

July 7, 2017

National Association of Secretaries of State
Hall of States
444 N. Capitol Street, NW
Suite 401
Washington, DC 20001

Dear Members of the National Association of Secretaries of State,

We write to express our serious concerns regarding the letters issued by the Department of Justice and Secretary of State Kris Kobach on June 28, 2017, on behalf of the Presidential Advisory Commission on Election Integrity. We are alarmed about the large amount and sensitive nature of the information requested, as well as the lack of information provided about what that information will be used for. These concerns echo those expressed by our Congressional Black Caucus (CBC) colleagues in their June 30, 2017 letter to you.

The accusatory tone of the letters sent by Secretary Kobach and the Department of Justice seem to suggest a lack of confidence in our states' ability to conduct free, fair and honest elections. Furthermore, the information collected could lead to the creation of a national voter file. Both of these points raise privacy, civil liberties and states' rights concerns. Secretary Kobach's request for information may also be illegal, as our CBC colleagues note, potentially violating the federal Privacy Act.

Though we would not oppose nonpartisan analysis of the efficiency, accuracy and, above all, cybersecurity of our state elections, we cannot ignore President Trump's repeated rants about unsubstantiated claims of widespread voter fraud, fraud that was somehow undetected by the men and women dedicated to protecting state election systems. Given the words and actions of President Trump, Vice President Pence and vice chair Kobach, it is difficult to imagine that this commission will not advocate for the sometimes illegal voter suppression tactics frequently carried out by its vice chair, Secretary Kobach.

While there is no evidence of widespread voter fraud, there is evidence that certain laws and practices have prevented law-abiding Americans from voting in the past. Studies estimate that more than 1 in 10 Americans may lack government-issued identification¹. Additionally, laws and efforts that impose voter ID laws or purge voter registration rolls disproportionately impact poor, elderly, disabled and minority Americans, and increase the amount of red tape and bureaucracy needed to exercise a basic Constitutional right.

¹ "Getting a photo ID so you can vote is easy. Unless you're poor, black, Latino or elderly." Washington Post. May 16, 2016.

We should be making it easier for law-abiding American citizens to vote, not more difficult. To paraphrase the words of Vice President Pence to Advisory Commissioners, “the right to vote is a foundation of our democracy.”

We are encouraged by the overwhelming number of Democratic and Republican secretaries of state that have rejected the commission’s request. We urge you all to defend every American’s right to vote, and continue to safeguard your states’ ability to protect the privacy of its citizens.

Sincerely,

Michelle Lujan Grisham
CHC Chairwoman

Joaquin Castro
CHC First Vice Chair

Ruben Gallego
CHC Second Vice Chair

Pete Aguilar
CHC Whip

Adriano Espaillat
CHC Freshman Representative

Tony Cárdenas
Member of Congress