark Paoletta
Counsel to the Vice President
[redacted]

Sent from my iPhone

> On Jun 30, 2017, at 1:41 PM, Kris Kobach <[redacted]> wrote:
>
> Looks fine. One thought. If you can add, in the confidentiality paragraph,
> a name of a federal statute or statutory cite that would be helpful (ie,

AMERICAN OVERSIGHT

> "will be kept confidential, as required by the ___ Act of 19__").
>
> -----Original Message-----
> From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
> Sent: Friday, June 30, 2017 12:19 PM
> To: [redacted]
> Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
> Subject: Talking Points
>
> Kris,
>
> Please see the attached and let me know if you're ok with this or have any
> changes.
>
> Thanks,
> Andrew
>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 6/30/2017 6:49:43 PM
To: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Kris Kobach [redacted]
Subject: RE: Talking Points

With the FOIA addition:

What will the commission make public?
Under the Federal Advisory Committee Act (FACA), the Commission will make documents, reports and other materials public once they are made available to or prepared for or by the Commission as a whole. No reports submitted to the full Commission will contain any personal or identifying information from state voter rolls, unless such information has already been made public in the course of a criminal proceeding or other public process.

An exemption to the Freedom of Information Act (FOIA) permits the Commission to withhold information that would otherwise be disclosed pursuant to FACA if such disclosure would "'constitute a clearly unwarranted invasion of personal privacy." The Commission does not intend to release any personally identifiable information publicly.

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Paoletta, Mark R. EOP/OVP
Sent: Friday, June 30, 2017 1:45 PM
To: Kris Kobach <[redacted]>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: Talking Points

We can look but not sure here is one that requires publicly available info to be kept confidential

Mark Paoletta
Counsel to the Vice President
[redacted]

Sent from my iPhone

> On Jun 30, 2017, at 1:41 PM, Kris Kobach <[redacted]> wrote:
>
> Looks fine. One thought. If you can add, in the confidentiality paragraph,
> a name of a federal statute or statutory cite that would be helpful (ie,
> "will be kept confidential, as required by the ___ Act of 19__").
>
> -----Original Message-----
> From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
> Sent: Friday, June 30, 2017 12:19 PM
> To: [redacted]
> Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
> Subject: Talking Points

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>
> Kris,
>
> Please see the attached and let me know if you're ok with this or have any
> changes.
>
> Thanks,
> Andrew
>

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Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 6/30/2017 5:49:14 PM
To: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
CC: Kris Kobach [redacted]
Subject: Re: Talking Points

FACA disclosures are subject to FOIA exceptions, so we could cite one of those to justify withholding. I need a minute to run that down

> On Jun 30, 2017, at 1:44 PM, Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov> wrote:
>
> We can look but not sure here is one that requires publicly available info to be kept confidential
>
> Mark Paoletta
> Counsel to the Vice President
> [redacted]
>
> Sent from my iPhone
>
>> On Jun 30, 2017, at 1:41 PM, Kris Kobach <[redacted]> wrote:
>>
>> Looks fine. One thought. If you can add, in the confidentiality paragraph,
>> a name of a federal statute or statutory cite that would be helpful (ie,
>> "will be kept confidential, as required by the ___ Act of 19__").
>>
>> -----Original Message-----
>> From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
>> Sent: Friday, June 30, 2017 12:19 PM
>> To: [redacted]
>> Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
>> Subject: Talking Points
>>
>> Kris,
>>
>> Please see the attached and let me know if you're ok with this or have any
>> changes.
>>
>> Thanks,
>> Andrew
>>

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 6/30/2017 5:26:37 PM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]
CC: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]
Subject: RE: Talking Points

Looks fine. One thought. If you can add, in the confidentiality paragraph, a name of a federal statute or statutory cite that would be helpful (ie, "will be kept confidential, as required by the ___ Act of 19__").

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Friday, June 30, 2017 12:19 PM
To: [redacted]
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>
Subject: Talking Points

Kris,

Please see the attached and let me know if you're ok with this or have any changes.

Thanks,
Andrew

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/18/2017 4:23:09 PM
To: Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]; Kris Kobach [redacted]; Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]
Subject: RE: Tally of states

No word from the judge yet…

From: Agen, Jarrod P. EOP/OVP
Sent: Tuesday, July 18, 2017 12:22 PM
To: Kris Kobach <redacted>; Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>
Subject: RE: Tally of states

Yes, we'll need latest number for Kris and other who will be on TV tomorrow.

From: Kris Kobach [mailto:redacted]
Sent: Tuesday, July 18, 2017 12:20 PM
To: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>; Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>
Subject: Tally of states

All,

Here's an AP story that looks pretty accurate, with 30 states listed as partially providing data (meaning YES they are complying by providing all publicly available data). This might be useful in bringing our own tally up to date.

>https://www.washingtonpost.com/national/glance-how-states-are-handling-voter-information-request/2017/07/08/f5b979dc-63a3-11e7-80a2-8c226031ac3f_story.html?utm_term=.739963704a90<

Kris

PS-Any word from the judge yet?

AMERICAN OVERSIGHT

Message

From: von Spakovsky, Hans [/O=THF/OU=THFDC/CN=RECIPIENTS/CN=SPAKOSKYH]
Sent: 7/12/2017 1:46:41 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: title?

Radio hits went fine and I also did an interview on the local Fox 5 affiliate defending the commission.

On Jul 11, 2017, at 7:53 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Got it. Thank you. How'd it go on the radio?
>
> Andrew J. Kossack
> Associate Counsel
> Office of the Vice President
> Email: Andrew.J.Kossack@ovp.eop.gov
> Cell: [redacted]
>
> Sent from my iPhone
>
> On Jul 11, 2017, at 7:51 PM, von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org> wrote:
>
> > See slight change below.
> >
> > **Hans von Spakovsky**
> > *Manager, Election Law Reform Initiative and Senior Legal Fellow*
> > *Institute for Constitutional Government*
> > The Heritage Foundation
> > 214 Massachusetts Avenue, NE
> > Washington, DC 20002
> > [redacted]
> > heritage.org
> >
> > On Jul 11, 2017, at 6:50 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
> >
> > > Hi Hans,
> > >
> > > I'm about to list our members publicly on a WhiteHouse.gov webpage, and just wanted to confirm your preferred title. Here's what I have at this point, but please let me know if you want something else.
> > >
> > > * Hans von Spakovsky, Senior Legal Fellow and Manager of Election Law Reform Initiative, Edwin Meese Center for Legal & Judicial Studies, The Heritage Foundation
> > >
> > > Thanks!
> > > Andrew
> > >
> > > Andrew J. Kossack

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Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/19/2017 1:31:19 AM
To: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
Subject: RE: updated agenda; draft by-laws

Thanks for sending these, Hans.

Yes, you're cleared now. Sorry for the confusion. Once it's been more than a few days since you visited, we have to go through the entire process again to create a new "appointment" for you. It's a pain, but you're good to go.

See you tomorrow!

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Tuesday, July 18, 2017 4:26 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: updated agenda; draft by-laws

Andrew,

Since we will not have time for my PowerPoint presentation, I will simply bring copies to hand out to the commission members.

Attached is a copy of the PowerPoint.

Additionally, I will be bringing printed out copies of the Heritage voter fraud database. Here is the hyperlink to that database: >http://thf-legal.s3.amazonaws.com/VoterFraudCases.pdf<

Have I been cleared for entry? Mark called me to tell me I was not on the list. So I went to the White House website and filled in the information again.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
[redacted]
heritage.org

From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, July 18, 2017 4:19 PM
To: 'Kris Kobach' <[redacted]>; cwlawson@sos.in.gov; [redacted]; [redacted]; [redacted]; Christy McCormick <[redacted]>; [redacted]; Mark Rhodes <mrhodes@woodcountywv.com>; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; Christian Adams <adams@electionlawcenter.com>; Alan L. King <[redacted]>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: updated agenda; draft by-laws

Dear Members,

AMERICAN OVERSIGHT

As you can see from the attached revised agenda, the schedule has been adjusted slightly to ensure we have sufficient time for the public meeting. The ceremonial swearing in will no longer happen at the public meeting. Instead, you will be sworn in following the required briefings in the morning and just prior to proceeding to the public meeting room.

Vice Chair Kobach has asked me to send the attached draft set of by-laws for your review. During tomorrow's meeting, the Commission will adopt by-laws to govern the Commission's operations, and the Vice Chair thought it would be helpful to share with you his proposed draft by-laws. These by-laws were modeled after sample by-laws published by the General Services Administration on its website.

If you plan to bring any documents with you tomorrow to distribute to the other members, please send me an electronic copy so that we can make copies for you here. Having the documents in advance will help us ensure we can make them available in a timely manner to the public on the webpage.

Last thing: A scheduling note. The Vice President needs to depart the meeting at noon. **Therefore, we ask that you limit your opening remarks to no more than five minutes each.** We'll have more flexibility with timing during the discussion session after the break.

Thank you,
Andrew

Andrew J. Kossack
Executive Director and Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Message

From: Kris Kobach [redacted]
Sent: 6/27/2017 6:06:32 PM
To: 'Kossack, Andrew J. EOP/OVP' [Andrew.J.Kossack@ovp.eop.gov]; 'Christian Adams' [adams@electionlawcenter.com]; 'von Spakovsky, Hans' [Hans.VonSpakovsky@heritage.org]
CC: 'Paoletta, Mark R. EOP/OVP' [Mark.R.Paoletta@ovp.eop.gov]; 'Morgan, Matthew E. EOP/OVP' [Matthew.E.Morgan@ovp.eop.gov]
Subject: RE: updated drafts (+1)
Attachments: Clerk Request Letter-with KK edits.docx; Voter Roll Request-with KK edits.docx; Generalized SoS Request-with KK edits.docx

All,

I have made a number of edits, in particular to the way we describe the information requested. My edits are in track changes mode. These should be good to go at this point. Thanks.

Kris

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, June 27, 2017 11:17 AM
To: Christian Adams <adams@electionlawcenter.com>; [redacted]; 'von Spakovsky, Hans' <Hans.VonSpakovsky@heritage.org>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: RE: updated drafts (+1)

Thanks - that's a great catch and helpful context. I'll swap "intimidation" for "suppression."

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Christian Adams [mailto:adams@electionlawcenter.com]
Sent: Tuesday, June 27, 2017 12:12 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; [redacted] 'von Spakovsky, Hans' <Hans.VonSpakovsky@heritage.org>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: RE: updated drafts (+1)

A stylistic note. There is no such thing as "voter suppression." I did an extensive memorandum on this for the Justice Department when I was there. There is a prohibition on voter intimidation in Section 11 of the Voting Rights Act, and conspiracies to deprive individuals of exercising civil rights in 18 USC 241 and 242 (under color of law), and forceful deprivation of civil rights under 18 USC 245.

There is no statue mentioning the term "voter suppression." The foes of the Commission, over the course of years, have adopted the term "voter suppression" to characterize a wide range of procedures and laws with which they disagree - both constitutional and unconstitutional. South Carolina voter ID, for example, was labeled "voter suppression," even though federal courts upheld it. Same with so many other laws - such as felon disenfranchisement statutes - with which foes of the commission disagree. They use the term to taint constitutional election procedures and to signal to their supporters (and foes of the Commission) that a given procedure is worthy of their wrath.

I raise this because I have advised folks over the years NOT to adopt their extra-statutory language. There is a well-established backdrop of statutes (such as the ones cited above) that prohibit a variety of behavior - such as

AMERICAN OVERSIGHT

intimidation of voters, conspiracies to deprive civil rights and the use of force to deprive civil rights. Calling any of these crimes "voter suppression" lumps these crimes in with the procedures they also hate, such as South Carolina voter ID or residency requirements.

It is their very savvy way to blend the non-criminal in with the criminal to advance their agenda.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, June 27, 2017 9:20 AM
To: [redacted]; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; Christian Adams <adams@electionlawcenter.com>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: updated drafts (+1)

Thanks again for all your feedback. I've incorporated Christian's and Hans' changes in these versions.

Also attached is a more general letter inviting chief election officials to provide their input (see "Generalized SoS Request"). I reworked the voter roll letter in light of that addition, as you'll see.

We welcome your thoughts on these versions, which we hope are close to final. As soon as everyone's comfortable with the substance, we'll make some final formatting changes to conform to style conventions, clean these up, and prep for signatures.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

[EMBED AcroExch.Document.11]

June 28, 2017

ADDRESS
ADDRESS
ADDRESS
ADDRESS

Dear [INSERT FEDERAL CLERK]

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 ("Order"). The Commission is charged with studying the registration and voting processes used in fFederal elections and making recommendations to the President of the United States that will increase the American people's confidence in the integrity of fFederal elections processes. ~~Pursuant to subsection 7(b) of the Order, "[r]elevant executive departments and agencies shall endeavor to cooperate with the Commission."~~

Comment [K1]: These aren't executive agencies. Highlighting this may cause some to balk.

To support the Commission's work, I am requesting a list of all individuals determined to be ineligible or who were otherwise excused from Federal jury duty in your district due to death, relocation outside of the jurisdiction, felony conviction, or lack of United States citizenship. For each of the previous ~~four~~ ten (104) calendar years (200713-2016), please list the names of all such individuals, any addresses or other identifying information associated with individual, and the reason for jury duty ineligibility.

If you do not ~~have~~ maintain a list of such individuals, we are requesting copies of all documents in your possession regarding such requests to be excused from jury duty, and ~~requesting~~ any data compilations, summaries or other documents describing the extent of individuals excused for jury duty under the circumstances described above. Additionally, please identify the sources used by ~~you~~ your office to obtain the names of potential jurors.

You may submit this information electronically to [HYPERLINK "mailto:ElectionIntegrityStaff@ovp.eop.gov"]. If you have any questions, please contact Commission staff at the same email address. We would appreciate receiving your response by July 14, 2017.

These records will be maintained pursuant to the Presidential Records Act of 1978. The records will be used solely for purposes of informing the Commission's work under Executive Order 13799, and no personally identifiable information will be released ~~publicly~~to the public.

Thank you for your assistance ~~with~~ in fulfilling this request.

Sincerely,

AMERICAN OVERSIGHT

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

AMERICAN OVERSIGHT

[EMBED AcroExch.Document.11]

June 28, 2017

ADDRESS
ADDRESS
ADDRESS
ADDRESS

Dear [INSERT SOS OR EQUIVALENT HERE]

Executive Order 13799 of May 11, 2017, charges the Presidential Advisory Commission on Election Integrity ("Commission") with identifying, among other things, "those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper registrations and improper voting, including fraudulent voter registrations and fraudulent voting."

In order for the Commission to fully analyze vulnerabilities and issues related to voter registration and voting, I am requesting the complete voter roll for the [INSERT State/Commonwealth], including, ~~but not limited to,~~ the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, ~~citizenship status,~~ political party (if recorded in your state), last four digits of social security number if available, voter history (elections voted in) from 2000 onward, active/inactive status, cancelled status, ~~record~~ information regarding~~of~~ any felony convictions, ~~record~~ information regarding~~of~~ voter registration in another state, information regarding military status, and overseas citizen information.

Comment [K1]: No state has a field for this, since it is assume that all are citizens.

You may submit ~~the~~ your state's voter roll data electronically to 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 [HYPERLINK "https://safe.amrdec.army.mil/safe/Welcome.aspx"]. We would appreciate receiving your voter roll by July 14, 2017.

These records will be maintained pursuant to the Presidential Records Act of 1978. The records will be kept confidential and used solely for purposes of informing the Commission's work under Executive Order 13799. No personally identifiable information will be released to the public~~publicly~~. The data will be destroyed when the Commission completes its work, with the exception of any evidence indicating commission of a federal crime.

If you have any questions, please contact the Commission staff at [HYPERLINK "mailto:ElectionIntegrityStaff@ovp.eop.gov"].

Thank you for all of the work you do each day to maintain the integrity of the elections ~~you administer~~in your state and to ensure that all Americans are able to exercise their rights to vote.

Sincerely,

AMERICAN OVERSIGHT

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

AMERICAN OVERSIGHT

[EMBED AcroExch.Document.11]

June 28, 2017

ADDRESS
ADDRESS
ADDRESS
ADDRESS

Dear [CHIEF STATE ELECTION OFFICIAL]

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 ("Order"). The Commission is charged with studying the registration and voting processes used in fFederal elections, making its findings public, and making recommendations to the President of the United States that will increase the American people's confidence in the integrity of fFederal elections processes.

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

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

On behalf of my fellow commissioners, I also want to acknowledge your ~~key~~ important leadership role in ~~supervising~~ administering the elections within your state, and the importance of state-level authority in our fFederalist system—as recognized in Article I, sections 2 and 4, as well as in the Seventeenth Amendment of the United States Constitution. It is crucial for the Commission to consider your input as it ~~identifies issues~~collects data and identifies areas of opportunity to increase the integrity of our election systems.

You may submit your feedback electronically to [HYPERLINK "mailto:ElectionIntegrityStaff@ovp.eop.gov"]. We would appreciate a response by July 14, 2017. Please be aware that any documents that are ~~ultimately~~ submitted to the full Commission will

AMERICAN OVERSIGHT

also be made available to the public. If you have any questions, please contact Commission staff at the same email address.

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

Sincerely,

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

AMERICAN OVERSIGHT

Message

From: Christian Adams [adams@electionlawcenter.com]
Sent: 6/27/2017 4:12:12 PM
To: Kossack, Andrew J. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=39ff6c312e514f0fac9dd16139907782-Ko]; [redacted]; 'von Spakovsky, Hans' [Hans.VonSpakovsky@heritage.org]
CC: Paoletta, Mark R. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8aba9b5542f6420a92cc812de2026bb8-Pa]; Morgan, Matthew E. EOP/OVP [/o=Exchange Organization/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4f932f0d4b284d1c8583feab97894024-Mo]
Subject: RE: updated drafts (+1)

A stylistic note. There is no such thing as "voter suppression." I did an extensive memorandum on this for the Justice Department when I was there. There is a prohibition on voter intimidation in Section 11 of the Voting Rights Act, and conspiracies to deprive individuals of exercising civil rights in 18 USC 241 and 242 (under color of law), and forceful deprivation of civil rights under 18 USC 245.

