



November 18, 2019

Honorable Steve S. Sandvoss
Executive Director
Illinois State Board of Elections
2329 South MacArthur Blvd.
Springfield, IL 62704-4503

Re: Statutory Notice of violations of 52 U.S.C § 20507(i) in Illinois

Dear Executive Director Sandvoss,

I write this as legal counsel for the Illinois Conservative Union (ICU) and on behalf of the following Illinois registered voters: Carol J. Davis, Janet L. Shaw, Jane R. Carrell, and Loretta J. Savee. The purpose of this letter is to bring to your attention violations of Section 8(i) of the National Voter Registration Act (“NVRA”) in Illinois. As Illinois’ Chief Election Officer, it is your responsibility under federal law to coordinate Illinois’ compliance with Section 8 of the NVRA, which includes the document production provisions in 52 U.S.C. §20507(i). This letter serves as official statutory notice under 52 U.S.C. §20510(b)(2) that ICU and the individual voters will bring a lawsuit if this violation of Section 8(i) is not corrected within 90 days.

Illinois Conservative Union sent a letter (attached as Exhibit A) to you dated July 24, 2019 requesting among other things the following:

- Data associated with a voter list so that we can verify that Illinois is making a reasonable effort to maintain the list of eligible voters
- The entire state voter registration data (as provided to state-wide candidates) as this would serve our purposes and is something you are already providing to others
- Manuals, training manuals, protocols for voter registration maintenance.

ICU received your office’s response in two separate mailings.

One sent to the ICU PO Box received on August 19, 2019, containing

- A letter from Matt Dietrich, Public Information Officer, Illinois State Board of Elections, dated August 14, 2019 which partially denied, while partially complying with our request. (attached as Exhibit B)
- Printed records of voter list maintenance activity summaries from all Illinois jurisdictions for this year and prior years dating back as far as January 1, 2015.
- A data disc, on which your office provided a file listing all registrations made inactive dating back to January 1, 2017 and those voters’ current status and their responses to notices verifying status sent in conformance to 52 U.S.C. §20507(d)(2).
- A data disc containing a redacted version of the IVRS Manual and the NVRA Manual

The second envelope arrived on August 20, 2019 via Certified Mail #7017 3380 0000 8317 3021. It contained returned items that we had enclosed with our July 24th letter:

- the Voter Data Request Form and
- the un-cashed check for \$500 (what ISBE charges political committees for state-wide data)

Matt Dietrich August 14th letter states the reason for the return of our payment and not providing the voter list was that *“Illinois law restricts the release of electronic voter data to registered political committees and governmental bodies, so the full database would not be available to your organization.”* Mr. Dietrich suggested that we visit the State Board of Elections office in Springfield, stating *“Any relevant information regarding Illinois list maintenance efforts in the possession of SBE would be made available...”*

On Wednesday, August 28, three Illinois Conservative Union (ICU) members, Loretta Savee, Jan Shaw and Nancy Hayes, traveled to Springfield to view the voter list data online. The setup was not conducive to verifying list maintenance. Entries could be pulled up based on name, address or birth-date. The retrieved records contain no voting history, and there was no way to query the data. For example, Cheryl Hobson, Deputy Director of Illinois Voting Registration Services, who assisted us, was unable to produce a list or even a count of Illinois voters who had achieved the age of 100.

As a bonafide civic organization and Illinois registered voters, we require registered voter list data (full name, birth-date, home address, 2008-2018 voting history, status (active, inactive, canceled), in a data file for analysis to determine the proper maintenance of voter rolls per Section 8 of the National Voter Registration Act (NVRA).

The NVRA is a federal election law which takes precedence over any conflicting state law. Please refer to the case in the United States District Court for the District of Maryland Civil Action No. ELH-17-2006 where the motion was granted for plaintiff’s request for the production of voter list.

Given the outcome of the cited Maryland District Court lawsuit, *Judicial Watch, Inc. v. Lamone*,¹ a bona fide civic organization may not be denied state electronic voter registration data. There is no need for ICU to organize as a Political Action Committee. We are non-partisan, bona fide civic organization and seek only to participate in ensuring integrity of voter rolls.

