U.S. Department of Justice
Civil Rights Division

Voting Section – 4CON
950 Pennsylvania Ave, NW
Washington, DC 20530

Mr. Robert Page

Orange County Registrar of Voters
P.O. Box 11298
Santa Ana, CA 92711-1298
rovwebmaster@ocvote.gov
Sent by mail and email

Dear Mr. Page,

The Department of Justice Civil Rights Division has recently received complaints from non-citizen residents of Orange County that they have received ballots from your office. As you know, non-citizens are not eligible to vote in either federal or state elections in California.

The National Voter Registration Act ("NVRA") requires that *only* eligible registrants be registered to vote in federal elections. 52 U.S.C 20507(a)(1) and also requires the removal of non-eligible registrants from voter rolls 52 U.S.C.20507 (a)(4). The Help American Vote Act ("HAVA") requires specific information from registrants prior to registering them to vote in federal elections. Section 303(a)(5), entitled "Verification of voter registration information," deals with one of these requirements. Section 303(a)(5)(A) provides that a voter registration application for federal elections "may not be accepted or processed by a State" unless the application includes the applicant's driver license number (if the applicant has such number) or the last four digits of the applicant's social security number (if the applicant does not have a driver license number). If the applicant has neither such number, then the State must assign a unique identifying number. HAVA also imposes certain list maintenance obligations on states as part of the uniform statewide database requirements of Section 303(a)(2) of HAVA, 52 U.S.C. § 21083(a)(2), including coordinating the state voter registration list with state agency records on felony status and death.

Section 303(a)(5)(A)(iii), entitled "Determination of validity of numbers provided," provides that States "shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with State law."

Section 303(a)(5)(B), entitled "Requirements for State officials," contains additional detail regarding these verification requirements. Section 303(a)(5)(B)(i) provides that state election officials and state motor vehicle officials "shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the motor vehicle authority to the extent required to enable each such official to *verify the accuracy* of the information provided on applications for voter registration" (emphasis added).

It is clear in §303 that Congress intended, absent some exemption, that voter registration applicants for federal elections must provide certain specific information and State officials must take certain specific steps to verify this information. Indeed, Congress went to some length in HAVA to describe the steps to be taken by States in verifying registration information for the statewide registration list. The obvious purpose of such verification provisions is to ensure that only eligible individuals are registered to vote, and that those individuals only have one registration at any given time on the statewide list.

Despite the requirements of federal law, non-citizens in Orange County are being registered to vote.

The Attorney General has enforcement authority over the NVRA as well as Sections 301, 302, and 303 of Title III of HAVA. Pursuant to that authority we are requesting the following documents:

1. Records showing the number of voter registration records in Orange County cancelled because the registrant did not satisfy the citizenship requirements for voter registration.

2. Records related to each cancellation described in Request No. 1, including copies of each registrant's voter registration application, voter registration record, voting history, and related correspondence sent or received by your office in regard to the registration.

The period for these requests is January 1, 2020, to present. Please forward this information within 14 days to mauree.riordan2@usdoj.gov. If you have any questions, you may contact me at 202-702-6110.

Thank you in advance for your cooperation.

Sincerely,

Maureen S. Riordan
Senior Counsel
Acting Chief, Voting Section
Civil Rights Division