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October 4, 2012

Ms. Catherine Engelbrecht
Founder and President
True the Vote
P.O. Box 27378
Houston, TX 77227

Dear Ms. Engelbrecht:

I am writing to request information about the manner in which True the Vote and its affiliated organizations have been challenging the registration of thousands of legitimate voters based on insufficient, inaccurate, and faulty evidence.

According to your website, the mission of True the Vote is “to restore integrity to the American system of electing its leaders.”¹ One of your key initiatives is to train volunteers to challenge the registration of voters before elections, and to provide them with information and data about voters you want to purge from the rolls.

Unfortunately, True the Vote, its volunteers, and its affiliated groups have a horrendous record of filing inaccurate voter registration challenges, causing legitimate voters—through no fault of their own—to receive letters from local election officials notifying them that their registrations have been challenged and requiring them to take steps to remedy false accusations against them.

Multiple reviews by state and local government officials have documented voter registration challenges submitted by your volunteers based on insufficient evidence, outdated or inaccurate data, and faulty software and database capabilities. Across multiple states, government officials of both political parties have criticized your methods and work product for their lack of accuracy and reliability.

Your tactics have been so problematic that even Ohio Republican Secretary of State Jon Husted has condemned them as potentially illegal, stating:

¹ True the Vote, *Mission Statement* (online at www.truethethevote.org/about/).

When you cry wolf, and there's no wolf, you undermine your credibility, and you have unjustly inconvenienced a legally registered voter, and that can border on voter intimidation.²

Some have suggested that your true goal is not voter integrity, but voter suppression against thousands of legitimate voters who traditionally vote for Democratic candidates. In June, for example, you appeared at a Conservative Political Action Conference in Chicago that was organized to take “the fight for the future of America directly to President Obama’s backyard” and “energize and mobilize Midwestern conservatives, giving activists the tools needed to defeat the liberal agenda in 2012.”³ During your appearance at this conference, you claimed that the Obama Administration is “determined to force a radical agenda on us”; you accused the Administration of a stunning “assault on our elections”; and when asked if you are working to get a new “administration in there,” you responded “Absolutely.”⁴

At some point, an effort to challenge voter registrations by the thousands without any legitimate basis may be evidence of illegal voter suppression. If these efforts are intentional, politically-motivated, and widespread across multiple states, they could amount to a criminal conspiracy to deny legitimate voters their constitutional rights.

In order to investigate these serious allegations, I request that you provide information about the data you have been using to challenge voter registrations, the training you have been providing volunteers to conduct these activities, and the manner in which you have been determining where to deploy your resources in select jurisdictions. Given your multiple statements lauding transparency in our nation’s voting process, I trust you will provide the requested information as soon as possible.

Inaccurate Voter Challenges in Ohio

There have been numerous reports of inaccurate voter registration challenges by volunteers at the Ohio Voter Integrity Project, a project “empowered” by True the Vote. For example, as the Los Angeles Times reported:

² *Tea Party Groups Work to Remove Names from Ohio Voter Rolls*, Los Angeles Times (Sept. 26, 2012) (online at www.latimes.com/news/nationworld/nation/la-na-ohio-voting-fight-20120927,0,811761.story).

³ *CPAC Chicago Conference*, Meetup.com (www.meetup.com/The-9-12-Project-Chicago/events/61409942/) (accessed Oct. 3, 2012).

⁴ *NRA News Interview with Catherine Engelbrecht, President of True the Vote*, CPAC Conference-Chicago (June 8, 2012) (online at www.youtube.com/watch?v=6ahohaY15x0).

In Ohio, election records show, one of the project's top priorities has been to remove college students from the voter rolls for failure to specify dorm room numbers. (As a group, college students are strongly in Obama's camp.)

