



Commonwealth of Pennsylvania  
Department of State  
Bureau Commissions, Elections and Legislation  
401 North Street  
Room 210 North Office Building  
Harrisburg, PA 17120

Jonathan Marks,  
Commissioner

Telephone: (717) 787-5280  
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December 20, 2017

**Via Email and First-Class Mail**

Noel Johnson, Esq.  
Public Interest Legal Foundation  
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**Re: NVRA Request**

Dear Mr. Johnson:

Thank you for your letter dated December 4, 2017, in which you request records from the Pennsylvania Department of State (Department) pursuant to the National Voter Registration Act of 1993 (NVRA). While we can appreciate your interest, the Department does not agree that the NVRA entitles you to access the records you seek. At its core, Section 20507 of the NVRA requires reasonable efforts to remove voters ineligible by reason of death or a change of residence. 52 U.S.C. § 20507(a)(4). There is nothing in that section that specifically relates to the removal of non-citizens. Therefore, it is not reasonable to read the public disclosure provision in Section 20507(i) as relating to anything but the mandatory removal programs set forth in Section 20507(a)(4).

Further, even assuming *arguendo* that the NVRA would apply to a systematic removal program regarding non-citizens, the Department does not currently have such a program in place. As such, no responsive documents exist.

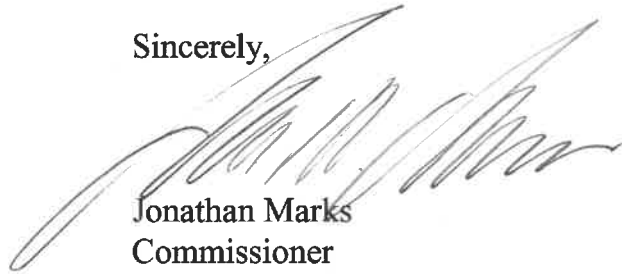
Maintaining the accuracy and integrity of Pennsylvania's voter registration database is extremely important to the Department and we are committed to using reliable tools that advance the goals of increased accuracy and integrity. The solution we recently implemented in partnership with PennDOT to prevent non-citizens from entering the Motor Voter workflow advances these goals, and does so without the risk of disenfranchisement. As we stated at the hearings before the Pennsylvania General

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Assembly, the Department is actively reviewing this matter but we must proceed in a responsible manner to ensure that no eligible voters are disenfranchised in the process.

Thank you again for your letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Marks', written over a light blue horizontal line.

Jonathan Marks  
Commissioner  
Bureau of Commissions, Elections and  
Legislation  
Pennsylvania Department of State