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SECRETARY OF STATE

STATE OF MAINE
OFFICE
OF THE
SECRETARY OF STATE

31 July 2017

The Honorable Kris Kobach, Vice-Chair
The Presidential Advisory Commission on Election Integrity
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Secretary Kobach,

I am in receipt of your letter of the 26th instant regarding the renewal of your June 28 request for the comprehensive voter data set that is legally available to qualified parties under the law. In that initial request, it was emphatically noted that state elections officials “be aware that **any documents submitted to the full Commission will also be made available to the public.**” (Emphasis mine). However, in your subsequent communication, you assure us that “the Commission will not publicly release any personally identifiable information regarding any individual voter or group of voters from the voter registration information you submit.”

Notwithstanding this assurance, I must decline your latest request for several reasons.

First, I am uncertain whether the Commission has adequate authority to protect data that the states might submit from public review. Is there an exemption under the federal Freedom of Information Act upon which you are relying and, if so, which one? The Commission should make a determination about this prior to gathering broad swaths of data.

Second, your correspondence of the 28th ultimo presented seven questions to the chief elections officers of the several states. Among those were requests for examples of suggestions for improved federal statutes, conviction data for election-related crimes, evidence of voter fraud, suggestions for prevention of voter intimidation, *et cetera*. It is unclear to me how the voter registration data you have requested could answer any of these questions. The Commission may wish instead to contemplate more specific process questions—for instance, who is responsible for maintaining the chain of custody of ballots; how are updates to the voter registration systems managed; how are complaints of potential wrongdoing investigated; and how those complaints are resolved, and by whom? Rather than gather a great deal of raw voter registration data that may prove too cumbersome to indicate anything, a summary survey of how jurisdictions deal with the types of questions pondered by the President in his reasoning for issuing the Executive Order establishing this Commission may aid in focusing our research and recommendations.

Finally, I am strongly devoted to process, and to the promise of democracy as manifested in the public's sole possession of governmental authority. While I understand our time is limited, I must emphasize that further requests on behalf of the Commission should come from the deliberations of the full Commission. I have no reason to doubt the capabilities of any one of my fellow Commissioners, but we are not a commission of one, and the nation will look to our recommendations as coming from a source of expertise and authority; we should share that burden and indeed live up to the Chair's repeated assurance—which I applaud and share—that nothing is predetermined in the work of this Commission.

To me, it seems doubly important, in order to fully cleave to that creed, that we understand as a body what our mission is; what questions we are seeking to answer; and at what juncture we can determine, with authority, what best illustrates the integrity of our elections.

I look forward to that deliberation, and shall remain

Very sincerely yours,



Matthew Dunlap
Secretary of State