There is no statue mentioning the term "voter suppression." The foes of the Commission, over the course of years, have adopted the term "voter suppression" to characterize a wide range of procedures and laws with which they disagree - both constitutional and unconstitutional. South Carolina voter ID, for example, was labeled "voter suppression," even though federal courts upheld it. Same with so many other laws - such as felon disenfranchisement statutes - with which foes of the commission disagree. They use the term to taint constitutional election procedures and to signal to their supporters (and foes of the Commission) that a given procedure is worthy of their wrath.

I raise this because I have advised folks over the years NOT to adopt their extra-statutory language. There is a well-established backdrop of statutes (such as the ones cited above) that prohibit a variety of behavior - such as intimidation of voters, conspiracies to deprive civil rights and the use of force to deprive civil rights. Calling any of these crimes "voter suppression" lumps these crimes in with the procedures they also hate, such as South Carolina voter ID or residency requirements.

It is their very savvy way to blend the non-criminal in with the criminal to advance their agenda.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, June 27, 2017 9:20 AM
To: [redacted]; von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>; Christian Adams <adams@electionlawcenter.com>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: updated drafts (+1)

Thanks again for all your feedback. I've incorporated Christian's and Hans' changes in these versions.

Also attached is a more general letter inviting chief election officials to provide their input (see "Generalized SoS Request"). I reworked the voter roll letter in light of that addition, as you'll see.

We welcome your thoughts on these versions, which we hope are close to final. As soon as everyone's comfortable with the substance, we'll make some final formatting changes to conform to style conventions, clean these up, and prep for signatures.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President

AMERICAN OVERSIGHT

Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/6/2017 2:15:05 PM
To: von Spakovsky, Hans [/O=THF/OU=THFDC/cn=Recipients/cn=spakoskyh]
CC: 'Kris Kobach' [redacted]; a@electionlawcenter.com
Subject: RE: voter data

Thanks, Hans.

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: redacted
Email: Andrew.J.Kossack@ovp.eop.gov

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Thursday, July 6, 2017 9:39 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: 'Kris Kobach' <redacted>; a@electionlawcenter.com
Subject: voter data

Wanted to pass on that I got a call yesterday from my former FEC colleague, Dave Mason, who was one of the other Republican commissioners. He now works for Aristotle, which provides voter data to candidates. He told me they have voter registration information on every state if needed. Contact: redacted.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
redacted
heritage.org

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/6/2017 2:15:05 PM
To: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
CC: 'Kris Kobach' [[redacted]; a@electionlawcenter.com
Subject: RE: voter data

Thanks, Hans.

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Thursday, July 6, 2017 9:39 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: 'Kris Kobach' <[redacted]>; a@electionlawcenter.com
Subject: voter data

Wanted to pass on that I got a call yesterday from my former FEC colleague, Dave Mason, who was one of the other Republican commissioners. He now works for Aristotle, which provides voter data to candidates. He told me they have voter registration information on every state if needed. Contact: [redacted].

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
[redacted]
heritage.org

AMERICAN OVERSIGHT

Message

From: Wagner, John [redacted]
Sent: 9/15/2017 3:17:42 PM
To: [redacted]
Subject: Re: Washington Post questions re election integrity commission

Hi Kris. Circling back on this. Wondering if you might have a few minutes today.

John Wagner
The Washington Post
Email: [redacted]
Mobile: [redacted]
Desk: [redacted]
Twitter: @WPJohnWagner

From: Wagner, John
Sent: Thursday, September 14, 2017 9:19:09 AM
To: [redacted]
Subject: Washington Post questions re election integrity commission

Hi. We're working on a piece in the wake of this week's meeting in New Hampshire. I'd love to get your responses to these questions, either by phone or email. Best number for me today is [redacted].

1) Could you clarify your comments about prospects for the commission making recommendations? When you said there is a "high possibility" it won't make recommendations, were you referring specifically to data collection from the states or speaking more broadly? If there are no recommendations, what kind of work product should we expect from the commission and when?

2) Were you satisfied with the substance of the meeting in New Hampshire? Is this a model for how future meetings will unfold?

3) In recent days, a couple of Democrats on the commission have questioned the pledge that there are no pre-ordained conclusions, given what they saw as a stacked lineup of witnesses at the meeting in New Hampshire and your piece in Breitbart. Is that pledge still operative?

4) How do you feel about the concerns expressed by Hans von Spakovsky in his February email, particularly those regarding the service of Democrats and mainstream Republicans on the commission. Some have suggested von Spakovsky should resign from the commission. Do you have a position on this?

5) Is the next meeting scheduled? If so, where it will be? Are there plans to welcome public in-person testimony at any of the future meetings?

John Wagner
The Washington Post
Email: [redacted]
Mobile: [redacted]
Desk: [redacted]
Twitter: @WPJohnWagner

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 3:57:54 PM
To: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Subject: RE: Andrew, would like to request seats for two guests at the Sept. 12 meeting

Thanks, Hans. John's on the list already. I'll see if we can get Fred in also. Will confirm ASAP.

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Friday, September 8, 2017 11:55 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Andrew, would like to request seats for two guests at the Sept. 12 meeting

John Fund
Fred Lucas

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
[redacted]
heritage.org

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/11/2017 1:51:34 PM
To: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Subject: Re: Andrew, would like to request seats for two guests at the Sept. 12 meeting

Hi Hans - Fred Lucas is confirmed. Sorry for not circling back sooner. Safe travels!

On Sep 8, 2017, at 11:57 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

> Thanks, Hans. John's on the list already. I'll see if we can get Fred in also. Will confirm ASAP.
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
> ---
>
> **From:** von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
> **Sent:** Friday, September 8, 2017 11:55 AM
> **To:** Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> **Subject:** Andrew, would like to request seats for two guests at the Sept. 12 meeting
>
> John Fund
> Fred Lucas
>
> ---
>
> **Hans von Spakovsky**
> *Manager, Election Law Reform Initiative and Senior Legal Fellow*
> *Institute for Constitutional Government*
> The Heritage Foundation
> 214 Massachusetts Avenue, NE
> Washington, DC 20002
> [redacted]
> heritage.org

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/21/2017 3:00:38 PM
To: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
CC: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: Re: call today?

Sorry- held up for a second. We'll call you in 5 minutes.

Sent from my iPhone

> On Aug 21, 2017, at 9:44 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Will do. Thanks
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>
> -----Original Message-----
> From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
> Sent: Monday, August 21, 2017 9:41 AM
> To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> Subject: RE: call today?
>
> Yes, call me.
>
>
>
> Hans von Spakovsky
> Manager, Election Law Reform Initiative and Senior Legal Fellow
> Institute for Constitutional Government
> The Heritage Foundation
> 214 Massachusetts Avenue, NE
> Washington, DC 20002
> [redacted]
> heritage.org
>
> -----Original Message-----
> From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
> Sent: Monday, August 21, 2017 9:08 AM
> To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
> Subject: call today?
>
> Hi Hans,
>
> Hope you had safe travels and a great trip. Any chance you're free this morning at 11:00 for a quick call?
>
> Thanks,
> Andrew
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/1/2017 4:27:20 PM
To: Christian Adams [adams@electionlawcenter.com]; Hans von Spakovsky [Hans.VonSpakovsky@heritage.org]
Subject: RE: Commission Meeting

Thanks, Christian. We'll add these to the stack for pre-publication.

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

From: Christian Adams [mailto:adams@electionlawcenter.com]
Sent: Friday, September 1, 2017 11:37 AM
To: Hans von Spakovsky <Hans.VonSpakovsky@heritage.org>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Commission Meeting

Andrew – I am going to ask questions of witnesses about some issues in these cases. I don't know if that means the materials should be available prior to the hearing or not. I will leave that to you. But the important thing is that courts have found that having more people on the voter rolls than people alive creates a strong inference that federal law is being violated. These cases all touch on this point.

AMERICAN OVERSIGHT

Message

From: Andrew Appel [appel@CS.Princeton.EDU]
Sent: 8/23/2017 12:36:31 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: connection from Sec. Bill Gardner

I'm in my office, [redacted]
Today I'm available until 10:50am,
tomorrow most of the day between 8am and 4:30pm.

Sincerely,

Andrew Appel

From: "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov>
To: "appel@cs.princeton.edu" <appel@CS.Princeton.EDU>
Sent: Wednesday, August 23, 2017 8:15:57 AM
Subject: connection from Sec. Bill Gardner

Dr. Appel,

My name is Andrew Kossack, and I am contacting you regarding the Presidential Advisory Commission on Election Integrity. Secretary Gardner mentioned that he has spoken with you about appearing at an upcoming commission meeting and shared your contact information. I am hoping to connect with you soon to introduce myself and discuss the meeting with you. Are you available sometime in the next day or so for a brief call?

Looking forward to connecting with you soon. Thanks for your interest in participating.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: [redacted]
on behalf of Ronald L. Rivest [rivest@mit.edu]
Sent: 8/23/2017 5:44:20 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: connection from Sec. Bill Gardner

Hi Andrew --

Be happy to talk about the 9/12 meeting etc...

My cell is [redacted]. You can try me this morning
(Pacific time...)

Cheers,
Ron

On Wed, Aug 23, 2017 at 5:17 AM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
Prof. Rivest,

My name is Andrew Kossack, and I am contacting you regarding the Presidential Advisory Commission on Election Integrity. Secretary Gardner mentioned that he has spoken with you about appearing at an upcoming commission meeting. I am hoping to connect with you soon to introduce myself and discuss the meeting with you. Are you available sometime in the next day or so for a brief call?

Looking forward to connecting with you soon. Thanks for your interest in participating.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

--
Ronald L. Rivest
Room 32-G692, Stata Center, MIT, Cambridge MA 02139
Tel [redacted], Email <rivest@mit.edu>
>http://people.csail.mit.edu/rivest<

AMERICAN OVERSIGHT

Message

From: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Sent: 9/7/2017 10:59:29 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: contact

Thanks. Will move it over tomorrow.

Sent from my iPhone

> On Sep 7, 2017, at 6:56 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Here's Ken Block's presentation
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>
> -----Original Message-----
> From: Ken Block [mailto:kblock@simpaticosoftware.com]
> Sent: Thursday, September 7, 2017 5:18 PM
> To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> Subject: RE: contact
>
> Should I plan on bringing my laptop to NH? Will the presentation be cued up
> already for projection somehow?
>
> -----Original Message-----
> From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
> Sent: Thursday, September 07, 2017 5:12 PM
> To: kblock@simpaticosoftware.com
> Subject: contact
>
>
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
> <Data Mining for Potential Voter Fraud.pptx>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/7/2017 10:56:13 PM
To: Ken Block [kblock@simpaticosoftware.com]
Subject: RE: contact

Thanks, Ken.

To err on the safe side, it might be best to bring your laptop. We understand St. Anselm's will have equipment there to pull up the presentations, but I'd probably want to have my machine as a failsafe just in case.

One question for you: Do you want us to post the GAI report and/or the Simpatico report underlying the GAI report? Peter was planning on having us post the GAI and I think you said you wanted us to go ahead and post that, but just wanted to confirm.

Thanks again for doing this on such short notice!

Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Ken Block [mailto:kblock@simpaticosoftware.com]
Sent: Thursday, September 7, 2017 5:18 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: contact

Should I plan on bringing my laptop to NH? Will the presentation be cued up already for projection somehow?

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Thursday, September 07, 2017 5:12 PM
To: kblock@simpaticosoftware.com
Subject: contact

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Ken Block [kblock@simpaticosoftware.com]
Sent: 9/7/2017 9:18:14 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: contact
Attachments: Data Mining for Potential Voter Fraud.pptx

Flag: Follow up

Should I plan on bringing my laptop to NH? Will the presentation be cued up already for projection somehow?

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Thursday, September 07, 2017 5:12 PM
To: kblock@simpaticosoftware.com
Subject: contact

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Data Mining for Potential Voter Fraud

Findings and Recommendations

AMERICAN OVERSIGHT

Does voter fraud exist?

- Most studies don't look for fraud
- No government agency is looking for voter fraud
- Getting data from all 50 states is very difficult

- **If you do not search for it, you will not find it**

AMERICAN OVERSIGHT

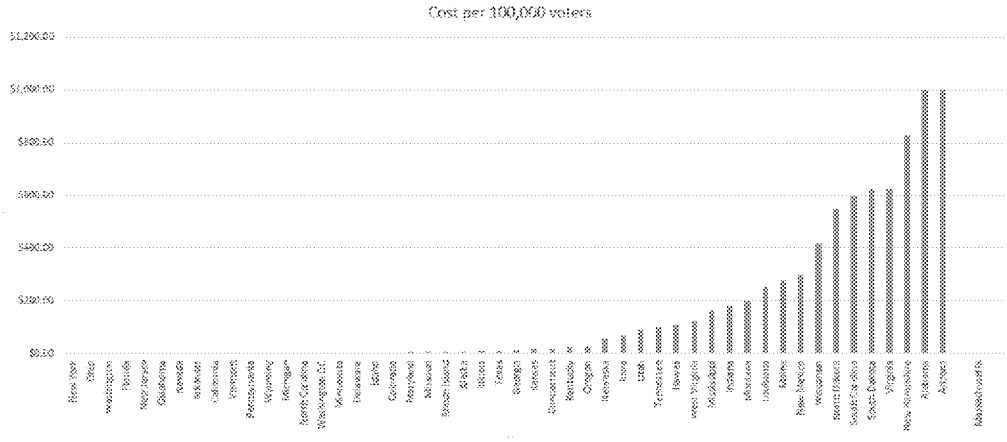
Challenges to looking for voter fraud

- Some states deny access to data
- Some states make access to data cost prohibitive
- States do not provide all of the same data elements

- **The variability in access, quality, cost and data provided impedes the ability to examine voter activity between states**

AMERICAN OVERSIGHT

The wide variability in cost of voter data



AMERICAN OVERSIGHT

Finding: Indicators of potential voter fraud

- Every state showed a percentage of duplicate voting
- Approximately 8,500 pairs of duplicate votes among 21 states
- Approximately 200 couples voted together in two different states

- **We extrapolate that there would be 40,000 duplicate votes if data from every state were available**

AMERICAN OVERSIGHT

Voting twice is a felony

- Up to 5 years in prison
- Up to a $10,000 fine
- These pairs of votes are either:
  - One person voting twice
  - One person voting properly and the matched vote is a case of impersonation
  - Some form of clerical error

AMERICAN OVERSIGHT

Methodology

- We matched potential duplicate votes based on full first and last names and full dates of birth. We allowed for variability in middle names by using 'fuzzy matching'.
- Potential matches were then screened by a commercial database vendor with access to financial data including full Social Security numbers.
- Only pairs of votes where the social security numbers matched are counted as high-confidence matches.

AMERICAN OVERSIGHT

Is a sample of 8,500 duplicate votes meaningful?

- Millions of fraudulent votes not needed for huge impact
- George W. Bush became president by 537 votes in Florida for an election where 5,825,043 votes were cast
  - **Those 537 votes represented .0000921 of the Florida vote**

- **Roughly 2,200 duplicate voters cast a ballot in the 2016 presidential election in Florida, four times Bush's margin of victory in 2000**

AMERICAN OVERSIGHT

These votes can impact state and local elections

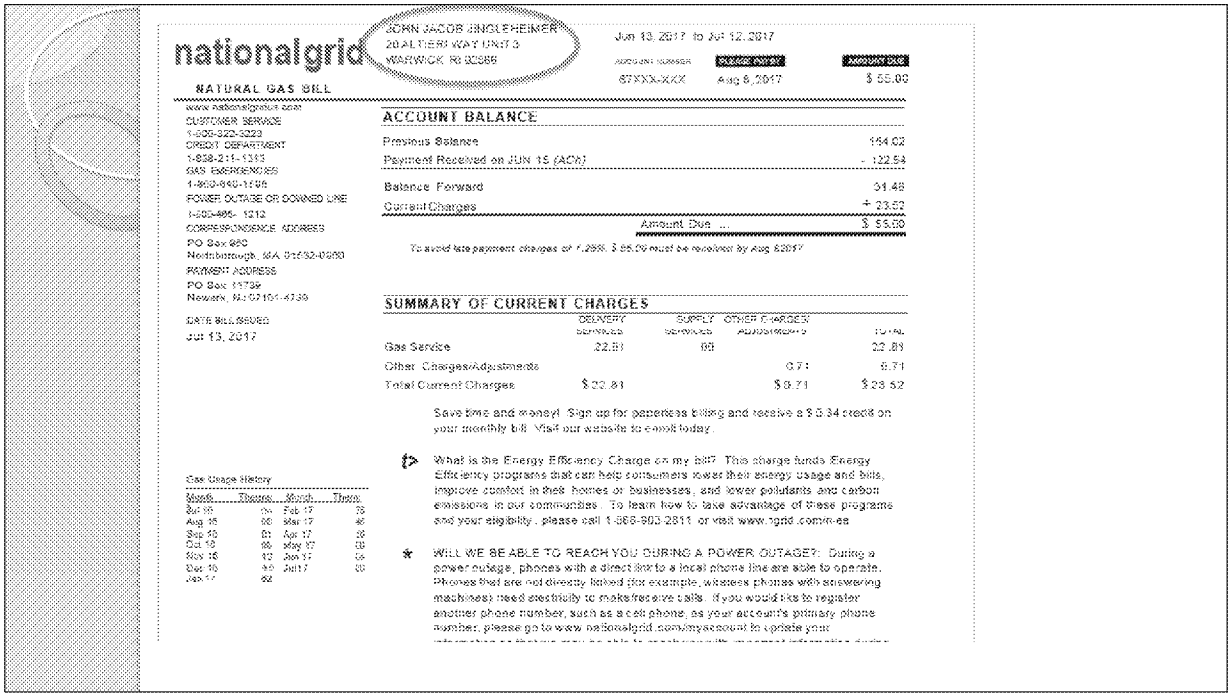
- More than 200 duplicate votes cast in Orlando

AMERICAN OVERSIGHT

Focus: Can a fake voter cast a ballot?

