

**Paul D. Pate**  
Secretary of State



**State Capitol**  
Des Moines, Iowa 50319

**OFFICE OF THE IOWA SECRETARY OF STATE**

August 25, 2020

Thomas Miller  
Attorney General  
Hoover State Office Building  
1305 E. Walnut Street  
Des Moines IA 50319

Dear General Miller:

It is my unfortunate duty to refer a violation of Iowa Code chapter 715C "PERSONAL INFORMATION SECURITY BREACH PROTECTION" by Linn County Auditor Joel Miller for investigation and prosecution by your office.

In short, Auditor Miller deliberately caused the "personal information" (as defined by Iowa Code ch. 715C) of thousands of Iowa voters to be acquired without legitimate purpose and transmitted without encryption or redaction.

This is a clear violation of Iowa law by Auditor Miller. As you're aware, violations of Iowa Code chapter 715C can be prosecuted as consumer fraud under Iowa Code chapter 714.

Because Auditor Miller did not have a legitimate purpose to access and send the data, the vendor necessarily could not have a legitimate purpose. Of course, none of this is the fault of the vendor because they were undoubtedly reliant on representation of Auditor Miller or his staff that this was a legal activity when in fact it was not.

To aid with your investigation, enclosed is a legal memo prepared by my staff, along with supporting documentation – including the demand for information and records issued pursuant to Iowa Code § 47.1(6), and Auditor Miller's response to the information.

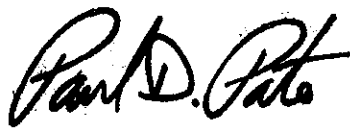
We are aware of other county auditors who acted in a matter similar to that of Auditor Miller, and to whom a similar application of the relevant law would apply. However, we are still in the process of gathering facts in those instances.

I have instructed my staff to work in full cooperation with your office until your investigation is complete. This includes supplying any additional information or context that your staff may find useful in their work.

Because Iowa Code § 715C.2(1) requires notification of affected Iowans “be made in the most expeditious manner possible and without unreasonable delay, consistent with the legitimate needs of law enforcement...” please respond no later than September 9, 2020 with confirmation on whether an investigation into the matter will occur.

I am prepared to issue a notification to all affected registered voters at the completion of your investigation and am prepared to re-issue voter verification numbers after the General Election.

Respectfully,

A handwritten signature in black ink that reads "Paul D. Pate". The signature is written in a cursive style with a large, stylized initial "P".

Paul D. Pate  
Secretary of State