

From: Rep. Harry Warren
Sent: Friday, October 24, 2014 9:12 PM
To: @House/Republican/Members
Cc: 'James Johnson'
Subject: Re: Illegal Voter Clarification

Colleagues,

A few days ago, Rep. Cleveland forwarded to us an NC FIRE email stating that 14,836 DACA driver licenses had been issued and among them, an estimated 10,000 were registered to vote. This, of course, is not the case. For the last several days, I have been speaking with and receiving updates from Atty. Brian LiVecchi, Special Counsel to the State Board of Elections. I have also spoken with DMV Commissioner, Kelly Thomas about this issue.

In the event you have been receiving e-mails or inquiries from constituents about this, here are the facts:

To begin with, the numbers in NC FIRE's e-mail do not relate to each other. They are in reference to two distinctly different lists.

Approximately 14,836 illegally present immigrants have received North Carolina drivers licenses through the Deferred Action of Childhood Arrivals (DACA) program. **Of that number, a total of 109 appear on the voter registry. The State Board of Elections is disseminating that information to the county branches and is also reviewing the statewide voting information. Should any of these people attempt to vote during one-stop early voting, their ballots will be retrieved and appropriately challenged. Should any of these registrants attempt to vote on Election Day, election officials will challenge the voter immediately. If the individual is willing to swear under oath that they are eligible to vote, then he or she can vote a "challenged ballot," which will remain under seal and uncounted until his or her citizenship status is proven at a hearing before the county board of elections, and only in the event of a contested election. Any voter whose ballot is challenged will have an opportunity to appear at a hearing and demonstrate that they are in fact a citizen and eligible to vote, ensuring that no person who is eligible to vote is denied the right to do so.**

The SBOE has also completed reviewing a separate list of 10,000 "legacy" records from the DMV. **They have identified a total of 1,316 people registered to vote who do not appear legally eligible to do so. *It should be noted that the dates of voter registration for these people range as far back as 1996.* If it is determine they have been erroneously registered to vote and attempt to vote in this election, the same procedures will be applied, as above. For those who do not attempt to vote and are therefore not subject to the challenge process, the SBOE will take the necessary steps to see that all ineligible non-citizens registered to vote will be removed from the rolls, according to the proper procedures, going forward.**

As I stated in my e-mail to you on Wednesday, the HB 589 Voter Information Verification Act, VIVA, requires the SBOE to work with other departments as it

never had in the past under the previous Executive Director, Gary Bartlett. This includes working with the Department of Motor Vehicles, Department of Health and Human Services, Homeland Security and the Department of Public Safety. As these interdepartmental relationships are developed, it is natural that there will be some disconnects until information sharing requirements are clearly and precisely defined. In some cases, a department may have to expand or modify its record keeping procedure in order to provide the specific data the Board of Elections requires. In working with the Department of Health and Human Services, for example, the SBOE identified 50,000 additional death records that DHHS had not previously provided. The SBOE has also identified and removed approximately 13,411 deceased voters who were on the rolls in October, 2013.

In this particular instance, part of the explanation is that some people with legitimate “legal presence” had become citizens and were recorded as such with Homeland Security. The DMV, however, had no particular way to know that or a reason to revisit an individual’s file to update it, unless the individual returned to the DMV to inform them. This is why the DMV records were reporting some people “legally present” but they were confirmed “legal” by Homeland Security, when cross checked by the SBOE.

Executive Director Kim Strach and her department have done a remarkable job in making these discoveries as the SBOE develops and refines its information gathering relationship with the DMV, Homeland Security, DHHS and the DPS. The provisions of V.I.V.A., the Voter Information Verification Act are proving their effectiveness. The integrity of North Carolina’s voting process is becoming more secure as more provisions of VIVA are being implemented under Ms. Strach’s leadership. This “alert” has given us the opportunity to see that the SBOE is moving steadily and thoroughly forward.

I see no cause for alarm or further action on our part. The SBOE has discovered discrepancies and has developed and implemented a solution. I am confident the department will be diligently following this throughout the election.

Rep. Harry Warren