- Finding: Yes, In Rhode Island
  - Confirmed by Rhode Island Secretary of State Gorbea
  - No Social Security number, no driver's license
  - Utility bill accepted as proof of identity for Voter ID card

AMERICAN OVERSIGHT



nationalgrid

JOHN JACOB INGLEHEIMER
20 ALTIER WAY UNIT 3
WARWICK RI 02886

Jun 13, 2017 to Jul 12, 2017

ACCOUNT NUMBER	[redacted]	AMOUNT DUE
67XXX-XXX	Aug 8, 2017	$ 55.00

NATURAL GAS BILL

www.nationalgridus.com
CUSTOMER SERVICE
1-800-322-3223
CREDIT DEPARTMENT
1-888-211-1313
GAS EMERGENCIES
1-800-640-1196
POWER OUTAGE OR DOWNED LINE
1-800-465- 1212
CORRESPONDENCE ADDRESS
PO Box 960
Northborough, MA 01532-0960
PAYMENT ADDRESS
PO Box 11739
Newark, NJ 07101-4739

DATE BILL ISSUED
Jul 13, 2017

ACCOUNT BALANCE

Previous Balance	194.02
Payment Received on JUN 15 (ACH)	- 122.54
Balance Forward	71.48
Current Charges	+ 23.52
Amount Due ...	$ 55.00

To avoid late payment charges of 1.29%, $ 55.00 must be received by Aug 8 2017

SUMMARY OF CURRENT CHARGES

	DELIVERY SERVICES	SUPPLY SERVICES	OTHER CHARGES/ ADJUSTMENTS	TOTAL
Gas Service	22.81	00		22.81
Other Charges/Adjustments			0.71	0.71
Total Current Charges	$ 22.81		$ 0.71	$ 23.52

Save time and money! Sign up for paperless billing and receive a $ 0.34 credit on your monthly bill. Visit our website to enroll today.

What is the Energy Efficiency Charge on my bill? This charge funds Energy Efficiency programs that can help consumers lower their energy usage and bills, improve comfort in their homes or businesses, and lower pollutants and carbon emissions in our communities. To learn how to take advantage of these programs and your eligibility, please call 1-888-993-2811 or visit www.ngrid.com/ri-ee

WILL WE BE ABLE TO REACH YOU DURING A POWER OUTAGE?: During a power outage, phones with a direct link to a local phone line are able to operate. Phones that are not directly linked (for example, wireless phones with answering machines) need electricity to make/receive calls. If you would like to register another phone number, such as a cell phone, as your account's primary phone number, please go to www.nationalgrid.com/myaccount to update your

Gas Usage History

Month	Therms	Month	Therms
Sep 16	0	Feb 17	78
Aug 16	0	Mar 17	46
Sep 16	51	Apr 17	26
Oct 16	66	May 17	03
Nov 16	107	Jun 17	04
Dec 16	149	Jul 17	00
Jan 17	92		

AMERICAN OVERSIGHT

Focus: How many voters cannot be identified by their data?

- 30.7% of 2016 votes in Rhode Island were cast by voters with no identifying information in voter registration database
- Impossible for State to maintain these voters
- At least RI's Voter ID law requires positive ID to vote

- **It is vitally important to know how many voters in each state cannot be identified by their data**

AMERICAN OVERSIGHT

Conclusion: Sample results indicate significant issues

- Data is not standardized between state
- Poor data quality in some states
- Lack of transparency – data not available from some states
- Indicators of potentially fraudulent votes
- Ineffective oversight in some states
- Lack of mechanism to enforce federal election integrity

AMERICAN OVERSIGHT

Recommendation: More analysis is needed

- Analyze the other 29 states for duplicate voting
- Look for duplicate voting in federal primaries
- Determine votes made from non-residential addresses
- Analyze potentially fraudulent votes by registration type
- Use federal databases to help determine eligibility to vote

AMERICAN OVERSIGHT

Most importantly

- Our elections infrastructure is susceptible to hacking
- Most of the USA's 3,000+ counties are responsible for their own elections infrastructure
- Voting machines have been proven readily hacked
- State and county responses are not commensurate with the seriousness of this problem which impacts local, state and federal elections

AMERICAN OVERSIGHT

Summary

- Analysis indicates a high likelihood voter fraud. There is likely much more to be found
- Results are verifiable and re-creatable
- A comprehensive, data-driven understanding of our country's voting integrity does not exist
- This is a not a red issue or a blue issue

AMERICAN OVERSIGHT

Message

From: Smith, Andrew [Andrew.Smith@unh.edu]
Sent: 9/1/2017 3:40:58 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: contact

Thanks!!

Andrew E. Smith, Ph.D.
UNH Survey Center
[redacted]

Director, UNH Survey Center
Associate Professor of Practice, Dept. of Political Science

Survey Center: [redacted] | Political Science: [redacted] | Cell: [redacted]
CONFIDENTIALITY NOTICE:
This e-mail, including any attachments, is intended for the sole use of the intended recipient(s), even if addressed incorrectly, and may contain confidential information. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying or retention of this e-mail or the information contained herein is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by telephone or reply by e-mail, and permanently delete this e-mail from your computer system.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Friday, September 01, 2017 9:05 AM
To: Smith, Andrew <Andrew.Smith@unh.edu>
Subject: contact

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: John Lott [johnrlott@crimeresearch.org]
Sent: 8/22/2017 8:25:17 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
CC: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: Re: contact

Thanks, Andrew. BTW, I used to be a guest on Pence's radio show a few times before he went into politics.

John R. Lott, Jr., Ph.D.
President
Crime Prevention Research Center
>http://crimeresearch.org<
johnrlott@crimeresearch.org
[redacted]

On Tuesday, August22, 2017, at Tuesday, August 22, 4:23 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

Hi John,

It was nice speaking with you. My contact information is below. I'll circle back soon with additional information about the next meeting, but please feel free to reach out to me anytime. My colleague, Ron Williams, is cc'd here as well.

Thanks again,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Ken Block [kblock@simpaticosoftware.com]
Sent: 9/8/2017 12:13:17 AM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: contact

Go ahead and post the gai report

Please forgive any typos, sent from my Verizon Wireless 4G LTE DROID
On Sep 7, 2017 6:56 PM, "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Thanks, Ken.
>
> To err on the safe side, it might be best to bring your laptop. We understand St. Anselm's will have equipment there to pull up the presentations, but I'd probably want to have my machine as a failsafe just in case.
>
> One question for you: Do you want us to post the GAI report and/or the Simpatico report underlying the GAI report? Peter was planning on having us post the GAI and I think you said you wanted us to go ahead and post that, but just wanted to confirm.
>
> Thanks again for doing this on such short notice!
>
> Andrew
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>
> -----Original Message-----
> From: Ken Block [mailto:kblock@simpaticosoftware.com]
> Sent: Thursday, September 7, 2017 5:18 PM
> To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
> Subject: RE: contact
>
> Should I plan on bringing my laptop to NH? Will the presentation be cued up
> already for projection somehow?
>
> -----Original Message-----
> From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
> Sent: Thursday, September 07, 2017 5:12 PM
> To: kblock@simpaticosoftware.com
> Subject: contact
>
>
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>

AMERICAN OVERSIGHT

Message

From: John Lott [johnrlott@crimeresearch.org]
Sent: 9/8/2017 7:14:36 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: Delivery status notification

Thanks, Andrew.

John R. Lott, Jr., Ph.D.
President
Crime Prevention Research Center
>http://crimeresearch.org<
johnrlott@crimeresearch.org
[redacted]

On Friday, September8, 2017, at Friday, September 8, 2:53 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

Hi John,

I tried to send you all the materials for Tuesday's meeting, but got a bounce-back due to the file sizes. I'll send you a link to the webpage where all of the materials will be posted later today. Sorry about that.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Mail Delivery System [mailto:mail-daemon@domain.com]
Sent: Friday, September 8, 2017 2:28 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Delivery status notification

This is an automatically generated Delivery Status Notification.

Delivery to the following recipients was aborted after 0 second(s):

* johnrlott@crimeresearch.org

AMERICAN OVERSIGHT

Reporting-MTA: dns; p3plibsmtp02-14.prod.phx3.secureserver.net [68.178.21=
3.37]
Received-From-MTA: dns; 399e-omgs001.mail.dmz.pitc.gov [214.3.57.81]
Arrival-Date: Fri, 08 Sep 2017 11:28:01 -0700

Final-recipient: rfc822; johnrlott@crimeresearch.org
Action: failed
Status: 5.1.1
Diagnostic-Code: smtp; 552 sorry, that message size exceeds my databytes=
limit (#5.3.4)
Last-attempt-Date: Fri, 08 Sep 2017 11:28:01 -0700

<Mail Attachment.eml>

AMERICAN OVERSIGHT

Wolfe, Kristina (CIV)

From: Williams, Ronald E. EOP/OVP
Sent: Thursday, September 14, 2017 11:06 AM
To: Kossack, Andrew J. EOP/OVP
Subject: RE: Election Commission Plan 9.14.2017
Attachments: Draft Outline - Report Components (9.14.2017).docx

Hi Andrew,

Below is the outline for the possible components of the report - trimmed down. Word version is attached. Thoughts? Trim down more? Additions?

Draft – Possible Components of Commission Report

I. Introduction
II. Instances of Voter Fraud
  a. Fraudulent registration
  b. Duplicate voting
  c. Non-citizen voting
  d. Improper use of absentee voting
III. Enhancing Voter Confidence and Preventing Voter Fraud
  a. Data sharing (intra-state; inter-state; federal sources)
  b. Voter registration list maintenance
  c. Voter photo ID
  d. Proof-of-citizenship requirements
IV. Risks of Electronic Voting Machines
  a. Cybersecurity (no evidence of hacking during 2016 presidential election)
  b. Outdated voting machines
V. State Data Results (statistical analysis from state registration lists)
VI. Findings and Conclusions

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP
Sent: Thursday, September 14, 2017 10:39 AM
To: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: Election Commission Plan 9.14.2017

New version attached.

AMERICAN OVERSIGHT

Draft – Possible Components of Commission Report

I. Introduction
II. Instances of Voter Fraud
    a. Fraudulent registration
    b. Duplicate voting
    c. Non-citizen voting
    d. Improper use of absentee voting
III. Enhancing Voter Confidence and Preventing Voter Fraud
    a. Data sharing (intra-state; inter-state; federal sources)
    b. Voter registration list maintenance
    c. Voter photo ID
    d. Proof-of-citizenship requirements
IV. Risks of Electronic Voting Machines
    a. Cybersecurity (no evidence of hacking during 2016 presidential election)
    b. Outdated voting machines
V. State Data Results (statistical analysis from state registration lists)
VI. Findings and Conclusions

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 7/28/2017 7:19:03 PM
To: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Subject: RE: expert - highly recommended - used in several cases by attorneys whose judgment I trust

Great. Thanks again.

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Friday, July 28, 2017 2:47 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: expert - highly recommended - used in several cases by attorneys whose judgment I trust

Steven Camarota, Ph.D.
Director of Research
Center for Immigration Studies
202 466 8185
sac@cis.org

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/12/2017 12:24:22 AM
To: johnrlott@crimeresearch.org
Subject: Re: [EXTERNAL_SOURCE] Re: Tomorrow's Meeting

Great. So sorry again about the hiccup today.

> On Sep 11, 2017, at 8:22 PM, "johnrlott@crimeresearch.org" <johnrlott@crimeresearch.org> wrote:
>
> Should be there by 10:30 tonight.
>
> John R Lott, Jr.
> President
> Crime Prevention Research Center
> [redacted]
> johnrlott@crimeresearch.org
>> http://crime< research.org
>
> Sent from my iPhone
>
>> On Sep 11, 2017, at 7:40 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>>
>> Dear Presenters,
>>
>> Welcome to New Hampshire! Here are a few details for tomorrow's meeting.
>>
>> Please try to arrive at St. Anselm's by 8:30 a.m. The address is 8 St. Anselm Drive, Manchester, NH 03102. The Institute's auditorium is near the corner of St. Anselm Drive and Rockland Avenue.
>>
>> Parking is limited, so please make every effort to use cabs, other public transportation, or carpool. I have attached a parking pass for those who will be driving. If you do not have the ability to print this parking pass, please call me or Ron Williams (Ron's cell is [redacted]) when you arrive and we can bring one out to you.
>>
>> Again, for your reference, meeting materials are posted here: https://www.whitehouse.gov/presidential-advisory-commission-election-integrity-resources.
>>
>> If you have any questions or concerns, please call.
>>
>> Thanks again!
>> Andrew
>>
>> Andrew J. Kossack
>> Executive Director, Presidential Advisory Commission on Election Integrity
>> Associate Counsel, Office of the Vice President
>> Cell: [redacted]
>> Email: Andrew.J.Kossack@ovp.eop.gov
>>
>>
>> -----Original Message-----
>> From: Kossack, Andrew J. EOP/OVP
>> Sent: Friday, September 8, 2017 2:22 PM
>> To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
>> Subject: Meeting Materials for Sept. 12th
>>
>> Thank you again for participating in the Presidential Advisory Commission on Election Integrity's meeting on September 12th. We look forward to your presentation.
>>
>> I've attached the meeting materials for next week's meeting for your review. Please let us know if there are any issues with your materials, or if you have any additional materials you'd like to present to the Commission. We're in the process of posting the attached materials now, and will need to post any additional materials before close of business today.
>>
>> If you have any questions, please let me know.
>>
>> Again, thank you!
>> Andrew

AMERICAN OVERSIGHT

>>
>>
>> <RESERVED PANELIST PARKINGPERMIT.PDF>
>
>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/12/2017 2:24:43 AM
To: Harri Hursti [scofield@nordicinnovationlabs.com]
Subject: Re: [EXTERNAL_SOURCE] Re: Tomorrow's Meeting

Hi Harri - No, you're certainly fine arriving later. The real challenge is parking, but if you're able to take a cab or something you'd be fine. We can find parking later as well, but it might be more challenging. The 8:30 arrival is more for the earlier panels.

Thanks,
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

Sent from my iPhone

On Sep 11, 2017, at 9:35 PM, Harri Hursti <scofield@nordicinnovationlabs.com> wrote:

> Andrew,
>
> As my panel is in afternoon, is there a reason for me to arrive 8:30?
>
> ...
> Sco
>
> On Sep 11, 2017 19:40, "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov> wrote:
> Dear Presenters,
>
> Welcome to New Hampshire! Here are a few details for tomorrow's meeting.
>
> Please try to arrive at St. Anselm's by 8:30 a.m. The address is 8 St. Anselm Drive, Manchester, NH 03102. The Institute's auditorium is near the corner of St. Anselm Drive and Rockland Avenue.
>
> Parking is limited, so please make every effort to use cabs, other public transportation, or carpool. I have attached a parking pass for those who will be driving. If you do not have the ability to print this parking pass, please call me or Ron Williams (Ron's cell is [redacted]) when you arrive and we can bring one out to you.
>
> Again, for your reference, meeting materials are posted here: https://www.whitehouse.gov/presidential-advisory-commission-election-integrity-resources.
>
> If you have any questions or concerns, please call.
>
> Thanks again!
> Andrew

AMERICAN OVERSIGHT

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP
Sent: Friday, September 8, 2017 2:22 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Meeting Materials for Sept. 12th

Thank you again for participating in the Presidential Advisory Commission on Election Integrity's meeting on September 12th. We look forward to your presentation.

I've attached the meeting materials for next week's meeting for your review. Please let us know if there are any issues with your materials, or if you have any additional materials you'd like to present to the Commission. We're in the process of posting the attached materials now, and will need to post any additional materials before close of business today.

If you have any questions, please let me know.

Again, thank you!
Andrew

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/12/2017 9:51:38 PM
To: JOHN LOTT [johnrlott@crimeresearch.org]
Subject: Re: [EXTERNAL] Is there a link to my testimony that I can watch tonight?

Sorry to hear. The recording is not up yet, but the video team said it should be posted tomorrow. I expect it to be at this link, but I'll send you the direct link as soon as I get it:

https://m.youtube.com/watch?v=l93GoVJTR5Q

WMUR also live streamed the whole thing, so they might have something posted sooner: http://www.wmur.com/

Hope that helps.

Thanks again for your presentation today. It went well and certainly got people thinking/talking!

Sent from my iPhone

On Sep 12, 2017, at 5:44 PM, JOHN LOTT <johnrlott@crimeresearch.org> wrote:

> Dear Andrew:
>
> Is there a link to my testimony that I can watch tonight? The Washington Post and others are making claims about the discussion today that do not fit my recollection. In particular, the claim that New Hampshire Secretary of State William Gardener tried to call my bluff on my proposal.
>
> >https://www.washingtonpost.com/news/politics/wp/2017/09/12/lets-see-what-happens-if-we-take-the-unserious-background-checks-for-voters-idea-seriously/<
>
> I would really appreciate the help on this.
>
> Thanks.
> John
>
> John R. Lott, Jr., Ph.D.
> President
> Crime Prevention Research Center
> >http://crimeresearch.org<
> johnrlott@crimeresearch.org
> (484) 802-5373
>
> <CPRC JPEG Letter.jpeg>

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Message

From: JOHN LOTT [johnrlott@crimeresearch.org]
Sent: 9/12/2017 9:55:01 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: [EXTERNAL] Is there a link to my testimony that I can watch tonight?

OK, thanks, I will just hope that they get it up tonight. I don't remember Gardner challenging me on the idea and I talked to him afterwards, and he seemed very interested. He told me that he really liked the way that I thought about things from a completely different angle. Anyway, thanks for inviting me. I hope that we can flesh out some ideas that the staff can do.

Thanks.

John R. Lott, Jr., Ph.D.
President
Crime Prevention Research Center
>http://crimeresearch.org<
johnrlott@crimeresearch.org
(484) 802-5373

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AMERICAN OVERSIGHT

>>https://www.washingtonpost.com/news/politics/wp/2017/09/12/lets-see-what-happens-if-we-take-the-unserious-background-checks-for-voters-idea-seriously/<<;

I would really appreciate the help on this.

Thanks.
John

John R. Lott, Jr., Ph.D.
President
Crime Prevention Research Center
>>http://crimeresearch.org<<
johnrlott@crimeresearch.org
(484) 802-5373

<CPRC JPEG Letter.jpeg>

<CPRC JPEG Letter.jpeg>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/12/2017 12:23:52 AM
To: Smith, Andrew [Andrew.Smith@unh.edu]
Subject: Re: [EXTERNAL_SOURCE] Re: Tomorrow's Meeting

Hi Andy - We'll have it loaded for you. Thanks!