Voters challenged include 284 students at the Ohio State University campus in Columbus, 110 at Oberlin College, 88 at College of Wooster, 38 at Kent State—and dozens more from the University of Cincinnati, Miami University, Lake Erie College, Walsh University, Hiram College, John Carroll University and Telshe Yeshiva, a rabbinical college near Cleveland.⁵

According to the Times report, "So far, every county election board that has reviewed the dorm challenges found them invalid."⁶

Many of these faulty registration challenges have been attributed to poor research methods and inaccurate information. For example, Mary Siegel, a leader of the Ohio Voter Integrity Project, reportedly signed 422 "Challenge of Right of Person to Vote" forms based on a Postal Service change-of-address registry and submitted them to the Hamilton County elections board. She withdrew the challenges after the state declared the postal registry to be insufficient grounds to challenge voting rights.⁷ According to Ms. Siegel, the Ohio Voter Integrity Project challenged voter registrations in 13 counties in Ohio, nine of which President Obama won in 2008.⁸

Another leader of the Ohio project, Marlene Hess Kocher, reportedly filed 420 challenges in Hamilton County over the last month. These included false allegations that eight members of an African American family were registered to vote at a vacant lot outside Cincinnati. When confronted at an elections board hearing about these illegitimate challenges, Ms. Kocher publicly apologized and claimed that she had "no intention of preventing somebody from voting."⁹

In spite of this deplorable record, you personally commended the work of the Ohio Voter Integrity Project, stating, "This is an excellent example of True the Vote-empowered grassroots groups pushing for transparency and accountability from their local officials."¹⁰

⁵ *Tea Party Groups Work to Remove Names from Ohio Voter Rolls*, Los Angeles Times (Sept. 26, 2012).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ True the Vote, *Ohio Voter Integrity Project, Empowered by True the Vote, Challenges Voter Registrations in 13 Ohio Counties* (Sept. 12, 2012) (online at

Inaccurate Voter Challenges in Wisconsin

Problems with the tactics and methodologies employed by your organization were also identified in Wisconsin when a True the Vote affiliate known as Verify the Recall reviewed almost one million signatures on petitions demanding the recall of Governor Scott Walker. The New York Times reported that “thousands of volunteers helped enter petition signatures into a database, which was then analyzed by the group’s software.”¹¹

According to the Times, however, a non-partisan state regulatory agency consisting of six former state judge appointees known as the Government Accountability Board reviewed True the Vote’s work and “criticized its methods” for basic errors:

For example: Mary Lee Smith signed her name Mary L. Smith and was deemed ineligible by the group.

Signatures deemed “out of state” included 13 from Milwaukee and three from Madison.

The group’s software would not recognize abbreviations, so Wisconsin addresses like Stevens Point were flagged if “Pt.” was used on the petition.¹²

In a memorandum evaluating True the Vote’s poor record in Wisconsin, the Government Accountability Board concluded that your organization’s results “were significantly less accurate, complete and reliable than the review and analysis completed by the G.A.B.” and “would not have survived legal challenge.”¹³

The Government Accountability Board also found that software developed by True the Vote was flawed, writing:

It is staff’s conclusion that True the Vote’s results are at best flawed because of what must be described as a “strict compliance” standard coupled with a model that allows errors to be multiplied via the volunteer data entry. These errors led to many computer

www.truethetvote.org/news/ohio-voter-integrity-project-empowered-by-true-the-vote-challenges-voter-registrations-in-13-ohio-counties).

¹¹ *Looking, Very Closely, for Voter Fraud*, New York Times (Sept. 16, 2012) (online at www.nytimes.com/2012/09/17/us/politics/groups-like-true-the-vote-are-looking-very-closely-for-voter-fraud.html?pagewanted=all).

¹² *Id.*

¹³ *A Reading Guide to True the Vote—The Controversial Voter Fraud Watchdog*, Pro Publica (Sept. 27, 2012) (online at www.propublica.org/article/a-reading-guide-to-true-the-vote-the-controversial-voter-fraud-watchdog).

determined strikes as the software can only evaluate the information entered, so if it was flawed or incomplete there was no opportunity for determining validity under a substantial compliance standard.¹⁴

Similar Problems in Other States

The problems documented in Ohio and Wisconsin are similar to those identified in other states. For example, in North Carolina, Jay DeLancy, who runs the Voter Integrity Project of North Carolina, a group he started after attending a True to Vote meeting, told the New York Times that the group recently submitted the names of 30,000 people he claimed were dead, yet remained on state voter rolls. The Times also reported that he challenged more than 500 registered voters he claimed were not American citizens. After reviewing these challenges, North Carolina election officials refuted nearly all of them.¹⁵

Moreover, North Carolina's Director of Voter Registration and Absentee Voting publicly criticized True the Vote's challenges, stating:

People are concerned about voter fraud, but ... we are not finding evidence of (such fraud). The Voter Integrity Project has not brought forth any information to show that someone is voting in the name of another, and I think citizens in North Carolina need to be aware of that.¹⁶

Similarly, Election Integrity Maryland, another statewide initiative "empowered" by True the Vote, reportedly filed 11,000 challenges this year with local Maryland election boards.¹⁷ Among these challenges, the group filed a request to review registration records with the Maryland Board of Elections on August 30, 2012, alleging that "it found several potential dead

¹⁴ Government Accountability Board, *Verify the Recall / True the Vote Recall Petition Analysis* (May 15, 2012) (online at www.documentcloud.org/documents/439357-wisconsin-gab-true-the-vote-analysis.html#document/p27/a74485).