The voter registration database, or list, complete with fields indicating full name, date of birth, home address, most recent voter activity, and active or inactive status are critical to ensuring that the state is conducting proper list maintenance as required by federal law. These records allow us to determine whether the state has canceled voters’ registrations after the statutorily required confirmation procedure under 52 U.S.C. § 20507(d); removed voters’ registrations after matching deceased records or for other errors; or removed the registrations of voters who are registered at a commercial address.

Furthermore, failure to include the voter database or list with full dates of birth makes it much harder if not impossible to make an accurate potential duplicate match. Section 8’s public disclosure provision requires the state to “make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters” with two exceptions not relevant here. *See* 52 U.S.C. §20507(i)(1).

The public disclosure provision is “available to any member of the public” including non-profit organizations, and “convey[s] Congress’s intention that the public should be monitoring the state of the voter rolls and the adequacy of election officials’ list maintenance programs.” *Bellitto v. Snipes*, 2018 U.S. Dist. LEXIS 103617, at *12-13 (S.D. Fla., Mar. 30, 2018). “Accordingly, election officials must provide full public access to all records related to their list maintenance activities, *including their voter rolls.*” *Id.* (emphasis added).

Illinois’ failure to provide the voter registration database to the Illinois Conservative Union in response to the July 24, 2019 request constitutes a violation of Section 8(i) of the NVRA. To remedy this violation, Illinois must produce the documents requested by ICU within the 90-day period.

Requests by eligible civic organizations for voter data are to be fulfilled within 15 days of their receipt by state boards of elections else they are in violation of the NVRA. I look forward to your prompt response, including any required information or moneys from ICU for you to fulfill your statutory obligations.

Sincerely,



David J. Shestokas
Attorney for Illinois Conservative Union
Direct line: 312-451-5550

cc: Matt Dietrich
Public Information Officer
Illinois State Board of Elections

Carol J. Davis
Janet L. Shaw
Jane R. Carrell
Loretta J. Savee

¹ <https://casetext.com/case/judicial-watch-inc-v-lamone>



July 24, 2019

Via Certified Mail

Honorable Steve S. Sandvoss
Executive Director
Illinois State Board of Elections
2329 South MacArthur Blvd.
Springfield, IL 62704-4503

Re: Production of documents related to voter list maintenance pursuant to NVRA

Dear Executive Director Sandvoss:

Pursuant to Section 8(i) of the National Voter Registration Act of 1993 please make available to us all pertinent records by you or in your possession, custody or control concerning the "implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency" of Illinois' official lists of eligible voters during the past 2 years. Please include these records with your response to this letter or else let us know when and where they will be made available for inspection by electronic/searchable data for the voter registration list and voting history.

These records should include, but are not limited to the following:

- Copies of the most recent voter registration database, or copies of the most recent voter registration lists drawn from the voter registration database, for Illinois including fields indicating a unique voter/state ID, each registered voters' name, full date of birth, home address, most recent voter activity, active, inactive or cancelled status.
- The names and addresses of all persons to whom notices described in 52 USC § 20501(d)(2) were sent, and information concerning whether or not each person responded to the notice.
- Any and all records regarding voters removed by reason of:
 - death
 - procedures required following notices sent pursuant to 52 USC § 20501(d)(2)
 - non-citizenship
 - felony conviction
 - mental incapacity
- All manuals, training materials, protocols, written standards and official guidance concerning efforts to ensure the accuracy, and currency of your official list of eligible voters.

The Illinois Conservative Union (ICU) is a 501(c)(4) non-profit organization promoting civics education and has an interest in the integrity of Illinois elections. Illinois Conservative Union is an Illinois state-wide civic organization. Illinois Conservative Union (ICU) is a d.b.a. of West Suburban Patriots (WSP) as recognized by the state of Illinois on Feb 21, 2018. WSP received our 501(c)(4) status from the IRS with an effective date of April, 26, 2011. WSP became an Illinois Bona Fide state civic organization on October 13, 2011.

The 52 USC § 20507 public disclosure provision requires that the state to "make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and

activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters". The public disclosure provision is "available to any member of the public" including non-profit organizations, and "conveys Congress' intention that the public should be monitoring the state of the voter rolls and the adequacy of election officials list maintenance programs." *Bellito v. Snipes*, 2018 US Dist. LEXIS 103617 (SD Fla, Mar. 30, 2018). "Accordingly, election officials must provide full public access to all records related to their list maintenance activities, including their voter rolls." *Id.* (emphasis added).