> On Sep 11, 2017, at 8:18 PM, Smith, Andrew <Andrew.Smith@unh.edu> wrote:
>
> Hi Andrew, will the presentations be loaded in advance or should I bring a copy?
> Andy Smith
>
> Sent from my iPhone
> Andy Smith
> University of New Hampshire
> Survey Center - [redacted]
> Political Science - [redacted]
> Mobile - [redacted]
>
>
>> On Sep 11, 2017, at 7:40 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>>
>> Dear Presenters,
>>
>> Welcome to New Hampshire! Here are a few details for tomorrow's meeting.
>>
>> Please try to arrive at St. Anselm's by 8:30 a.m. The address is 8 St. Anselm Drive, Manchester, NH 03102. The Institute's auditorium is near the corner of St. Anselm Drive and Rockland Avenue.
>>
>> Parking is limited, so please make every effort to use cabs, other public transportation, or carpool. I have attached a parking pass for those who will be driving. If you do not have the ability to print this parking pass, please call me or Ron Williams (Ron's cell is [redacted]) when you arrive and we can bring one out to you.
>>
>> Again, for your reference, meeting materials are posted here:
>https://urldefense.proofpoint.com/v2/url?u=https-3A__www.whitehouse.gov_presidential-2Dadvisory-2Dcommission-2Delection-2Dintegrity-2Dresources&d=DwIFAg&c=c6MrceVCY5m5A_KAUkrdoA&r=EeIhxQo0jSq0bBngnB5AgQHuIyai9YhVdZ00kCBvZS4&m=BqAggYzvr90madaKdG7S_23Kh6k5RB4watzMEX7pc2E&s=wBewWMiO7IBnr9A1j3W7zuSz8RHtXneDjYCpNCc3pB8&e=< .
>>
>> If you have any questions or concerns, please call.
>>
>> Thanks again!
>> Andrew
>>
>> Andrew J. Kossack
>> Executive Director, Presidential Advisory Commission on Election Integrity
>> Associate Counsel, Office of the Vice President
>> Cell: [redacted]
>> Email: Andrew.J.Kossack@ovp.eop.gov
>>
>>
>> -----Original Message-----
>> From: Kossack, Andrew J. EOP/OVP
>> Sent: Friday, September 8, 2017 2:22 PM
>> To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
>> Subject: Meeting Materials for Sept. 12th
>>
>> Thank you again for participating in the Presidential Advisory Commission on Election Integrity's meeting on September 12th. We look forward to your presentation.
>>
>> I've attached the meeting materials for next week's meeting for your review. Please let us know if there are any issues with your materials, or if you have any additional materials you'd like to present to the Commission. We're in the process of posting the attached materials now, and will need to post any additional materials before close of business today.
>>
>> If you have any questions, please let me know.

AMERICAN OVERSIGHT

>>
>> Again, thank you!
>> Andrew
>>
>>
>> <RESERVED PANELIST PARKINGPERMIT.PDF>
>

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/12/2017 12:37:39 AM
To: Ronald L. Rivest [rivest@mit.edu]
Subject: Re: [EXTERNAL_SOURCE] Re: Tomorrow's Meeting

Hi Ron - I think 17 minutes should be fine. We're shooting for more like 15 if possible, but you should have more flexibility on the last panel. That sound ok?

Sent from my iPhone

On Sep 11, 2017, at 8:26 PM, Ronald L. Rivest <rivest@mit.edu> wrote:

> Hi Andrew --
>
> Thanks!
>
> Any further guidance on the time we will have available for our presentations?
>
> I just timed mine, which came in at 17 minutes... ??
>
> Cheers,
> Ron
>
> On Mon, Sep 11, 2017 at 7:40 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
> Dear Presenters,
>
> Welcome to New Hampshire! Here are a few details for tomorrow's meeting.
>
> Please try to arrive at St. Anselm's by 8:30 a.m. The address is 8 St. Anselm Drive, Manchester, NH 03102. The Institute's auditorium is near the corner of St. Anselm Drive and Rockland Avenue.
>
> Parking is limited, so please make every effort to use cabs, other public transportation, or carpool. I have attached a parking pass for those who will be driving. If you do not have the ability to print this parking pass, please call me or Ron Williams (Ron's cell is [redacted]) when you arrive and we can bring one out to you.
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> Again, for your reference, meeting materials are posted here: https://www.whitehouse.gov/presidential-advisory-commission-election-integrity-resources.
>
> If you have any questions or concerns, please call.
>
> Thanks again!
> Andrew
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

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Sent: Friday, September 8, 2017 2:22 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
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If you have any questions, please let me know.

Again, thank you!
Andrew

--
Ronald L. Rivest
Room 32-G692, Stata Center, MIT, Cambridge MA 02139
Tel [redacted], Email <rivest@mit.edu>
>http://people.csail.mit.edu/rivest<

AMERICAN OVERSIGHT

Message

From: Ann Camann [ACamann@Anselm.Edu]
Sent: 9/5/2017 7:34:02 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: RE: final list as discussed

Will do.
AC
-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Tuesday, September 05, 2017 3:29 PM
To: Ann Camann <ACamann@Anselm.Edu>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: RE: final list as discussed

Hi Ann - We just had one more request for a guest of a presenter. Maggie McAlpine is the wife of Harri Hursti, who's on the third panel. Could you please add Ms. McAlpine to the reserved list?

Thanks!
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Ann Camann [mailto:ACamann@Anselm.Edu]
Sent: Tuesday, September 5, 2017 9:01 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: final list as discussed

Morning Ron - I just send the estimate for the live stream. The only outstanding item is the WAIT LIST folks, and that is dependent on the host site for viewing the live stream.
I can touch base this afternoon after 1 before 3 p.m. if that works for you.
Best,
Ann

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Tuesday, September 05, 2017 8:15 AM
To: Ann Camann <ACamann@Anselm.Edu>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: final list as discussed

Good morning Ann,

Hope you have a great Labor Day weekend! Please let me know if you have anytime today to catch-up re: waitlist and Heartwood media (live stream). We would really like to nail down the livestream portion by tomorrow so the vendor and our IT team can be in sync. And feel free to raise any other outstanding issues.

Thanks much and talk to you soon!
Ron

-----Original Message-----
From: Ann Camann [mailto:ACamann@Anselm.Edu]
Sent: Friday, September 1, 2017 4:28 PM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: final list as discussed

Perfect. Thank you. Have a great Labor Day weekend!

Sent from my iPhone

AMERICAN OVERSIGHT

On Sep 1, 2017, at 4:27 PM, Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov<mailto:Ronald.E.Williams@ovp.eop.gov>> wrote:

We are holding off on the waitlist until Tuesday. We need to confirm with our digital team of the exact link for the livestream.

From: Ann Camann [mailto:ACamann@Anselm.Edu]
Sent: Friday, September 1, 2017 4:04 PM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov<mailto:Ronald.E.Williams@ovp.eop.gov>>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov<mailto:Andrew.J.Kossack@ovp.eop.gov>>
Subject: RE: final list as discussed

Okay - and WAIT LIST?

From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Friday, September 01, 2017 3:28 PM
To: Ann Camann <ACamann@Anselm.Edu<mailto:ACamann@Anselm.Edu>>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov<mailto:Andrew.J.Kossack@ovp.eop.gov>>
Subject: RE: final list as discussed

Hi Ann-

This is great. Confirmation email going out today standby.

Thanks!
Ron

From: Ann Camann [mailto:ACamann@Anselm.Edu]
Sent: Friday, September 1, 2017 2:38 PM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov<mailto:Ronald.E.Williams@ovp.eop.gov>>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov<mailto:Andrew.J.Kossack@ovp.eop.gov>>
Subject: final list as discussed

Hi Ron - please see attached list which has tabs for groups as we discussed. I am here today until 4:30 p.m., will be in a meeting 3-3:45 p.m.
The Press have been confirmed; you will confirm the folks on the CONFIRM tab, and send the WAIT LIST emails to the folks on the WAIT tab.
The groups listed on the PENDING tab are being finalized early next week. I do not expect we will be going to the WAIT LIST at all.

I am still waiting to hear back from Heartwood on the link for the live stream. I suppose if it should change, we can always send out another email. But my hope is that it wont.

Alternatively, we could confirm everyone on Tuesday as soon as we confirm the livestream information is correct.

Call me if you have any questions on my office phone, or cell [redacted].

Thanks!

Ann Camann
Deputy Director
New Hampshire Institute of Politics at Saint Anselm College
100 Saint Anselm Drive
Manchester, NH 03102
Phone: [redacted]
P Please consider the environment before printing this email

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/5/2017 7:28:43 PM
To: Ann Camann [ACamann@Anselm.Edu]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
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Thanks!
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AMERICAN OVERSIGHT

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Thanks!

Ann Camann
Deputy Director
New Hampshire Institute of Politics at Saint Anselm College
100 Saint Anselm Drive
Manchester, NH 03102
Phone: [redacted]
P Please consider the environment before printing this email

AMERICAN OVERSIGHT

Message

From: Ken Block [kblock@simpaticosoftware.com]
Sent: 8/15/2017 4:09:50 PM
To: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]
CC: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: RE: link for clearance tomorrow

Thank you. I have filled out the form, and look forward to meeting tomorrow.

-----Original Message-----
From: Paoletta, Mark R. EOP/OVP [mailto:Mark.R.Paoletta@ovp.eop.gov]
Sent: Tuesday, August 15, 2017 10:25 AM
To: Ken Block <kblock@simpaticosoftware.com>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: link for clearance tomorrow

Hi Ken,

Let's plan on meeting at 9 am tomorrow. Our offices are in the EEOB, which is located at 17th and Penn. You will enter the complex at the 17th and State entrance. You will need ID. Pleaser click on the link below, fill out info and submit.

https://events.whitehouse.gov/form?rid=B4XP8V923V

Please go to room 274 and let the assistant at the front desk know you are here for our meeting.

Please let me know if you have any questions.

Look forward to meeting you tomorrow.

Mark

MARK R. PAOLETTA
Counsel to the Vice President
202 456 2734 (work)
[redacted] (cell)
Mark.R.Paoletta@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: johnrlott@crimeresearch.org [johnrlott@crimeresearch.org]
Sent: 9/19/2017 8:53:27 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: lunch; travel reimbursement

OK, thanks, Andrew. Possibly next Tuesday. I am about to give a talk in Boston, but II will check afterwards. I will try to take care of the reimbursement tomorrow. Thanks.

John R Lott, Jr.
President
Crime Prevention Research Center
(484) 802-5373
johnrlott@crimeresearch.org
>http://crime< research.org

Sent from my iPhone

> On Sep 19, 2017, at 3:39 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:
>
> Hi, John,
>
> I apologize, but is there any chance we could take a rain check on lunch tomorrow? A couple issues have come up that I need to deal with tomorrow. My apologies for the inconvenience. Would next Tuesday or Thursday (the 26th or 28th) work for you instead?
>
> Also, I wanted to circle back with you on the process for travel reimbursement. If you could scan all of your receipts into a single PDF and send it to Kris Palmer at GSA (kris.palmer@gsa.gov) and copy me, we'll get that process initiated for you and get you reimbursed as quickly as possible. If you have any questions, just let me know.
>
> Thanks,
> Andrew
>
> Andrew J. Kossack
> Executive Director, Presidential Advisory Commission on Election Integrity
> Associate Counsel, Office of the Vice President
> Cell: [redacted]
> Email: Andrew.J.Kossack@ovp.eop.gov
>
>

AMERICAN OVERSIGHT

Message

From: John Lott [johnrlott@crimeresearch.org]
Sent: 9/21/2017 4:07:46 AM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: lunch; travel reimbursement

Flag: Follow up

Next Tuesday works for me. Noon?

John R. Lott, Jr., Ph.D.
President
Crime Prevention Research Center
>http://crimeresearch.org<
johnrlott@crimeresearch.org
(484) 802-5373

On Tuesday, September19, 2017, at Tuesday, September 19, 4:53 PM, johnrlott@crimeresearch.org wrote:

OK, thanks, Andrew. Possibly next Tuesday. I am about to give a talk in Boston, but II will check afterwards. I will try to take care of the reimbursement tomorrow. Thanks.

John R Lott, Jr.
President
Crime Prevention Research Center
(484) 802-5373
johnrlott@crimeresearch.org
>http://crime< research.org

Sent from my iPhone

On Sep 19, 2017, at 3:39 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

Hi, John,

I apologize, but is there any chance we could take a rain check on lunch tomorrow? A couple issues have come up that I need to deal with tomorrow. My apologies for the inconvenience. Would next Tuesday or Thursday (the 26th or 28th) work for you instead?

Also, I wanted to circle back with you on the process for travel reimbursement. If you could scan all of your receipts into a single PDF and send it to Kris Palmer at GSA (kris.palmer@gsa.gov) and copy me, we'll get that process initiated for you and get you reimbursed as quickly as

AMERICAN OVERSIGHT

possible. If you have any questions, just let me know.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 9:24:53 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: Meeting Materials for Sept. 12th

Here is a link to the public posting of the meeting materials: https://www.whitehouse.gov/presidential-advisory-commission-election-integrity-resources. Apologies if you did not receive the email below due to the large file sizes.

Thanks again for your participation. Enjoy your weekend, and I'll see you next week!

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP
Sent: Friday, September 8, 2017 2:22 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Meeting Materials for Sept. 12th

Thank you again for participating in the Presidential Advisory Commission on Election Integrity's meeting on September 12th. We look forward to your presentation.

I've attached the meeting materials for next week's meeting for your review. Please let us know if there are any issues with your materials, or if you have any additional materials you'd like to present to the Commission. We're in the process of posting the attached materials now, and will need to post any additional materials before close of business today.

If you have any questions, please let me know.

Again, thank you!
Andrew

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Andrew

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Andrew

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Again, thank you!
Andrew

AMERICAN OVERSIGHT

Message

From: John Lott [johnrlott@crimeresearch.org]
Sent: 9/8/2017 9:27:39 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: Meeting Materials for Sept. 12th

Flag: Follow up

Thanks, Andrew. It should be lively. The timing of the vote fraud allegations in NH couldn't have been better timed. Despite the fact that the host for the event is from NH, I assume someone will raise the issue. Are you all getting together for breakfast or for anything else before or the event? Thanks.

John R. Lott, Jr., Ph.D.
President
Crime Prevention Research Center
>http://crimeresearch.org<
johnrlott@crimeresearch.org
(484) 802-5373

On Friday, September8, 2017, at Friday, September 8, 5:24 PM, Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov> wrote:

Here is a link to the public posting of the meeting materials: https://www.whitehouse.gov/presidential-advisory-commission-election-integrity-resources. Apologies if you did not receive the email below due to the large file sizes.

Thanks again for your participation. Enjoy your weekend, and I'll see you next week!

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

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Again, thank you!
Andrew

AMERICAN OVERSIGHT

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Thanks,
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Associate Counsel, Office of the Vice President
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Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

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If you have any questions, please let me know.

Again, thank you!
Andrew

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 10:20:37 PM
To: 'Kris Kobach' [redacted]; cwlawson@sos.in.gov; [redacted]; Christy McCormick [redacted]; david@capitolpartnersar.com; Mark Rhodes [mrhodes@woodcountywv.com]; von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]; Christian Adams [adams@electionlawcenter.com]; Alan L. King [redacted]; matthew.dunlap@maine.gov; King, Alan [kinga@jccal.org]; David Dunn [redacted]
CC: Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]; Passantino, Stefan C. EOP/WHO [Stefan.C.Passantino@who.eop.gov]; Gast, Scott F. EOP/WHO [Scott.F.Gast@who.eop.gov]
Subject: RE: Meeting Materials for September 12th

If anyone did not receive my email below due to the large file sizes, the meeting materials are now posted here: https://www.whitehouse.gov/presidential-advisory-commission-election-integrity-resources. Please check to confirm that any materials you plan to present or distribute at the meeting are posted here. If you have any questions, just let me know.

Thanks again,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP
Sent: Friday, September 8, 2017 2:15 PM
To: 'Kris Kobach' [redacted]; 'cwlawson@sos.in.gov' <cwlawson@sos.in.gov>; [redacted]; 'Christy McCormick' [redacted]; 'david@capitolpartnersar.com' <david@capitolpartnersar.com>; 'Mark Rhodes' <mrhodes@woodcountywv.com>; 'von Spakovsky, Hans' <Hans.VonSpakovsky@heritage.org>; 'Christian Adams' <adams@electionlawcenter.com>; 'Alan L. King' [redacted]; 'matthew.dunlap@maine.gov' <matthew.dunlap@maine.gov>; 'King, Alan' <kinga@jccal.org>; 'David Dunn' <[redacted]>
Cc: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Passantino, Stefan C. EOP/WHO <Stefan.C.Passantino@who.eop.gov>; Gast, Scott F. EOP/WHO <Scott.F.Gast@who.eop.gov>
Subject: Meeting Materials for September 12th

Members,

Attached are materials for next week's meeting. My apologies for the large file sizes.

We are in the process of posting these materials on our webpage for public viewing. I will let you know once they are available there.

Many thanks to all of you for your hard work and flexibility on the timeline for submitting these materials.

Thank you,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/7/2017 12:31:17 AM
To: Andrew Appel [appel@CS.Princeton.EDU]
CC: Anthony Stevens [anthony.stevens@sos.nh.gov]
Subject: Re: My written testimony

Dr. Appel,

The agenda is now posted here: https://www.whitehouse.gov/sites/whitehouse.gov/files/docs/pacei-meeting-agenda-09122017.pdf. If you have any questions, just let me know.

Thank you,
Andrew

On Sep 4, 2017, at 4:39 PM, Andrew Appel <appel@CS.Princeton.EDU> wrote:

> Dear Mr. Kossack:
>
> You can find a written summary of my testimony, for the public record, at this URL:
>
> >http://www.cs.princeton.edu/~appel/voting/PCIE-Appel-testimony-2017.pdf<
>
> Please do send me the agenda, with list and schedule of panels and speakers, as soon as possible.
>
> Sincerely,
>
> Andrew Appel

From: "Andrew J. EOP Kossack" <Andrew.J.Kossack@ovp.eop.gov>
To: "appel@cs.princeton.edu" <appel@CS.Princeton.EDU>
Sent: Wednesday, August 23, 2017 8:15:57 AM
Subject: connection from Sec. Bill Gardner

Dr. Appel,

My name is Andrew Kossack, and I am contacting you regarding the Presidential Advisory Commission on Election Integrity. Secretary Gardner mentioned that he has spoken with you about appearing at an upcoming commission meeting and shared your contact information. I am hoping to connect with you soon to introduce myself and discuss the meeting with you. Are you available sometime in the next day or so for a brief call?

