

PUBLIC INTEREST

—— LEGAL FOUNDATION ——

VIA EMAIL

October 1, 2018

Derek L. Bowens
Director
Durham County Board of Elections
PO Box 868
Durham, NC 27702
Email: elections@dconc.gov

RE: NVRA Violation Notice

Dear Mr. Bowens:

This letter is in regard to our September 10, 2018 request pursuant to the public inspection provision of the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(i), to inspect and duplicate voter list maintenance records maintained by your office.

On September 10, 2018, we wrote to your office seeking an opportunity to inspect and photocopying the following voter list maintenance records:

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, North Carolina Department of Motor Vehicles, and from the North Carolina State Board of Elections 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.
2. All documents and records of communication received 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. Please include any official records indicating maintenance actions undertaken thereafter.
3. All documents and records of communication received 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 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.

32 E. Washington Street, Suite 1675, Indianapolis, Indiana 46204
Telephone: 317.203.5599 Fax: 888.815.5641 PublicInterestLegal.org

Exhibit C, Page 1

To date, no response or status update has been offered by your office.

As we stated previously, our request to inspect and photocopy records is made pursuant to the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(i). Any exemptions or restrictions found in North Carolina law are superseded by federal law and thus inapplicable to our request. Furthermore, the NVRA places no restrictions on the use of the list maintenance records we have requested.

By refusing to make the requested records available for public inspection, your office is in violation of the NVRA. This letter serves as final statutory notice required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of Section 8 of the NVRA, 52 U.S.C. § 20507(i), for failure to grant inspection and duplication of the requested records.

Durham County is hereby notified that it now faces federal litigation should it continue to deny access to requested records in its possession.

It is our hope the County will work quickly to provide for inspection of all of the records previously requested. A lawsuit under the NVRA may be filed against you if the NVRA violation described herein is not fully remedied within 20 days of your receipt of this letter. 52 U.S.C. § 20510(b). For any lawsuits initiated by a private party, an award of attorney's fees, expenses, and costs incurred are available under 52 U.S.C. § 20510(c).

Thank you for your time and attention to this matter.

Sincerely,



Logan Churchwell
Communications & Research Director
Public Interest Legal Foundation
lchurchwell@publicinterestlegal.org

CC: Mr. Andy Penry
Chairman
North Carolina State Board of Elections
PO Box 27255
Raleigh, NC 27611-7255
Email: Elections.sboe@ncsbe.gov

PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA EMAIL

October 1, 2018

Tim Tsujii
Director
Forsyth County Board of Elections
201 N. Chestnut Street
Winston Salem, NC 27101
Email: forsyth.boe@ncsbe.gov

RE: NVRA Violation Notice

Dear Mr. Bowens:

This letter is in regard to our September 10, 2018 request pursuant to the public inspection provision of the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(i), to inspect and duplicate voter list maintenance records maintained by your office.

On September 10, 2018, we wrote to your office seeking an opportunity to inspect and photocopying the following voter list maintenance records:

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, North Carolina Department of Motor Vehicles, and from the North Carolina State Board of Elections 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.
2. All documents and records of communication received 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. Please include any official records indicating maintenance actions undertaken thereafter.
3. All documents and records of communication received 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 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.

32 E. Washington Street, Suite 1675, Indianapolis, Indiana 46204
Telephone: 317.203.5599 Fax: 888.815.5641 PublicInterestLegal.org

Exhibit C, Page 3

To date, no response or status update has been offered by your office.

As we stated previously, our request to inspect and photocopy records is made pursuant to the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(i). Any exemptions or restrictions found in North Carolina law are superseded by federal law and thus inapplicable to our request. Furthermore, the NVRA places no restrictions on the use of the list maintenance records we have requested.

By refusing to make the requested records available for public inspection, your office is in violation of the NVRA. This letter serves as final statutory notice required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of Section 8 of the NVRA, 52 U.S.C. § 20507(i), for failure to grant inspection and duplication of the requested records.

Forsyth County is hereby notified that it now faces federal litigation should it continue to deny access to requested records in its possession.

It is our hope the County will work quickly to provide for inspection of all of the records previously requested. A lawsuit under the NVRA may be filed against you if the NVRA violation described herein is not fully remedied within 20 days of your receipt of this letter. 52 U.S.C. § 20510(b). For any lawsuits initiated by a private party, an award of attorney's fees, expenses, and costs incurred are available under 52 U.S.C. § 20510(c).

Thank you for your time and attention to this matter.

Sincerely,



Logan Churchwell
Communications & Research Director
Public Interest Legal Foundation
lchurchwell@publicinterestlegal.org

CC: Mr. Andy Penry
Chairman
North Carolina State Board of Elections
PO Box 27255
Raleigh, NC 27611-7255
Email: Elections.sboe@ncsbe.gov

PUBLIC INTEREST

— LEGAL FOUNDATION —

VIA EMAIL

October 1, 2018

Charlie Collicutt
Director
Guilford County Board of Elections
PO Box 3427
Greensboro, NC 27402
Email: guilford.boe@ncsbe.gov

RE: NVRA Violation Notice

Dear Mr. Bowens:

This letter is in regard to our September 10, 2018 request pursuant to the public inspection provision of the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(i), to inspect and duplicate voter list maintenance records maintained by your office.

On September 10, 2018, we wrote to your office seeking an opportunity to inspect and photocopying the following voter list maintenance records:

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, North Carolina Department of Motor Vehicles, and from the North Carolina State Board of Elections 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.
2. All documents and records of communication received 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. Please include any official records indicating maintenance actions undertaken thereafter.
3. All documents and records of communication received 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 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.

32 E. Washington Street, Suite 1675, Indianapolis, Indiana 46204
Telephone: 317.203.5599 Fax: 888.815.5641 PublicInterestLegal.org

Exhibit C, Page 5

To date, no response or status update has been offered by your office.

As we stated previously, our request to inspect and photocopy records is made pursuant to the National Voter Registration Act (NVRA), 52 U.S.C. § 20507(i). Any exemptions or restrictions found in North Carolina law are superseded by federal law and thus inapplicable to our request. Furthermore, the NVRA places no restrictions on the use of the list maintenance records we have requested.

By refusing to make the requested records available for public inspection, your office is in violation of the NVRA. This letter serves as final statutory notice required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of Section 8 of the NVRA, 52 U.S.C. § 20507(i), for failure to grant inspection and duplication of the requested records.

Guilford County is hereby notified that it now faces federal litigation should it continue to deny access to requested records in its possession.

It is our hope the County will work quickly to provide for inspection of all of the records previously requested. A lawsuit under the NVRA may be filed against you if the NVRA violation described herein is not fully remedied within 20 days of your receipt of this letter. 52 U.S.C. § 20510(b). For any lawsuits initiated by a private party, an award of attorney's fees, expenses, and costs incurred are available under 52 U.S.C. § 20510(c).

Thank you for your time and attention to this matter.

Sincerely,



Logan Churchwell
Communications & Research Director
Public Interest Legal Foundation
lchurchwell@publicinterestlegal.org

CC: Mr. Andy Penry
Chairman
North Carolina State Board of Elections
PO Box 27255
Raleigh, NC 27611-7255
Email: Elections.sboe@ncsbe.gov