

DO NOT FORWARD. NOT FOR PUBLICATION OR ATTRIBUTION.

Dear Ms. Powell,

I am responding to the most recent request by your organization, the Public Interest Legal Foundation, for the non-citizen cancellation report for the dates 1/1/11 to present. To clarify charges you make in your letter dated January 31, 2017, we did not deny your request. Your representatives appeared in my office on the first day of absentee voting. Our office is a two person office that was in the midst of serving our registered voters by conducting the election with professionalism and integrity. Your purported concerns about the integrity of elections should have taken into consideration that significant deadline to serve registered voters and made *them* a priority. Upon requesting contact information from your representatives so I could respond to them, they refused to even provide their names or contact information. All of these events render your accusation that we denied your request invalid.

I would also like to remind your organization that the Department of Elections provided the report you are requesting including clarifications, in September of 2016 (see Attachment A). Your article in the Daily Signal titled "Hundreds of Noncitizens on Voting Rolls in Swing State of Virginia" (Attachment B) dated September 28, 2016 grossly misrepresented the facts and further eroded voter confidence in the processes election administrators are required to follow in accordance with legislation.

Attached (Attachment C) you will find the report you have requested. As you were informed by the Department of Elections, this report is not all inclusive and there are false positives. Each voter on this report was a different circumstance. I have researched each one of them since I wasn't appointed to this position or employed in this office until late 2012. In many instances, voters miss checking the tiny box indicating they are citizens. In this instance, we are required to deny their registrations or cancel them if they are registered and submitting an application to change their address or name etc. without completing that part of the application. We send a letter notifying them of the cancellation and the reason and in the majority of instances, they provide valid photo id/proof of citizenship and their registration is reactivated. In one instance I found that my predecessor erroneously cancelled the voter, noting that the voter had failed to check the citizen box when in fact the voter had. This report only shows the cancellations and insinuates that hundreds or thousands of non-citizens have voted when you don't have the whole history of the voters you are referencing statewide.

There are many more serious concerns in the administration of elections nationwide. I remain concerned about your potential misinterpretation of the reports and your propensity to misrepresent those results to our voters.

Please note, I do not give you permission in any way to quote me, reproduce, forward, or attribute anything I have written in this letter. Rappahannock County has now complied with your request and a copy of all correspondence regarding this matter is now in the custody of our Commonwealth Attorney and County Attorney.

Respectfully,



Kim McKiernan, VREO
Director of Elections, Rappahannock County, VA

2/9/17