Looking forward to connecting with you soon. Thanks for your interest in participating.

Thanks,
Andrew

Andrew J. Kossack

AMERICAN OVERSIGHT

Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Sent: 7/28/2017 6:35:09 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; Paoletta, Mark R. EOP/OVP [Mark.R.Paoletta@ovp.eop.gov]; Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]; Agen, Jarrod P. EOP/OVP [Jarrod.P.Agen@ovp.eop.gov]; Morgan, Matthew E. EOP/OVP [Matthew.E.Morgan@ovp.eop.gov]
Subject: RE: New Report Exposes Thousands of Illegal Votes in 2016 Election

All –

Here is the link: http://g-a-i.org/wp-content/uploads/2017/07/Voter-Fraud-Final-with-Appendix-1.pdf

FYI – I downloaded it to our data collection/research folder.

Thanks,

Ron

From: Kossack, Andrew J. EOP/OVP
Sent: Friday, July 28, 2017 2:31 PM
To: Paoletta, Mark R. EOP/OVP <Mark.R.Paoletta@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>; Agen, Jarrod P. EOP/OVP <Jarrod.P.Agen@ovp.eop.gov>; Morgan, Matthew E. EOP/OVP <Matthew.E.Morgan@ovp.eop.gov>
Subject: FW: New Report Exposes Thousands of Illegal Votes in 2016 Election

FYI

From: von Spakovsky, Hans [mailto:Hans.VonSpakovsky@heritage.org]
Sent: Friday, July 28, 2017 2:16 PM
Subject: New Report Exposes Thousands of Illegal Votes in 2016 Election

>http://dailysignal.com/2017/07/28/new-report-exposes-thousands-illegal-votes-2016-election/<

THE DAILY SIGNAL

New Report Exposes Thousands of Illegal Votes in 2016 Election

Hans von Spakovsky / Ben Janacek / July 28, 2017

AMERICAN OVERSIGHT

A new bombshell study released by the Government Accountability Institute shows why President Donald Trump's Advisory Commission on Election Integrity has such an important job ahead of it.

The Institute concluded in its report that thousands of votes in the 2016 election were illegal duplicate votes from people who registered and voted in more than one state.

The Government Accountability Institute, founded by Peter Schweizer, author of "Clinton Cash," seeks to "investigate and expose crony capitalism, misuse of taxpayer monies, and other governmental corruption or malfeasance."

Over the last few months, the Institute sought to obtain "public voter information" from every state in order to search for duplicate votes. This is the same type of information the president's Election Integrity Commission has requested.

With this report, we may have a clue as to why some states are resisting providing this data.

The Government Accountability Institute was able to obtain voter registration and voter history data from only 21 states because while some states shared it freely, "others impose exorbitant costs or refuse to comply with voter information requests."

These 21 states represent "about 17 percent of all possible state-to-state comparison combinations."

The Institute compared the lists using an "extremely conservative matching approach that sought only to identify two votes cast in the same legal name." It found that 8,471 votes in 2016 were "highly likely" duplicates.

Extrapolating this to all 50 states would likely produce, with "high-confidence," around 45,000 duplicate votes.

The Institute obtained this level of confidence by matching not only names and birthdays—which can be the same for different individuals—but also by contracting with companies, such as Virtual DBS, that have commercial databases to further cross-check these individuals using their Social Security Numbers and other information.

According to the Government Accountability Institute's experts, "the probability of correctly matching two records with the same name, birthdate, and social security number is close to 100 percent." In fact, "using these match points will result in virtually zero false positives."

The probability of 45,000 illegal duplicate votes is the low end of the spectrum, and it does not even account for other types of fraud such as ineligible voting by noncitizens and felons and absentee ballot fraud.

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To put this number of fraudulent votes in perspective, Hillary Clinton won New Hampshire by fewer than 3,000 votes out of over 700,000 cast. Just this number of duplicate votes alone has the power to swing state results and, in turn, elections.

Unfortunately, New Hampshire refused to turn over their data for this study.

There have been other razor-tight elections in recent years. In 2000, the presidency was decided by 537 votes out of a total of 105 million cast. In 2008, Al Franken won his Minnesota Senate race by a mere 312 votes. He ended up being the deciding vote that gave this country Obamacare.

Though the Institute did not look at the 2008 elections in this study, there is little doubt that the 2016 numbers show that duplicate voting and voter fraud are a real problem that can have serious consequential effects.

The Government Accountability Institute also used the state of Rhode Island as a test case. Over 30 percent of all registered voters in Rhode Island have no Social Security or driver's license number on file.

While it is legal to register without providing this information, the Institute notes that "confirming the identities of some of these voters is impossible using only the data contained in the state's voter registration system."

Without this "uniquely identifying information … there is no way to confirm a voter's identity or citizenship …" This shows the vulnerabilities that are ripe for any person or group wanting to take advantage of them.

The Institute also found more than 15,000 voters registered at prohibited addresses "such as post office boxes, UPS stores, federal post offices, and public buildings." In some cases, more than 100 voters "were registered to the same UPS store locations."

They also found voters whose registered addresses were "gas stations, vacant lots, abandoned mill buildings, basketball courts, parks, warehouses, and office buildings."

The Institute tried to bring some of these problems to the attention of Rhode Island election officials as part of their test case. They provided officials with a list of 225 voters who "were registered using prohibited addresses."

But Rhode Island refused to do anything about the problem beyond sending a letter to the voters. If a voter did not respond, the state refused to take any further action.

Instead, in an obvious attempt to deter the Government Accountability Institute, the state said that the Institute would have to file a "voter challenge" and would be subject to a misdemeanor penalty if it filed a "false challenge."

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The fact that these election officials did not want to thoroughly investigate possible voter fraud illustrates one of the problems in this area: Too many election officials don't want to know about these problems, and refuse to do anything when it is brought to their attention.

The Government Accountability Institute points out that the quality of the voter registration data in some states is very poor, with missing and obviously incorrect information. The Institute found 45,880 votes cast by individuals whose dates of birth were more than 115 years before the election.

Several hundred votes were cast by individuals whose registration birthdates "indicated they were under 18 years old at the time of the election," although some of these were through provisional ballots.

All of this is just the latest evidence that we have serious, substantive problems in our voter registration system across the country and that voter fraud is, without a doubt, real.

The Heritage Foundation has a database that is being constantly updated. It documents nearly 1,100 proven instances of voter fraud, including cases where elections were overturned because of proven fraud.

This kind of work, which the Government Accountability Institute has done, will be invaluable to the Election Integrity Commission as it researches the registration and voting process and looks for ways to fix its vulnerabilities and security problems, enhance our democratic process, and make sure every eligible American votes and is not disenfranchised by illegal votes.

Election integrity and public confidence in the election process are fundamental to preserving our democratic republic.

Disclosure: Hans von Spakovsky is a member of the Presidential Advisory Commission on Election Integrity mentioned in this article.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

AMERICAN OVERSIGHT

Message

From: Don Palmer [redacted]
Sent: 8/5/2017 3:18:08 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: next week

That works. Look forward to it.

Don

Sent from my Verizon 4G LTE Droid
On Aug 5, 2017 10:55 AM, "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov> wrote:
Sounds great, Don. How about 11:00 a.m. at the EEOB? If that works, I'll set up an appointment so you can get cleared with the Secret Service and send you another email with more details about which entrance to use, etc.

Thanks!
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

Sent from my iPhone

On Aug 5, 2017, at 8:37 AM, Don Palmer <[redacted]> wrote:

Andrew,

Great, Tuesday works for me as well.
What time works to meet and where do I show up?

Regards,

Don Palmer

From: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Sent: Thursday, August 3, 2017 6:48 PM
To: [redacted]
Subject: next week

Hi Don,

Sorry I missed your call earlier. I checked with my colleagues, and it sounds like Tuesday would work better if you're available then. We should be able to make anytime on Tuesday work, so feel free to name your time and we'll book it. If Tuesday won't work for any reason, just let me know and we'll figure out something else that's better for you. Looking forward to it.

AMERICAN OVERSIGHT

Thanks,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/5/2017 2:55:12 PM
To: Don Palmer [redacted]
Subject: Re: next week

Sounds great, Don. How about 11:00 a.m. at the EEOB? If that works, I'll set up an appointment so you can get cleared with the Secret Service and send you another email with more details about which entrance to use, etc.

Thanks!
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

Sent from my iPhone

On Aug 5, 2017, at 8:37 AM, Don Palmer <[redacted]> wrote:

> Andrew,
>
> Great, Tuesday works for me as well.
> What time works to meet and where do I show up?
>
> Regards,
>
> Don Palmer

From: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Sent: Thursday, August 3, 2017 6:48 PM
To: [redacted]
Subject: next week

Hi Don,

Sorry I missed your call earlier. I checked with my colleagues, and it sounds like Tuesday would work better if you're available then. We should be able to make anytime on Tuesday work, so feel free to name your time and we'll book it. If Tuesday won't work for any reason, just let me know and we'll figure out something else that's better for you. Looking forward to it.

Thanks,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Message

From: Don Palmer [redacted]
Sent: 8/5/2017 12:37:45 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: Re: next week

Andrew,

Great, Tuesday works for me as well.
What time works to meet and where do I show up?

Regards,

Don Palmer

From: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Sent: Thursday, August 3, 2017 6:48 PM
To: [redacted]
Subject: next week

Hi Don,

Sorry I missed your call earlier. I checked with my colleagues, and it sounds like Tuesday would work better if you're available then. We should be able to make anytime on Tuesday work, so feel free to name your time and we'll book it. If Tuesday won't work for any reason, just let me know and we'll figure out something else that's better for you. Looking forward to it.

Thanks,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Message

From: Don Palmer [redacted]
Sent: 8/8/2017 2:45:29 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: next week

Andrew,

What room should I go to?

Don

Sent from my Verizon 4G LTE Droid
On Aug 7, 2017 11:20 AM, "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov> wrote:
Hi Don,

We are looking forward to meeting with you at 11:00 a.m. tomorrow. Here is the link for the form you'll need to complete to clear security at the EEOB: https://events.whitehouse.gov/form?rid=M4VXW7V22D. The key is to enter all of the information exactly as it appears on your driver's license or other government-issued ID (whatever you plan to show tomorrow). The Secret Service is very particular about even obvious typos or transposition of a couple numbers. We can troubleshoot if we need to and still get you through, but it will be a lot faster for you if everything matches on the first round.

You'll want to enter at 17th and State Streets, which is the Southwest Screening Facility (map attached). I would probably shoot to arrive around 10:30 to ensure you have time to clear security.

If you have any questions today or tomorrow morning, please call anytime: [redacted].

We look forward to seeing you tomorrow!

Thanks again,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

From: Don Palmer [mailto:[redacted]
Sent: Saturday, August 5, 2017 11:18 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: next week

That works. Look forward to it.

Don

Sent from my Verizon 4G LTE Droid
On Aug 5, 2017 10:55 AM, "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov> wrote:
Sounds great, Don. How about 11:00 a.m. at the EEOB? If that works, I'll set up an appointment so you can get cleared with the Secret Service and send you another email with more details about which entrance to use, etc.

Thanks!

AMERICAN OVERSIGHT

Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

Sent from my iPhone

On Aug 5, 2017, at 8:37 AM, Don Palmer <[redacted]> wrote:

> Andrew,
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> Great, Tuesday works for me as well.
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> **To:** [redacted]
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> Thanks,
> Andrew
>
> Andrew J. Kossack
> Executive Director & Designated Federal Officer
> Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/7/2017 8:49:04 PM
To: Don Palmer [redacted]
Subject: RE: next week

You're all clear! See you tomorrow.

Thanks,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

From: Don Palmer [mailto:[redacted]
Sent: Monday, August 7, 2017 11:25 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: next week

Andrew,

I submitted the information. Thanks,

Don Palmer

From: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Sent: Monday, August 7, 2017 11:18 AM
To: Don Palmer
Subject: RE: next week

Hi Don,

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If you have any questions today or tomorrow morning, please call anytime: [redacted]

We look forward to seeing you tomorrow!

Thanks again,
Andrew

AMERICAN OVERSIGHT

Andrew J. Kossack
Executive Director & Designated Federal Officer
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From: Don Palmer [mailto:[redacted]]
Sent: Saturday, August 5, 2017 11:18 AM
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Thanks!
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Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

Sent from my iPhone

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> **Sent:** Thursday, August 3, 2017 6:48 PM
> **To:** [redacted]
> **Subject:** next week
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AMERICAN OVERSIGHT

Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 8/7/2017 3:18:02 PM
To: Don Palmer [redacted]
Subject: RE: next week
Attachments: EOP-Campus-Map.pdf

Hi Don,

We are looking forward to meeting with you at 11:00 a.m. tomorrow. Here is the link for the form you'll need to complete to clear security at the EEOB: https://events.whitehouse.gov/form?rid=M4VXW7V22D. The key is to enter all of the information exactly as it appears on your driver's license or other government-issued ID (whatever you plan to show tomorrow). The Secret Service is very particular about even obvious typos or transposition of a couple numbers. We can troubleshoot if we need to and still get you through, but it will be a lot faster for you if everything matches on the first round.

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If you have any questions today or tomorrow morning, please call anytime: [redacted]

We look forward to seeing you tomorrow!

Thanks again,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

From: Don Palmer [mailto:[redacted]
Sent: Saturday, August 5, 2017 11:18 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: next week

That works. Look forward to it.

Don

Sent from my Verizon 4G LTE Droid
On Aug 5, 2017 10:55 AM, "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov> wrote:
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Thanks!
Andrew

Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

AMERICAN OVERSIGHT

Sent from my iPhone

On Aug 5, 2017, at 8:37 AM, Don Palmer <[redacted]> wrote:

Andrew,

Great, Tuesday works for me as well.
What time works to meet and where do I show up?

Regards,

Don Palmer

From: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Sent: Thursday, August 3, 2017 6:48 PM
To: [redacted]
Subject: next week

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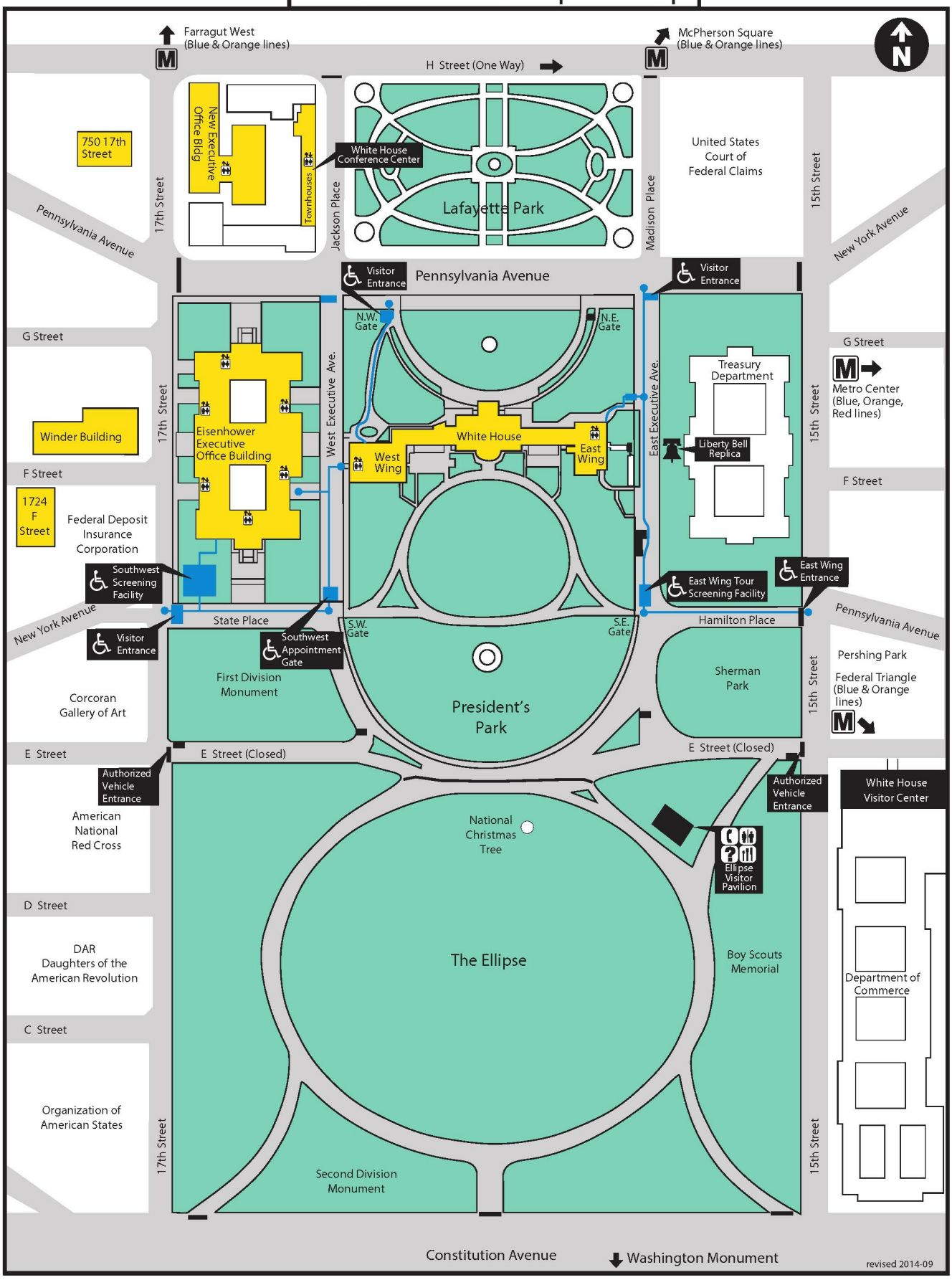
Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

White House Complex Map



Metrorail Stations | Accessible Route | USSS Gate | Accessible Gate | Elevator

Please contact White House Operations to schedule Appointment Parking or parking for an accessibility need.

AMERICAN OVERSIGHT

Message

From: Don Palmer [redacted]
Sent: 8/10/2017 6:46:50 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: next week

Andrew,

It was a pleasure to meet you and the team. If there is anything I can do to assist moving forward, please don't hesitate to call.

Regards,

Don Palmer

Sent from my Verizon 4G LTE Droid
On Aug 7, 2017 4:49 PM, "Kossack, Andrew J. EOP/OVP" <Andrew.J.Kossack@ovp.eop.gov> wrote:
You're all clear! See you tomorrow.