This request is made under federal provisions that are preemptive of Illinois' restrictions and requirements found in 10 ILCS 5/4-8, relating to who may request and receive the data requested above pursuant to federal law. The data provided will not be used for any commercial purposes, only for the purposes intended by federal law.

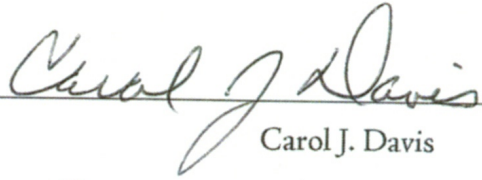
Accordingly, if you do not provide us with these records within 15 days or if you fail to advise us within that time that you are making them available to us at specified times and locations you will be deemed in violation of the NVRA. We look forward to your prompt response.

Our research indicates that the standard fee for fulfilling this request is \$500.00 for the statewide data in Normalized Format. Please find enclosed an ICU check in that amount and the standard state form: REQUEST FOR VOTER INFORMATION.

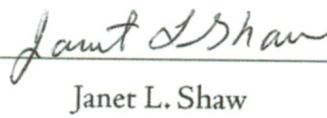
This request is made being made by the Illinois Conservative Union as an organization and by Carol J. Davis, Janet L. Shaw, Jane R. Carrell, Loretta J. Savee individually.

Sincerely,

Illinois Conservative Union
Carol J. Davis, Chair
630-673-6095



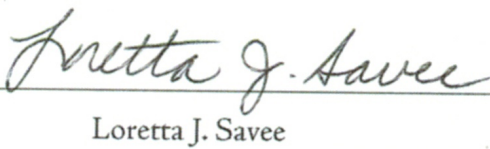
Carol J. Davis



Janet L. Shaw



Jane R. Carrell



Loretta J. Savee

Encl.
ICU Check #1029
ISBOE form: Request for Voter Information

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

2329 S. MacArthur Blvd.
Springfield, Illinois 62704-4503
217/782-4141
Fax: 217/782-5959

James R. Thompson Center
100 W. Randolph St., Ste. 14-100
Chicago, Illinois 60601-3232
312/814-6440
Fax: 312/814-6485



EXECUTIVE DIRECTOR
Steven S. Sandvoss

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8-14-2019

Illinois Conservative Union
Carol J. Davis
P.O. Box 88341
Carol Stream, IL 60188-8341

Dear Ms. Davis:

We have received your request dated July 24, 2019, seeking production of various information relating to voter list maintenance in Illinois.

Any relevant information regarding Illinois list maintenance efforts in the possession of the SBE would be made available during our normal business hours (8:00 AM to 4:30 PM CST) at our main office in Springfield, Illinois. Reasonable advanced notice of when your staff would like to visit would be appreciated and allow for a more efficient visit.

With hope of saving your staff some time and travel, I am supplying some information with this letter, and addressing some of the specific items you noted in your letter.

A file listing all registrations made inactive dating back to January 1, 2017 (these are the voters to whom notices were sent in 52 U.S.C. 20507(d)(2)) and those voters' current status (if not shown as currently Inactive, the voter responded to the notice so as to cancel, update, change address or simply reinstate the registration, as appropriate to their individual circumstances) is on the enclosed data disc.

I am also including printed records of voter list maintenance activity summaries from all Illinois jurisdictions for this year. These summaries also appear monthly in our public meeting agenda packets, which are available on our website, www.elections.il.gov.

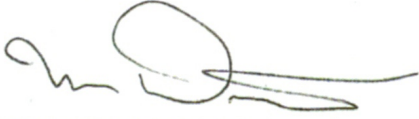
Illinois law restricts the release of electronic voter data to registered political committees and governmental bodies, so the full voter database would not be available to your organization. Also, the information made available to political committees and governmental bodies provides each voter's age, but not a full date of birth.

As to manuals (etc.) concerning maintaining the accuracy of voter lists, I am including on the enclosed data disc a redacted version of the IVRS Manual and our NVRA Manual (you will note

that the NVRA Manual's Voter Registration File Maintenance section, at pages 27-33, details an NVRA compliant program for the election authorities to implement, including cancellation of inactive registrations after two federal elections).

If you have any questions or comments, please do not hesitate to contact me at mdietrich@elections.il.gov or (217) 558-1955.

Sincerely,



Matt Dietrich
Public Information Officer
Illinois State Board of Elections