



**Judicial  
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is above the law!*

February 6, 2012

*VIA CERTIFIED MAIL*

The Honorable Debra Bowen  
California Secretary of State  
1500 11<sup>th</sup> Street  
Sacramento, CA 95814

**Re: Inquiry into California's Compliance with Section 8 of the National Voter Registration Act, 42 U.S.C. § 1973gg-6**

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Dear Secretary Bowen:

We are writing to inquire as to whether California is complying with Section 8 of the National Voter Registration Act ("NVRA"). As you know, the NVRA requires states to maintain accurate lists of eligible voters for use in conducting elections. However, it appears that your state may be failing to maintain accurate eligible voter lists. We understand that California law may delegate some responsibility for compliance with the NVRA to the counties of California.<sup>1</sup> However, before we contact the counties directly, we would like to give you the opportunity to clarify certain information in the hope that a further investigation on our part will be unnecessary.

Our primary concern is that California appears to be failing to remove from the eligible voter lists the names of people who have died or moved, as required by the NVRA. According to the U.S. Election Assistance Commission's 2011 NVRA Report to Congress, certain California counties reported that they had failed to properly mail removal notices to registered voters for the purpose of list maintenance.<sup>2</sup> Furthermore, it is our understanding that few if any removal notices have been sent in Orange County, San Bernardino County, and Los Angeles County for the purpose of maintaining accurate voter rolls.

As you know, under Section 8 of the NVRA states must "conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters," including voters who become ineligible by reason of death or a change in residence of the registrant. 42 U.S.C. § 1973gg-6(a)(4). Section 8 also requires states to make

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<sup>1</sup> Cal. Elec. Code § 2220(a).

<sup>2</sup> See Election Assistance Commission Report to the 112<sup>th</sup> Congress, June 30<sup>th</sup>, 2011, "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2009-2010," p. 61, available at [http://www.eac.gov/research/national\\_voter\\_registration\\_act\\_studies.aspx](http://www.eac.gov/research/national_voter_registration_act_studies.aspx).

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available for public inspection “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.” 42 U.S.C. § 1973gg-6(i)(1). Accordingly, we ask you to please respond to this letter in writing to advise us of the steps California has taken to comply with Section 8 of the NVRA during the period from January 2011 through today, and how many names have been removed from the eligible voter lists due to death or change in residence of registrants. You are required to make such information available to us pursuant to the NVRA. 42 U.S.C. § 1973gg-6(i). We ask you to provide this information along with your written response no later than 30 days from today, or by March 7, 2012.

We look forward to receiving your response. Please feel free to contact me with any questions.

Sincerely,

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**JUDICIAL WATCH, INC.**



Thomas J. Fitton  
President

cc: J. Christian Adams, Esq.  
Election Law Center