Thanks,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

From: Don Palmer [mailto:[redacted]
Sent: Monday, August 7, 2017 11:25 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: next week

Andrew,

I submitted the information. Thanks,

Don Palmer

From: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Sent: Monday, August 7, 2017 11:18 AM
To: Don Palmer
Subject: RE: next week

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AMERICAN OVERSIGHT

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If you have any questions today or tomorrow morning, please call anytime: [redacted]

We look forward to seeing you tomorrow!

Thanks again,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

From: Don Palmer [mailto:[redacted]
Sent: Saturday, August 5, 2017 11:18 AM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: Re: next week

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Thanks!
Andrew
Andrew J. Kossack
Associate Counsel
Office of the Vice President
Email: Andrew.J.Kossack@ovp.eop.gov
Cell: [redacted]

Sent from my iPhone

On Aug 5, 2017, at 8:37 AM, Don Palmer <[redacted]> wrote:

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>
> Great, Tuesday works for me as well.
> What time works to meet and where do I show up?
>
> Regards,
>
> Don Palmer

AMERICAN OVERSIGHT

From: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Sent: Thursday, August 3, 2017 6:48 PM
To: [redacted]
Subject: next week

Hi Don,

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Thanks,
Andrew

Andrew J. Kossack
Executive Director & Designated Federal Officer
Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Message

From: Robert Popper [rpopper@JUDICIALWATCH.ORG]
Sent: 8/17/2017 3:11:09 PM
To: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
CC: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Ron,

Sorry, no, the study is proprietary right now. It is an ongoing project, with the data being updated on the basis of our direct contacts with states and counties, and we haven't published it yet. We shared excerpts with Deroy Murdock at NR but asked him not to publish what we shared.

I am sure we will publish it eventually.

Bob

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 5:00 PM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hi Bob -

One last thing: we're having trouble finding the actual JW report on "ghost voters" - other than from the NR article. Is there a report that you can share with us?

Thanks,
Ron

-----Original Message-----
From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Wednesday, August 16, 2017 4:52 PM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

That all works for me, and I can send you my written statement by September 8.

Thanks.

Bob

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 4:50 PM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hi Bob,

We are still finalizing the agenda but at this point we envision that you will be on the second (afternoon) panel - which will be well before 4 pm. We are hoping to have the meeting concluded by 4 pm. Again, soon as we finalize the agenda, to include the times, we will let you know. Also, we would like for you to provide us with your written open statement no later than September 8. Please let us know if that works for you.

Re publicizing your appearance 3-5 days in advance: We are fine with that.

Again, if you have any other questions feel free to let us know.

Thanks and see you soon!

Ron

-----Original Message-----

AMERICAN OVERSIGHT

From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Wednesday, August 16, 2017 10:47 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Ron,

It was great to talk with you yesterday. I hope you're going and we can meet in NH.

I will focus on those topics. I do have two other questions. First: after the event, I am flying to Baltimore and then out to California for the rest of the week. I booked the last flight out of Manchester, NH, which is at 6 pm, and of course I'll need to get to the airport before that in the late afternoon. Do you think I will be testifying in the morning, or at any event before 4 pm or so? If that doesn't work for you, I can catch later flights out of Boston with a little more planning.

Second: do you all mind if we publicize my appearance by press release 3-5 days in advance?

Talk to you soon,

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: [redacted]

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 8:53 AM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning Bob - my apologies for just getting around to sending this. It was great speaking with you yesterday and we look forward to having you provide testimony at the Commission's upcoming meeting.

You offered some great topics on which you could present. From those topics it would be great if you could provide a general overview of the NVRA - to include your experience in the Voting Section and any notable list maintenance cases (including those worked on in the Voting Section, the Husted case, and the similar Georgia case). We would also like for you to present Judicial Watch's most recent report involving "ghost voters." And finally, it would be helpful to the Commission if you could discuss your thoughts and present any research conducted by Judicial Watch or other studies on faith in integrity of elections.

Per our conversation yesterday, the Commission's next meeting is tentatively scheduled for September 12, 2017 at Saint Anselm's College in Manchester, New Hampshire. Of course, once we finalize the details we will reach out to you to discuss the logistics. Again, it was great speaking with you and we look forward to working with you. If you have any questions, feel free to contact me.

All the best,

Ronald E. Williams II
Policy Advisor
Office of the Vice President
Presidential Advisory Commission on Election Integrity
Cell: [redacted]
Office: 202.395.1587
Email: Ronald.E.Williams@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]
Sent: 8/17/2017 3:20:30 PM
To: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
CC: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Thanks. You can send her my contact.

We won't publicize from the VP office, but if they want to promote, they are more than welcome to do so. Only concern is that opponents will then get out and start talking which could force them to head out before testimony.

Marc Lotter
Special Assistant to the President
Press Secretary to the Vice President
Cell: [redacted]
Twitter: @VPPressSec

-----Original Message-----
From: Williams, Ronald E. EOP/OVP
Sent: Thursday, August 17, 2017 9:46 AM
To: Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: FW: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning Marc,

FYI

-----Original Message-----
From: Jill Farrell [mailto:JFarrell@JUDICIALWATCH.ORG]
Sent: Thursday, August 17, 2017 9:35 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: FW: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hello Ronald,

Is there a communications person on your team with whom I can coordinate efforts?

Best regards,

Jill Sutherland Farrell
Director of Public Affairs
Judicial Watch Inc.
425 Third St., SW, Suite 800
Washington, DC 20024
Desk 202-646-5188
Cell [redacted]
>www.judicialwatch.org<
@judicialwatch

-----Original Message-----
From: Robert Popper
Sent: Wednesday, August 16, 2017 4:53 PM
To: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>
Subject: FW: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

FYI, esp re publicizing 3-5 days in advance.

-----Original Message-----
From: Robert Popper
Sent: Wednesday, August 16, 2017 4:51 PM
To: 'Williams, Ronald E. EOP/OVP' <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

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AMERICAN OVERSIGHT

Thanks.

Bob

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 4:50 PM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

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Re publicizing your appearance 3-5 days in advance: We are fine with that.

Again, if you have any other questions feel free to let us know.

Thanks and see you soon!

Ron

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Ron,

It was great to talk with you yesterday. I hope you're going and we can meet in NH.

I will focus on those topics. I do have two other questions. First: after the event, I am flying to Baltimore and then out to California for the rest of the week. I booked the last flight out of Manchester, NH, which is at 6 pm, and of course I'll need to get to the airport before that in the late afternoon. Do you think I will be testifying in the morning, or at any event before 4 pm or so? If that doesn't work for you, I can catch later flights out of Boston with a little more planning.

Second: do you all mind if we publicize my appearance by press release 3-5 days in advance?

Talk to you soon,

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: [redacted]

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 8:53 AM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning Bob - my apologies for just getting around to sending this. It was great speaking with you yesterday and we look forward to having you provide testimony at the Commission's upcoming meeting.

You offered some great topics on which you could present. From those topics it would be great if you could provide a general overview of the NVRA - to include your experience in the Voting Section and any

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notable list maintenance cases (including those worked on in the Voting Section, the Husted case, and the similar Georgia case). We would also like for you to present Judicial Watch's most recent report involving "ghost voters." And finally, it would be helpful to the Commission if you could discuss your thoughts and present any research conducted by Judicial Watch or other studies on faith in integrity of elections.

Per our conversation yesterday, the Commission's next meeting is tentatively scheduled for September 12, 2017 at Saint Anselm's College in Manchester, New Hampshire. Of course, once we finalize the details we will reach out to you to discuss the logistics. Again, it was great speaking with you and we look forward to working with you. If you have any questions, feel free to contact me.

All the best,

Ronald E. Williams II
Policy Advisor
Office of the Vice President
Presidential Advisory Commission on Election Integrity
Cell: [redacted]
Office: 202.395.1587
Email: Ronald.E.Williams@ovp.eop.gov

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Message

From: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Sent: 8/17/2017 4:05:08 PM
To: Robert Popper [rpopper@JUDICIALWATCH.ORG]
CC: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Thanks Bob - we understand.

Ron

-----Original Message-----
From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Thursday, August 17, 2017 11:11 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Ron,

Sorry, no, the study is proprietary right now. It is an ongoing project, with the data being updated on the basis of our direct contacts with states and counties, and we haven't published it yet. We shared excerpts with Deroy Murdock at NR but asked him not to publish what we shared.

I am sure we will publish it eventually.

Bob

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 5:00 PM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hi Bob -

One last thing: we're having trouble finding the actual JW report on "ghost voters" - other than from the NR article. Is there a report that you can share with us?

Thanks,
Ron

-----Original Message-----
From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Wednesday, August 16, 2017 4:52 PM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

That all works for me, and I can send you my written statement by September 8.

Thanks.

Bob

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 4:50 PM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hi Bob,

We are still finalizing the agenda but at this point we envision that you will be on the second (afternoon) panel - which will be well before 4 pm. We are hoping to have the meeting concluded by 4 pm. Again, soon as we finalize the agenda, to include the times, we will let you know. Also, we would like

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for you to provide us with your written open statement no later than September 8. Please let us know if that works for you.

Re publicizing your appearance 3-5 days in advance: We are fine with that.

Again, if you have any other questions feel free to let us know.

Thanks and see you soon!

Ron

-----Original Message-----
From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Wednesday, August 16, 2017 10:47 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

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Direct: (202) 646-5173
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Sent: Wednesday, August 16, 2017 8:53 AM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

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All the best,

Ronald E. Williams II
Policy Advisor
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Presidential Advisory Commission on Election Integrity

AMERICAN OVERSIGHT

Cell: [redacted]
Office: 202.395.1587
Email: Ronald.E.Williams@ovp.eop.gov

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Message

From: Robert Popper [rpopper@JUDICIALWATCH.ORG]
Sent: 9/8/2017 3:09:06 PM
To: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]; Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
CC: Jill Farrell [JFarrell@JUDICIALWATCH.ORG]; Carter Clews [cclews@JUDICIALWATCH.ORG]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017
Attachments: Written Statement of Robert Popper to PACEI - Final.pdf

Good morning,

I had an issue with a few varying fonts, which I fixed in the attached. I made NO changes to the text.

Bob

-----Original Message-----
From: Robert Popper
Sent: Friday, September 08, 2017 1:17 AM
To: 'Williams, Ronald E. EOP/OVP' <Ronald.E.Williams@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Attached is my written testimony. Please let me know if you need anything else.

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: [redacted]

AMERICAN OVERSIGHT

IT IS TIME TO START ENFORCING THE NATIONAL VOTER REGISTRATION ACT OF 1993

Testimony before the Presidential Advisory Commission on Election Integrity

September 12, 2017

Robert D. Popper
Director, Election Integrity Project
Judicial Watch, Inc.

Background and Experience

My name is Robert D. Popper. I am a Senior Attorney and the Director of the Election Integrity Project at Judicial Watch, Inc. Judicial Watch is a Washington, D.C.-based public interest nonprofit dedicated to promoting transparency, accountability, and integrity in government, politics, and the law.

I was admitted to the Bar in New York in 1990, and I have been practicing as a litigator for 27 years. I have special knowledge and expertise in the area of voting law. In 1995, as a solo practitioner, I represented plaintiffs in a successful constitutional challenge alleging racial segregation in the design of New York's 12th Congressional District.[1]

In 2005, I joined the Voting Section of the Civil Rights Division of the U.S. Department of Justice, where I worked for eight years. In my time there, I managed voting rights investigations, litigations, consent decrees, and settlements in dozens of states. I spoke about voting rights issues at professional conferences and to state and local officials. In 2008, I was promoted to Deputy Chief of the Voting Section.

In 2013, I joined Judicial Watch as Director of the Election Integrity Project. In my time here, I have litigated voting rights cases in several states and have filed numerous friend-of-the-court briefs before the U.S. Supreme Court and various courts of appeal. I have testified before state legislatures on voting reform measures. In the course of my career, I have published popular pieces and scholarly articles on the subject of voting law.[2]

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[1] *Diaz v. Silver*, 978 F. Supp. 96 (E.D.N.Y. 1997) (three-judge court), *aff'd mem.*, 521 U.S. 801 (1997).

[2] *See The Voter Suppression Myth Takes Another Hit*, WALL ST. J., December 28, 2014; *Florida Gets Another Chance to Appeal for the Right to Clean Voter Rolls, They Should Take It*, THE DAILY CALLER, December 11, 2014; *Political Fraud About Voter Fraud*, WALL ST. J., April 27, 2014; *Little-Noticed Provision Would Dramatically Expand DOJ's Authority at the Polls*, THE DAILY CALLER, March 28, 2014; and, with Professor Daniel D. Polsby, *Guinier's Theory of Political Market Failure*, 77 SOC. SCI. Q. 14 (1996); *Racial Lines*, NAT. REV. 53, February 20, 1995; *Ugly: An Inquiry into the Problem of Racial Gerrymandering Under the Voting Rights Act*, 92 MICH. L. REV. 652 (1993); *The Third Criterion: Compactness as a Procedural Safeguard*

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I am particularly familiar with the National Voter Registration Act of 1993 (NVRA), the subject of my testimony. From 2005 to 2008, I had primary responsibility at the Department of Justice for enforcing that statute. In 2008, I received a Special Commendation Award for my efforts in enforcing Section 7 of the NVRA, which requires state offices providing public assistance to offer those receiving it the opportunity to register to vote. During that same period, I also litigated several cases for the Department to enforce the voter roll list maintenance provisions of Section 8 of the Act, and I obtained consent decrees with the states of Maine, Indiana, and New Jersey, and a settlement agreement with the City of Philadelphia, in which they agreed to abide by Section 8's provisions.[3] As I will explain, these were the last cases the Department ever brought to enforce the voter list maintenance provisions of the NVRA.

Judicial Watch has been actively involved as a private litigant in enforcing Section 8 of the NVRA, suing Ohio and Indiana in 2012 for their failure to comply.[4] After I moved to Judicial Watch in 2013, we concluded a settlement agreement resolving litigation against the State of Ohio[5] and voluntarily dismissed our lawsuit against Indiana after the State restructured its election administration and undertook remedial measures. This year, based on our analysis of available census and voter registration data, Judicial Watch sent letters to twelve states, and to 113 counties in those states, providing them statutory notice that they were failing to comply with their list maintenance obligations under Section 8 of the NVRA.[6] The letters warned those jurisdictions that they would be subject to a private lawsuit if they did not undertake the list maintenance required by the statute.

Judicial Watch expects that it will bring such lawsuits against noncomplying jurisdictions. Further, in July of this year, Judicial Watch commenced a lawsuit against the State of Maryland for refusing to grant it access to election-related documents that the State was required by the NVRA to keep and to make publicly available.[7]

Against Partisan Gerrymandering, 9 YALE L. & POL'Y REV. 301 (1991); *Gerrymandering: Harms and a New Solution*, Heartland Institute Monograph (1990).

[3] For summaries of the relevant cases, *see* https://www.justice.gov/crt/cases-raising-claims-under-national-voter-registration-act#philadelphia.

[4] *Judicial Watch, Inc. v. King*, 993 F. Supp. 2d 919 (S.D. Ind. 2012); *Judicial Watch v. Husted*, Civil Action No. 12-792 (S.D. Ohio 2012).

[5] This agreement is available at http://www.judicialwatch.org/document-archive/01-14-ohio-voter-rolls-settlement/.

[6] *See* http://www.judicialwatch.org/press-room/press-releases/judicial-watch-warns-11-states-clean-voter-registration-lists-face-federal-lawsuit/; http://www.judicialwatch.org/press-room/press-releases/judicial-watch-warns-california-clean-voter-registration-lists-face-federal-lawsuit/.

[7] *Judicial Watch v. Lamone*, No. 1:17-cv-02006 (D. Md. 2017); *see* http://www.judicialwatch.org/press-room/press-releases/judicial-watch-sues-voter-registration-data-national-voter-registration-act/.

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Americans Do Not Trust the Integrity of Our Electoral System

The American people have come to believe that there are serious problems with our electoral system. One study from last year showed that Americans have little faith in the integrity of their elections and postulated that this partly explains low voter turnout.[8] A Rasmussen poll from 2016 reported that only 41% of those polled believe "American elections are fair to voters."[9] A Washington Post-ABC News poll from 2016 found that 46% of those polled believed that voter fraud happens either "somewhat" or "very" often.[10]

Particularly revealing is a Gallup poll that compares American attitudes with those of other countries. In a poll taken in 2016 – *before* the parties' national conventions that summer – Americans were asked if they had confidence in the "honesty of elections." A "record-low 30%" said that they did, while an astonishing 69% said that they did not.[11] This trend has become significantly worse in recent years, and the United States is now a significant outlier among the nations polled. Gallup reports that "[g]lobally, the U.S. ranks 90th out of 112 countries that Gallup has asked this question in so far this year," and among countries that are true electoral democracies, "only Mexico (19%) ranks lower than the U.S."[12]

Unfortunately, poor list maintenance practices lend credence to the public perception that our nation's electoral system is not functioning properly.

The Voter List Maintenance Goals of the NVRA Are Not Being Met

As the NVRA itself makes clear in its "Findings and Purposes," it was enacted in order to achieve two different goals. It was intended, first, to "increase the number of eligible citizens who register to vote," enhancing their "participation . . . in elections for Federal office"; and, second, to "protect the integrity of the electoral process," ensuring "that accurate and current voter rolls are maintained."[13]

The first goal of increasing eligible registrants was intended to be met by increasing the number of state offices where citizens are offered the opportunity to register to vote. The most significant NVRA provision supporting this goal is the requirement that every application for a state driver's license must serve as well as a voter registration application, unless an applicant

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8 *See, e.g.*, Pippa Norris, Holly Ann Garnett and Max Grömping, *Why Don't More Americans Vote? Maybe Because They Don't Trust U.S. Elections*, Wash. Post, December 26, 2016.

9 http://www.rasmussenreports.com/public_content/politics/general_politics/january_2016/are_u_s_elections_fair.

10 https://www.washingtonpost.com/page/2010-2019/WashingtonPost/2016/09/15/National-Politics/Polling/release_444.xml?tid=a_inl.

11 http://www.gallup.com/poll/196976/update-americans-confidence-voting-election.aspx.

12 *Id.*

13 52 U.S.C. § 20501(b).