¹⁵ *Looking, Very Closely, for Voter Fraud*, New York Times (Sept. 16, 2012) (online at www.nytimes.com/2012/09/17/us/politics/groups-like-true-the-vote-are-looking-very-closely-for-voter-fraud.html?pagewanted=all).

¹⁶ *Voter ID Fights Continue in Presidential Battleground States*, Kansas City.com (Sept. 24, 2012) (online at www.kansascity.com/2012/09/24/3830940/voter-id-fights-continue-in-presidential.html#storylink=cpy).

¹⁷ *Dead People Voted and Registered to Vote, Watchdog Group Finds; Hundreds of Deceased Still on Rolls*, MarylandReporter.com (Sept. 30, 2012) (online at www.marylandreporter.com/2012/09/30/dead-people-voted-and-registered-to-vote-watchdog-group-finds-hundreds-of-deceased-still-on-the-rolls/#ixzz289OgTqtz).

voters, voters who registered after they had died and a living Maryland resident who has been voting twice in elections for years.”¹⁸

Maryland’s Director of Voter Registration has reported to Committee staff that, after investigating claims in the article, information provided by the organization “was determined to be inaccurate.” Another state election official also reported that one of the leaders of Election Integrity Maryland recently called the Board of Elections to apologize for inaccurate press reports that the group believes mischaracterized its voter registration challenges.¹⁹

Local and state election officials in Maryland have also “questioned some of the research methods used by Election Integrity such as newspaper obituary notices, which is an unacceptable form of death verification under state law, and Facebook.”²⁰ In addition, Maryland election officials report that “they’ve reviewed the challenges and that most of the inconsistencies can be explained, or that they don’t have enough information to take someone off the rolls.”²¹ With respect to the volume of voter registration challenges submitted by the group, Maryland election officials “say those numbers are way overblown.”²²

Request for Documents and Information

In order to examine why your organization appears to be responsible for so many illegitimate voter registration challenges, I request that you provide the following information and documents:

- (1) a list of all individual voter registration challenges by state, county, and precinct submitted to governmental election entities, including correspondence and determinations by election officials relating to each challenge;

¹⁸ *Id.*

¹⁹ Telephone Call with Deputy State Administrator and Director of Voter Registration, Maryland State Board of Elections, and Democratic Staff, House Committee on Oversight and Government Reform (Oct. 4, 2012).

²⁰ *Dead People Voted and Registered to Vote, Watchdog Group Finds; Hundreds of Deceased Still on Rolls*, MarylandReporter.com (Sept. 30, 2012).

²¹ *Tea Party Spawns New Effort Against Voter Fraud*, National Public Radio (Mar. 13, 2012) (online at www.npr.org/2012/03/13/148518795/tea-party-spawns-new-effort-against-voter-fraud).

²² *Id.*

- (2) copies of all letters sent to states, counties, or other entities alleging non-compliance with the National Voter Registration Act for failing to conduct voter registration list maintenance prior to the November elections;
- (3) a list of voter registration rolls by state, county, and precinct that True the Vote is currently reviewing for potential challenges;
- (4) copies of all training materials used for volunteers, affiliates, or other entities;
- (5) copies of computer programs, research software, and databases used by True the Vote to review voter registration;
- (6) all contracts, agreements, and memoranda of understanding between True the Vote and affiliates or other entities relating to the terms of use of True the Vote research software and databases;
- (7) a list all organizations and volunteer groups that currently have access to True the Vote computer programs, research software, and databases; and
- (8) a list of vendors of voter information, voter registration lists, and other databases used by True the Vote, its volunteers, and its affiliates.

Please provide these documents by October 14, 2012. Thank you for your attention to this matter.

Sincerely,


Elijah E. Cummings
Ranking Member

cc: The Honorable Darrell E. Issa, Chairman