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does not wish to register or is already registered.[14] It is this provision that has afforded the NVRA its popular designation as the "Motor Voter" law. There is good evidence that the first goal of the NVRA has been largely realized. For example, in the twenty-year period starting in 1992, a year before the NVRA was enacted, through 2012, the registration rate increased nationally by more than 11%.[15]

The second goal of protecting electoral integrity by ensuring accurate and current voter rolls was supposed to be achieved by the NVRA's requirement that states "conduct a general program that makes a reasonable effort to remove the names of ineligible voters" from the rolls if they have died or moved elsewhere.[16]

This second goal has not been met. Five years ago, this fact was brought forcefully to national attention by a study noting that "24 million – one of every eight – voter registrations in the United States are no longer valid or are significantly inaccurate"; that "1.8 million deceased individuals are listed as voters," and that "2.75 million people have registrations in more than one state."[17]

Based on Judicial Watch's research this year, there is every reason to believe that these problems have gotten worse. This past July, the Election Assistance Commission publicly released the responses provided to its most recent election administration survey. By law, the Commission is required to submit a report to Congress every two years "assessing the impact" of the NVRA "on the administration of elections for Federal office during the preceding 2-year period."[18] States are required to provide the information requested by the Commission.[19]

Judicial Watch hired a political scientist and demographer to compare the registration information contained in the Commission's report with the latest census data.[20] We also contacted particular counties directly to obtain or confirm certain data.

Our study indicates a pervasive failure by state and county officials to fulfill the voter list maintenance obligations imposed by the NVRA. To begin with, the EAC's survey includes a question about the number of NVRA address confirmation notices sent during a two-year

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14 52 U.S.C. § 20504(a).

15 Royce Crocker, *The National Voter Registration Act of 1993: History, Implementation, and Effects,* Appendix A, CONG. RES. SERV., Sept. 18, 2013.

16 52 U.S.C. § 20507(a)(4).

17 *Inaccurate, Costly, and Inefficient: Evidence That America's Voter Registration System Needs an Upgrade*, PEW RES. CTR. ON THE STATES, Feb. 14, 2012, at 1.

18 52 U.S.C. § 20508(a)(3).

19 *See* 11 C.F.R. § 9428.7.

20 *See The Election Administration & Voting Survey: 2016 Comprehensive Report*, ELECTION ASSISTANCE COMM'N, June 29, 2017, available, along with the relevant datasets, at https://www.eac.gov/research-and-data/election-administration-voting-survey/, and the latest American Community Survey population and demographic data, available at https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml.

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reporting period.[21] Jurisdictions are required to send these notices to those who are believed to have moved prior to placing them in an inactive status for a statutory waiting period of two general federal elections.[22] A failure to send such notices shows that a jurisdiction is not endeavoring to determine who may have moved elsewhere.

There are over 2,800 counties in states covered by the NVRA. Of these, 415, or about 15% of all covered counties, did not report sending *any* confirmation notices during the two-year period from 2014 to 2016. This fact suggests a widespread failure to comply with the NVRA. Moreover, of the counties that *did* report sending confirmation notices, another 581, or about 20% of the total, reported sending notices during the last two-year period to fewer than 5% of their registered voters. Given that the Census Bureau reports that about 11% of Americans move *every year*,[23] these low rates also suggest that these counties are not diligently conducting voter list maintenance.

Counties' overall registration rates also reveal compliance issues. Our study showed that, in 462 U.S. counties, the number of voter registrations exceeded the number of citizens over the age of 18 who resided in those counties. In other words, those counties' registration rates exceeded 100% of the population eligible to register.[24] Federal courts have repeatedly held that such an imbalance between registrations and age-eligible citizens is grounds for believing that a jurisdiction is not living up to its list maintenance obligations.[25] These 462 counties, moreover, constitute about 17% of all U.S. counties covered by the NVRA where we have enough data to make these calculations.

These facts show widespread noncompliance with the NVRA. The problem, moreover, is worse than it was even a few years ago. When Judicial Watch conducted a similar registration analysis in 2015, we found that 312 counties covered by the NVRA had more registered voters than voting-age citizen population, which was about 11% of all counties where we had the data necessary to make this comparison.

State and county officials confronted with improbably high registration rates often try to talk past the data in predictable ways. For example, such officials tell us that registration rates are high precisely because the NVRA requires officials to wait for two general elections before removing the registrations of those who have not responded to confirmation notices. By this reasoning a high registration rate shows, not a lack of compliance with the NVRA, but a diligent effort to send out confirmation notices and to move registrations to the inactive list.

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21 *Election Administration & Voting Survey,* supra note 19, at 188 (question A10a).

22 52 U.S.C. § 20507(d)(2).

23 https://www.census.gov/newsroom/blogs/random-samplings/2017/01/mover-rate.html.

24 Remarkably, there also were 15 counties reporting more voter registrations than their *total* populations, including minors and noncitizens.

25 *See Voter Integrity Project NC, Inc. v. Wake Cnty. Bd. of Elections*, 2017 U.S. Dist. Lexis 23565 at *17-18 (W.D.N.C. Feb. 21, 2017); *Bellitto v. Snipes*, 2017 U.S. Dist. Lexis 107355 at *52-53 (S.D. Fla. July 11, 2017); *Am. Civ. Rights Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 793-94 (W.D. Tex. Mar. 30, 2015).

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In my experience, such claims are almost always belied by the facts. It is often the case that a county with a high registration rate also sent relatively few confirmation notices during the reporting period. Such facts contradict any claim that high registration rates are due to voters being moved to the inactive list. And while it is conceivable that a "bump" in total registrations will occur after a sudden, significant effort to remove invalid registrations, this effect should be temporary and should decline over time. An examination of the age of inactive registrations is enough to settle this kind of dispute. In one investigation, we found thousands of registrations that had been inactive for more than a decade. These cannot be explained by ordinary list maintenance procedures or by the need to wait for two elections before cancelling a registration.

States with high registration rates also implausibly contend that inactive registrations should not be considered at all in determining registration rates. By subtracting these out, these states hope to show lower and more reasonable-looking registration rates. The reasons for conducting this special arithmetical operation are rarely elaborated in any detail, but we have heard the argument that such inactive registrations are irrelevant because they are awaiting cancellation, or because the registrants are probably living elsewhere. Note at the outset that the factual premises of these assertions are wrong. Registrations may be moved to the inactive list for any number of reasons under various state laws, and not just because the registrant failed to return a confirmation notice. Further, as we have discovered, registrations often sit on state inactive lists for many years beyond the NVRA's statutory waiting period without being cancelled.

But there is a far more basic problem with the argument that inactive registrations ought not to count. The NVRA plainly provides that *inactive registrations may still be voted.*[26] This voting can take place as late as Election Day, at which point "affirmation or confirmation of the registrant's address *may* be required."[27] But the voter need not vote by provisional ballot or endure any other impediment to voting.[28]

The simple fact is that as long as a registration may be voted on the next Election Day, it should be treated as part of a state's voter registration list. That is why, when I worked in the Voting Section of the Department of Justice, we invariably considered inactive registrations when analyzing the NVRA programs of covered states and counties. For the same reason, when we concluded an NVRA settlement decree or agreement we insisted on receiving information and reports about inactive registrations.[29]

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[26] 52 U.S.C. § 20507(d)(2)(A).

[27] *Id.* (emphasis added).

[28] *See A. Philip Randolph Inst. v. Husted*, 838 F.3d 699, 716 (6th Cir. 2016) (Siler, J., concurring in part, dissenting in part), *cert. granted* 137 S. Ct. 2188 (2017) ("an 'inactive' voter has all the rights to cast a regular ballot at any election," and "if the registrant has any voting activity during those four years, he or she returns to an active voter status"); *Common Cause v. Kemp*, 2017 U.S. Dist. Lexis 93417 at *2 (N.D. Ga. Mar. 17, 2017) ("Voters on the inactive list can still vote.").

[29] *See, e.g., United States v. Indiana*, 2006 U.S. Dist. LEXIS 45640 at *4-5, *9-10 (S.D. Ind. July 5, 2006) (consent decree requiring initial report and annual reports including information on inactive voters).

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As a final point, it is worth remembering that every U.S. county covered by the NVRA must abide by the same rules, and must respect and accommodate the same statutory waiting period. Yet 83% of these counties had registration rates – including active *and* inactive voters – that were less than 100%. As federal courts have acknowledged, the fact that a county has a registration rate exceeding 100% is strong circumstantial evidence that that county is not conducting a reasonable program of voter list maintenance.

The Department of Justice Has Failed to Enforce the NVRA's List Maintenance Provisions and Has Impaired States' Efforts to Maintain Their Voter Rolls

From 2005 to 2007, Section 8 list maintenance claims were included in federal complaints filed by the Department of Justice against Missouri, Maine, New Jersey, Indiana, and the City of Philadelphia. The Department ultimately obtained court-ordered consent decrees with Maine, New Jersey, and Indiana, and concluded a settlement agreement with the City of Philadelphia.[30] I managed each of those litigations for the Department. The last of the NVRA-related consent decrees expired in 2009.

I was present at a meeting in November 2009 in which the Deputy Assistant Attorney General in charge of the Voting Section told the staff that Section 8 cases were not a priority.[31] From that time until the present, the Department of Justice has not filed a single complaint involving a claim under the voter list maintenance provisions of Section 8 of the NVRA. To my knowledge, the Department has not sent any state or county a notice letter indicating that it intended to sue to enforce those provisions. I know, moreover, that there were many states that the Department could have targeted for enforcement action during the intervening years.

The Department during the last administration appears to have completely abandoned all efforts to enforce the list maintenance provisions of Section 8 of the NVRA. Even worse, the Department engaged in litigation specifically intended to limit the ability of states to remove ineligible registrations from the rolls. I will cite a few examples.

In 2012, Florida sought to conduct a list maintenance program designed to remove noncitizens from its voter rolls. The Department of Justice and, in a separate action, a group of left-leaning advocacy organizations sued to enjoin Florida's program. The NVRA requires that any program to cancel the registrations of those who have moved must stop during the 90 days right before an election.[32] Both the Department and the private litigants argued that this provision prevented Florida from attempting to remove *noncitizens* from the voter rolls during that 90-day period. The argument is extraordinary, considering that noncitizens were never

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30 These cases are described on the Department's website, at https://www.justice.gov/crt/cases-raising-claims-under-national-voter-registration-act#philadelphia.

31 *See A Review of the Operations of the Voting Section of the Civil Rights Division*, OFFICE OF THE INSPECTOR GENERAL, OVERSIGHT AND REVIEW DIVISION 100-101, March 2013, available at https://oig.justice.gov/reports/2013/s1303.pdf.

32 52 U.S.C. § 20507(c)(2)(A).

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eligible to register or vote, and, consequently, that they only could be listed on the voter rolls because of an error, or by means of a fraudulent registration.

Each of the district courts that heard this argument rejected it.[33] But the private plaintiffs appealed, and, in a surprise 2-1 ruling, an 11th Circuit panel accepted their argument and reversed the lower court's decision.[34] Just as surprising, the administration of Governor Rick Scott refused to appeal that ruling to the Supreme Court. As a result, it is now the law in the 11th Circuit that noncitizens may *not* be systematically removed from the voter rolls in the 90 days before an election. My point is not merely that the result is wrong, even outrageous, but that the U.S. Department of Justice actively sought this result.

In two other cases, the Department provided *amicus* support to private plaintiffs seeking to restrict states' ability to monitor and remove ineligible registrations. The NVRA specifies that voters may not be removed merely for failing to vote.[35] The electoral laws of Georgia and Ohio provide that address confirmation notices must be sent to voters who have had no voting-related activity for a certain period of time – three years under Georgia law and two years in Ohio. If the registrants to whom those notices are sent respond, they are designated as active voters. If they fail to respond, they are put in an inactive status and, if they do not contact the state or appear to vote during the NVRA's statutory waiting period of two general federal elections, they are removed from the rolls.

Private plaintiffs in each state sued to enjoin those state laws, arguing that they were, in effect, removing voters merely for failing to vote, which is proscribed by the NVRA. The obvious rejoinder to this argument is that no one is being removed for failing to vote. Registrants are merely being sent address confirmation letters. What happens after that depends on how they respond.

Both district courts dismissed these lawsuits. The Georgia decision is on appeal to the 11th Circuit.[36] The Ohio decision was reversed by a divided panel of the 6th Circuit, and currently is on appeal to the Supreme Court, which granted the appellants' petition for a writ of certiorari.[37] I believe that the plaintiffs' claims are clearly meritless. But again, my main point is that the U.S. Department of Justice filed briefs supporting the plaintiffs in their efforts to restrict the power of states to remove ineligible registrants from the voter rolls.

More recently, in August of this year, the Department filed an *amicus* brief in the Supreme Court in the Ohio case reversing its prior position and supporting the State's

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33 *U.S. v. Detzner*, 870 F. Supp. 2d 1346 (N.D. Fla. 2012); *Arcia v. Detzner*, 908 F. Supp. 2d 1276 (S.D. Fla. 2012).

34 *Arcia v. Detzner*, 746 F.3d 1273 (11th Cir. 2014).

35 52 U.S.C. § 20507(b)(2).

36 *Common Cause v. Kemp*, 2017 U.S. Dist. Lexis 93417 (N.D. Ga. Mar. 17, 2017), *appeal docketed*, No. 17-11315 (11th Cir. Mar. 23, 2017).

37 *A. Philip Randolph Institute v. Husted*, 2016 U.S. Dist. LEXIS 84519 (S.D. Ohio June 29, 2016), *rev'd,* 838 F.3d 699 (6th Cir. 2016), *cert. granted sub nom. Husted v. A. Philip Randolph Institute*, No. 16-980, 2017 U.S. LEXIS 3506 (May 30, 2017).

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interpretation of the NVRA. I commend the Department for this decision. The position it takes in this brief is clearly supported by the plain text of the NVRA and by existing law.

Beyond the issues raised in this one case, however, I trust that this action signals that the Department is abandoning the approach adopted during the prior administration, which not only failed to enforce the list maintenance provisions of the NVRA, but sued states that were trying to comply with the statute. I also urge the Department to investigate states' and counties' voter list maintenance programs, and to notify and then sue those jurisdictions that fail to comply with the obligations imposed by Section 8 of the NVRA. With 462 counties showing registration rates greater than 100%, there are a large number of potential targets for enforcement.

Judicial Watch is proud of its efforts to enforce Section 8 of the NVRA. But the Department of Justice should be leading this work. The Department has far greater resources at its disposal than private nonprofits like Judicial Watch, and is far more likely to obtain the voluntary cooperation of states and counties when it notifies them of a potential violation.

The NVRA Should Be Enforced

There are sound policy and legal reasons for enforcing the voter list maintenance provisions of the NVRA and requiring states to clean their voter rolls. Yet, in engaging in this discussion, I find it is important not to confuse this matter with the debate over state voter identification laws. While I believe, with a majority of Americans, that there are persuasive reasons for requiring reliable photo identification at the polls on Election Day, the enforcement of the NVRA is a broader topic and it raises a number of different concerns.

To begin with, the NVRA already is federal law. Congress already engaged in the weighing of factors and the deliberation necessary to justify that law. We ought not choose which federal laws, or which provisions of those laws, we will enforce. This is particularly so with compromise legislation like the NVRA. As the statute's "Findings and Purposes" makes clear, the NVRA sought to accommodate both those who hoped for greater registration and access to voting, and those who hoped to ensure election integrity and guarantee accurate voter rolls. It is contrary to congressional intent, and, frankly, dishonest, to enforce only half of a compromise bill.

In addition, accurate voter lists prevent more kinds of fraud than a voter ID requirement. For example, an accurate voter list prevents double voting, which most commonly occurs where recently moved voters vote in the electoral precincts associated both with their new and their old addresses. Requiring an ID does not prevent this, because double voters are who they say they are. Regular maintenance of the voter rolls also diminishes the opportunities for absentee or mail-in ballot fraud, which most experts agree is more common than impersonation fraud. Every week Judicial Watch gets emails like the one we received just a few days ago:

> In the mail today, a letter came from the State of California Department of Motor Vehicles. The letter was addressed to my mother . . . who has been deceased since 2009. In the latter was a renewal form for her Disabled parking and a Voter Registration Form that just needed to be filled out and sent in. If these letters are

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> being sent at large to people who are deceased, it would be extremely easy for anyone to fill out the voter registration form – requesting to vote by mail – and no one would know that it was a fraudulent vote.

Our correspondent is correct, and if the voter rolls were better maintained, the possibility she alludes to would not arise.

Maintaining accurate voter rolls as required by the NVRA also has other benefits that have nothing to do with preventing fraud. For example, accurate voter rolls prevent honest mistakes, such as where those who are not aware that they are ineligible vote because they are listed on the rolls, or where voters cast a ballot in the wrong location, possibly in the wrong election, because the rolls are not current.

In addition, inaccurate voter rolls hamper legitimate voter education and get-out-the-vote efforts. To the extent that these efforts rely on voter rolls to determine whom to contact and where they may be reached, inaccurate voter rolls increase the expense of such efforts. It costs money to send thousands of pieces of mail to wrong addresses or to persons who no longer reside in the state.

As a final point, I would like to make a few observations about voter fraud, a topic much discussed today. We know that voter fraud, whether impersonation fraud, absentee ballot fraud, registration fraud, double voting, noncitizen voting, or voting by those ineligible under state law, occurs and is, in some form, a feature of every election, and we have suggestive, but not conclusive, evidence about the extent of such fraud. We also know that voter fraud is hard to detect and prove, especially where the law requires a showing of specific intent. We know that many states do not even bother to track voter fraud.[38] We also know that this is probably to be expected, given that voter fraud often is lightly penalized. In preparing my statement, I happened to research some of the voter fraud laws in neighboring Vermont. Its election law provides that the penalty for casting more than one ballot is a maximum fine of $1,000 for a primary or general election, $100 for a local election, and no incarceration in either case.[39] At the same time, Vermont law provides that the penalty for selling maple syrup without a license is a maximum fine of $5,000 and up to a year in prison.[40]

In any case, discussions about the precise extent and effect of voter fraud risk obscuring a more important point: Elections, like kitchens, must look clean. I was managing an election monitoring team in Philadelphia in November 2008 when two men, one of them armed with a club, took up a position outside a local polling station.[41] Four years later, I was back in Philadelphia when we received a report that one polling place had a floor-to-ceiling mural of President Obama, along with his campaign logo and a quote from one of his speeches.[42]

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38 *See* Robert D. Popper, *Political Fraud About Voter Fraud*, WALL ST. J., April 27, 2014.

39 17 V.S.A. § 1971.

40 6 V.S.A. §§ 483, 498.

41 https://www.youtube.com/watch?v=neGbKHyGuHU.

42 http://www.nbcphiladelphia.com/news/local/Obamas-Face-Covered-at-Polling-Place-After-Court-Order-177511541.html.

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No one would dismiss the need for legislation forbidding weapons at a polling place because violence is rare, or because no one was frightened away from the polls, or because the incident did not sway the outcome of an election. People should be able to rely on the fact that they will be physically safe at polling stations.

Similarly, no one would deny the value of laws against electioneering or partisan displays inside polling places on the ground that these displays did not change anyone's mind or determine an election. Such displays suggest to the voters that the election officials are not impartial. Even if it never changes or influences a single vote, this behavior sends a bad message to the public. It suggests that election officials are not going to be fair.

For the same reasons, the law should incorporate and enforce elementary protections against voter fraud. Indeed, it is in part the absence of such protections that has led an astonishing 69% of Americans to say that they do not have confidence in the honesty of our elections. These elementary protections include the voter list maintenance provisions of Section 8 of the NVRA. Along with all of the other advantages derived from the statute, diligent enforcement of the NVRA will help convince the public that American elections are clean.

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17-2361-A-006596

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 3:37:28 PM
To: Robert Popper [rpopper@JUDICIALWATCH.ORG]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
CC: Jill Farrell [JFarrell@JUDICIALWATCH.ORG]; Carter Clews [cclews@JUDICIALWATCH.ORG]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Thanks, Bob. We'll should be able to swap this with the other version.

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Friday, September 8, 2017 11:09 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning,

I had an issue with a few varying fonts, which I fixed in the attached. I made NO changes to the text.

Bob

-----Original Message-----
From: Robert Popper
Sent: Friday, September 08, 2017 1:17 AM
To: 'Williams, Ronald E. EOP/OVP' <Ronald.E.Williams@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Attached is my written testimony. Please let me know if you need anything else.

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: [redacted]

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Message

From: Jill Farrell [JFarrell@JUDICIALWATCH.ORG]
Sent: 9/8/2017 4:26:56 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]; Robert Popper [rpopper@JUDICIALWATCH.ORG]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Do we know the duration of the event and what time Bob is scheduled to speak? 9a - 4p, with Bob speaking at 2, perhaps? Please let me know so that I can include it in our publicity.

Thanks.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Friday, September 08, 2017 11:37 AM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Thanks, Bob. We'll should be able to swap this with the other version.

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Friday, September 8, 2017 11:09 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning,

I had an issue with a few varying fonts, which I fixed in the attached. I made NO changes to the text.

Bob

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From: Robert Popper
Sent: Friday, September 08, 2017 1:17 AM
To: 'Williams, Ronald E. EOP/OVP' <Ronald.E.Williams@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Attached is my written testimony. Please let me know if you need anything else.

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: [redacted]

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Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 5:58:46 PM
To: Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Thanks. I'll respond

-----Original Message-----
From: Lotter, Marc E. EOP/OVP
Sent: Friday, September 8, 2017 1:56 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: FW: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Marc Lotter
Special Assistant to the President
Press Secretary to the Vice President
Cell: [redacted]
Twitter: @VPPressSec

-----Original Message-----
From: Jill Farrell [mailto:JFarrell@JUDICIALWATCH.ORG]
Sent: Friday, September 8, 2017 12:28 PM
To: Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Do we know the duration of the event and what time Bob is scheduled to speak? 9a - 4p, with Bob speaking at 2, perhaps? Please let me know so that I can include it in our publicity.
Would you please send the embed code or streaming keys so that I can include that information.

Thanks.
Jill
JW
-----Original Message-----
From: Jill Farrell
Sent: Tuesday, September 05, 2017 3:06 PM
To: 'Lotter, Marc E. EOP/OVP' <Marc.E.Lotter@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Thank you very much, Marc. I am just roughing something out now so we don't have maximum excitement just before show time ☺
I look forward to working with you.

-----Original Message-----
From: Lotter, Marc E. EOP/OVP [mailto:Marc.E.Lotter@ovp.eop.gov]
Sent: Tuesday, September 05, 2017 2:51 PM
To: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>
Cc: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Robert Popper <rpopper@JUDICIALWATCH.ORG>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Jill,

Thanks for reaching out. We should have a final agenda for the meeting in the next day or two -- that will help with timing. We would appreciate seeing any release before it is sent.

I should also have a better idea of links, etc toward the end of the week.

Marc

Marc Lotter
Special Assistant to the President
Press Secretary to the Vice President
Cell: [redacted]

AMERICAN OVERSIGHT

Twitter: @VPPressSec

-----Original Message-----
From: Jill Farrell [mailto:JFarrell@JUDICIALWATCH.ORG]
Sent: Tuesday, September 5, 2017 2:19 PM
To: Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>
Cc: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Robert Popper <rpopper@JUDICIALWATCH.ORG>
Subject: FW: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hello Marc,

I have begun drafting our press announcement regarding Robert Popper's testimony. I have a couple of questions:

Do you need to pre-screen our intended final release?
Would you please send the embed code or streaming keys so that I can include that information.
Do you have a final rundown of who is speaking when? If not, at a minimum, are you able to let me know when Bob is scheduled?
Please send me any explanatory material or links that you would like me to include.

Thank you very much!

Best wishes for great success,

Jill Sutherland Farrell
Director of Public Affairs
Judicial Watch Inc.
425 Third St., SW, Suite 800
Washington, DC 20024
Desk 202-646-5188
Cell [redacted]
>>www.judicialwatch.org<<
@judicialwatch

-----Original Message-----
From: Lotter, Marc E. EOP/OVP [mailto:Marc.E.Lotter@ovp.eop.gov]
Sent: Friday, August 25, 2017 4:19 PM
To: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Jill,

Sorry it's taken me a while to get back to you. The meeting will be live streamed. Additional information about press will be finalized and announced in the coming weeks.

Marc

Marc Lotter
Special Assistant to the President
Press Secretary to the Vice President
Cell: [redacted]
Twitter: @VPPressSec

-----Original Message-----
From: Jill Farrell [mailto:JFarrell@JUDICIALWATCH.ORG]
Sent: Friday, August 25, 2017 8:39 AM
To: Lotter, Marc E. EOP/OVP <Marc.E.Lotter@ovp.eop.gov>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hi Marc,

Just checking in again to see if there have been any decisions made regarding press coverage or broadcasting of the Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Jill Sutherland Farrell
Director of Public Affairs
Judicial Watch Inc.
425 Third St., SW, Suite 800

AMERICAN OVERSIGHT

Washington, DC 20024
Desk 202-646-5188
Cell [redacted]
>>>www.judicialwatch.org<<<
@judicialwatch

-----Original Message-----
From: Jill Farrell
Sent: Friday, August 18, 2017 9:08 AM
To: 'Marc.E.Lotter@ovp.eop.gov' <Marc.E.Lotter@ovp.eop.gov>
Subject: FW: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hello Marc,

I work with Robert Popper, who will be providing testimony on Sept 12.

I would like to coordinate with you to further your efforts in communications regarding the event. Judicial Watch has nearly 5 million social media followers and very good outreach the press.

Just a couple of quick questions pop into mind. Will this event be open to the press? Will it be open to the public? Will it be broadcast? If it is broadcast, can you send me the embed code or streaming keys?

Let me know how I can be of service on this end. We appreciate this opportunity and look forward to working with you.

Very best regards,

Jill Sutherland Farrell
Director of Public Affairs
Judicial Watch Inc.
425 Third St., SW, Suite 800
Washington, DC 20024
Desk 202-646-5188
Cell [redacted]
>>>www.judicialwatch.org<<<
@judicialwatch

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Friday, August 18, 2017 8:30 AM
To: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning Jill,

Please contact Marc Lotter

Special Assistant to the President
Press Secretary to the Vice President
Email: Marc.E.Lotter@ovp.eop.gov
Cell: [redacted]
Twitter: @VPPressSec

If you need anything, please don't hesitate to contact me.

Best,
Ron

-----Original Message-----
From: Jill Farrell [mailto:JFarrell@JUDICIALWATCH.ORG]
Sent: Thursday, August 17, 2017 9:35 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: FW: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hello Ronald,

Is there a communications person on your team with whom I can coordinate efforts?

Best regards,

Jill Sutherland Farrell

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Director of Public Affairs
Judicial Watch Inc.
425 Third St., SW, Suite 800
Washington, DC 20024
Desk 202-646-5188
Cell [redacted]
>>>>www.judicialwatch.org<<<<
 @judicialwatch

-----Original Message-----
From: Robert Popper
Sent: Wednesday, August 16, 2017 4:53 PM
To: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>
Subject: FW: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

FYI, esp re publicizing 3-5 days in advance.

-----Original Message-----
From: Robert Popper
Sent: Wednesday, August 16, 2017 4:51 PM
To: 'Williams, Ronald E. EOP/OVP' <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

That all works for me, and I can send you my written statement by September 8.

Thanks.

Bob

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 4:50 PM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hi Bob,

We are still finalizing the agenda but at this point we envision that you will be on the second (afternoon) panel - which will be well before 4 pm. We are hoping to have the meeting concluded by 4 pm. Again, soon as we finalize the agenda, to include the times, we will let you know. Also, we would like for you to provide us with your written open statement no later than September 8. Please let us know if that works for you.

Re publicizing your appearance 3-5 days in advance: We are fine with that.

Again, if you have any other questions feel free to let us know.

Thanks and see you soon!

Ron

-----Original Message-----
From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Wednesday, August 16, 2017 10:47 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Ron,

It was great to talk with you yesterday. I hope you're going and we can meet in NH.

I will focus on those topics. I do have two other questions. First: after the event, I am flying to Baltimore and then out to California for the rest of the week. I booked the last flight out of Manchester, NH, which is at 6 pm, and of course I'll need to get to the airport before that in the late afternoon. Do you think I will be testifying in the morning, or at any event before 4 pm or so? If that doesn't work for you, I can catch later flights out of Boston with a little more planning.

Second: do you all mind if we publicize my appearance by press release 3-5 days in advance?

Talk to you soon,

AMERICAN OVERSIGHT

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: [redacted]

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 8:53 AM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning Bob - my apologies for just getting around to sending this. It was great speaking with you yesterday and we look forward to having you provide testimony at the Commission's upcoming meeting.

You offered some great topics on which you could present. From those topics it would be great if you could provide a general overview of the NVRA - to include your experience in the Voting Section and any notable list maintenance cases (including those worked on in the Voting Section, the Husted case, and the similar Georgia case). We would also like for you to present Judicial Watch's most recent report involving "ghost voters." And finally, it would be helpful to the Commission if you could discuss your thoughts and present any research conducted by Judicial Watch or other studies on faith in integrity of elections.

Per our conversation yesterday, the Commission's next meeting is tentatively scheduled for September 12, 2017 at Saint Anselm's College in Manchester, New Hampshire. Of course, once we finalize the details we will reach out to you to discuss the logistics. Again, it was great speaking with you and we look forward to working with you. If you have any questions, feel free to contact me.

All the best,

Ronald E. Williams II
Policy Advisor
Office of the Vice President
Presidential Advisory Commission on Election Integrity
Cell: [redacted]
Office: 202.395.1587
Email: Ronald.E.Williams@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Robert Popper [rpopper@JUDICIALWATCH.ORG]
Sent: 8/16/2017 8:52:15 PM
To: Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
CC: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

That all works for me, and I can send you my written statement by September 8.

Thanks.

Bob

-----Original Message-----
From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 4:50 PM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

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Thanks and see you soon!

Ron

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From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Wednesday, August 16, 2017 10:47 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Ron,

It was great to talk with you yesterday. I hope you're going and we can meet in NH.

I will focus on those topics. I do have two other questions. First: after the event, I am flying to Baltimore and then out to California for the rest of the week. I booked the last flight out of Manchester, NH, which is at 6 pm, and of course I'll need to get to the airport before that in the late afternoon. Do you think I will be testifying in the morning, or at any event before 4 pm or so? If that doesn't work for you, I can catch later flights out of Boston with a little more planning.

Second: do you all mind if we publicize my appearance by press release 3-5 days in advance?

Talk to you soon,

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: [redacted]

-----Original Message-----

AMERICAN OVERSIGHT

From: Williams, Ronald E. EOP/OVP [mailto:Ronald.E.Williams@ovp.eop.gov]
Sent: Wednesday, August 16, 2017 8:53 AM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>
Cc: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning Bob - my apologies for just getting around to sending this. It was great speaking with you yesterday and we look forward to having you provide testimony at the Commission's upcoming meeting.

You offered some great topics on which you could present. From those topics it would be great if you could provide a general overview of the NVRA - to include your experience in the Voting Section and any notable list maintenance cases (including those worked on in the Voting Section, the Husted case, and the similar Georgia case). We would also like for you to present Judicial Watch's most recent report involving "ghost voters." And finally, it would be helpful to the Commission if you could discuss your thoughts and present any research conducted by Judicial Watch or other studies on faith in integrity of elections.

Per our conversation yesterday, the Commission's next meeting is tentatively scheduled for September 12, 2017 at Saint Anselm's College in Manchester, New Hampshire. Of course, once we finalize the details we will reach out to you to discuss the logistics. Again, it was great speaking with you and we look forward to working with you. If you have any questions, feel free to contact me.

All the best,

Ronald E. Williams II
Policy Advisor
Office of the Vice President
Presidential Advisory Commission on Election Integrity
Cell: [redacted]
Office: 202.395.1587
Email: Ronald.E.Williams@ovp.eop.gov

AMERICAN OVERSIGHT

Message

From: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Sent: 9/8/2017 6:01:47 PM
To: Jill Farrell [JFarrell@JUDICIALWATCH.ORG]; Robert Popper [rpopper@JUDICIALWATCH.ORG]; Williams, Ronald E. EOP/OVP [Ronald.E.Williams@ovp.eop.gov]
CC: Lotter, Marc E. EOP/OVP [Marc.E.Lotter@ovp.eop.gov]
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Hi Jill,

The meeting starts at 10 a.m. Eastern, and there's one panel before Bob's starts. Depending on how things go with the first panel, I expect Bob's panel to start sometime between 11:45 and 12:30, depending on whether the chairman decides to break before or after Bob's panel. The meeting will adjourn by 4:00.

Hope that helps. If you have any other questions, just let me know.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity
Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Jill Farrell [mailto:JFarrell@JUDICIALWATCH.ORG]
Sent: Friday, September 8, 2017 12:27 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>; Robert Popper <rpopper@JUDICIALWATCH.ORG>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Do we know the duration of the event and what time Bob is scheduled to speak? 9a - 4p, with Bob speaking at 2, perhaps? Please let me know so that I can include it in our publicity.

Thanks.

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Friday, September 08, 2017 11:37 AM
To: Robert Popper <rpopper@JUDICIALWATCH.ORG>; Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Thanks, Bob. We'll should be able to swap this with the other version.

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Robert Popper [mailto:rpopper@JUDICIALWATCH.ORG]
Sent: Friday, September 8, 2017 11:09 AM
To: Williams, Ronald E. EOP/OVP <Ronald.E.Williams@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: RE: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Good morning,

I had an issue with a few varying fonts, which I fixed in the attached. I made NO changes to the text.

Bob

AMERICAN OVERSIGHT

-----Original Message-----
From: Robert Popper
Sent: Friday, September 08, 2017 1:17 AM
To: 'Williams, Ronald E. EOP/OVP' <Ronald.E.Williams@ovp.eop.gov>; Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Cc: Jill Farrell <JFarrell@JUDICIALWATCH.ORG>; Carter Clews <cclews@JUDICIALWATCH.ORG>
Subject: Presidential Advisory Commission on Election Integrity - Testimony - September 12, 2017

Attached is my written testimony. Please let me know if you need anything else.

Bob Popper
Director, Election Integrity Project
Judicial Watch, Inc.
425 Third Street, SW
Suite 800
Washington, D.C. 20024
Direct: (202) 646-5173
Cell: [redacted]

AMERICAN OVERSIGHT

Message

From: von Spakovsky, Hans [Hans.VonSpakovsky@heritage.org]
Sent: 9/8/2017 6:54:28 PM
To: Kossack, Andrew J. EOP/OVP [Andrew.J.Kossack@ovp.eop.gov]
Subject: RE: [Postmaster] Email Delivery Failure

No problem - thanks for letting me know.

Hans von Spakovsky
Manager, Election Law Reform Initiative and Senior Legal Fellow
Institute for Constitutional Government
The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002
202-608-6207
heritage.org

-----Original Message-----
From: Kossack, Andrew J. EOP/OVP [mailto:Andrew.J.Kossack@ovp.eop.gov]
Sent: Friday, September 8, 2017 2:54 PM
To: von Spakovsky, Hans <Hans.VonSpakovsky@heritage.org>
Subject: FW: [Postmaster] Email Delivery Failure

Hi Hans,

I tried to send you all the materials for Tuesday's meeting, but got a bounce-back due to the file sizes. I'll send you a link to the webpage where all of the materials will be posted later today. Sorry about that.

Thanks,
Andrew

Andrew J. Kossack
Executive Director, Presidential Advisory Commission on Election Integrity Associate Counsel, Office of the Vice President
Cell: [redacted]
Email: Andrew.J.Kossack@ovp.eop.gov

-----Original Message-----
From: Postmaster [mailto:postmaster@heritage.org]
Sent: Friday, September 8, 2017 2:27 PM
To: Kossack, Andrew J. EOP/OVP <Andrew.J.Kossack@ovp.eop.gov>
Subject: [Postmaster] Email Delivery Failure

This is a delivery failure notification message indicating that an email you addressed to email address :
-- hans.vonspakovsky@heritage.org

could not be delivered. The problem appears to be :
-- Recipient email server rejected the message

Additional information follows :
-- 5.3.4 Message size exceeds fixed maximum message size

This condition occurred after 1 attempt(s) to deliver over a period of 0 hour(s).

If you sent the email to multiple recipients, you will receive one of these messages for each one which failed delivery, otherwise they have been sent.

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