



**Judicial
Watch**[®]
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April 22, 2021

VIA USPS CERTIFIED MAIL AND EMAIL

Hon. Veronica Degraffenreid
Acting Secretary of the Commonwealth
Pennsylvania Secretary of State
401 North Street
Harrisburg, Pennsylvania 17120

Re: Statutory Notice of Violations of 52 U.S.C. § 20507.

Dear Acting Secretary Degraffenreid:

I write as legal counsel for Judicial Watch, Inc. (“Judicial Watch”). This letter is to bring to your attention violations of Section 8 of the National Voter Registration Act (“NVRA”) committed in the Commonwealth. As chief State election official for Pennsylvania, you are receiving this letter because your office is responsible for coordinating compliance with Section 8 of the NVRA.¹

This letter serves as official statutory notice pursuant to 52 U.S.C. § 20510(b)(1) & (2) that Judicial Watch will file a complaint against you if these violations are not corrected within 90 days. Section 8(a)(4) of the NVRA requires states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters” by reason of death or change of address.² The following explains how we determined that Section 8 has been violated.

Judicial Watch examines a number of metrics in order to assess whether a jurisdiction is conducting a general program that makes a reasonable effort to remove ineligible registrants from its voter rolls. To begin with, voter registrations are subject to cancellation when a voter fails to respond to an address confirmation notice and then fails to vote or correct the registration record before the second general federal election following the notice.³ Accordingly, Judicial Watch considers how many registrations were ultimately removed from the voter rolls pursuant to this provision. If few or no voters were removed through this process, the jurisdiction is failing to comply with Section 8(d) of the NVRA. States must report to the U.S. Election Assistance Commission (EAC) the number of removals made pursuant to this provision in each two-year period.⁴

¹ See 52 U.S.C. § 20509; *PILF v. Boockvar*, 370 F. Supp. 3d 449, 457 (M.D. Pa. 2019).

² 52 U.S.C. § 20507(a)(4).

³ 52 U.S.C. § 20507(d)(1)(B).

⁴ 11 C.F.R. § 9428.7(b)(5); U.S. Election Assistance Commission, ELECTION ADMINISTRATION AND VOTING SURVEY: 2020 COMPREHENSIVE REPORT (survey question A9e).

Judicial Watch also examines the number of inactive registrations in each jurisdiction. Registrants who have failed to respond to a notice and whose registrations may be removed after two general federal elections are typically described as “inactive.” Inactive registrations may still be voted on election day.⁵ Data concerning such registrations must be reported to the EAC.⁶ A high percentage of inactive registrations suggests that they are not being timely removed as required by federal law.

Finally, Judicial Watch determines each jurisdiction’s registration rate. States must report registration data every other year to the U.S. Election Assistance Commission (EAC). Judicial Watch hires experts to compare this data to the citizen voting-age population in each state and county where data is available.⁷ A high registration rate suggests that a jurisdiction is not removing voters who have died or who have moved elsewhere, as required by Section 8(a)(4). Federal courts adjudicating NVRA claims have acknowledged the legal significance of high registration rates.⁸

Federal regulations require your office to submit data relevant to Section 8(d)(1)(B) removals, inactive registrations, and total voter registrations, among other data, to the EAC by March 31 of each odd-numbered year. As you know, on April 12, 2021, Judicial Watch received the latest data the Commonwealth submitted to the EAC for the period from November 2018 to November 2020, via a discovery response in the case of *Judicial Watch, Inc. v. Comm. of Pa.*, No. 20-cv-708-CCC (M.D. Pa.). Judicial Watch had previously received the same data for the period from November 2016 to November 2018 in a prior discovery response.

The Commonwealth’s data revealed the following:

- Armstrong County reported removing a total of 9 registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B) of the NVRA on the grounds that the registrant failed to respond to an address confirmation notice and failed to vote in two consecutive federal elections. Nine registrants rounds to 0% of the county’s total voter registration population.
- Bedford County reported removing a total of 15 registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population.
- Bucks County reported removing less than 2% of its total voter registration population in the last two-year reporting period pursuant to Section 8(d)(1)(B).

⁵ 52 U.S.C. § 20507(d)(2)(A).

⁶ 11 C.F.R. § 9428.7(b)(1), (2), & (4).

⁷ For the latest American Community Survey population and demographic data, see <https://data.census.gov/cedsci/table?q=dp05&g=0100000US&tid=ACSDP5Y2019.DP05&hidePreview=false>.

⁸ See *Am. Civ. Rights Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 793 (W.D. Tex. 2015); *Voter Integrity Project NC, Inc. v. Wake Cnty. Bd. of Elections*, 301 F. Supp. 3d 612, 618 (E.D.N.C. 2017).

- Cameron County reported removing *zero* registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B). It is not possible to remove zero registrants under this provision while complying with the NVRA.
- Carbon County reported removing *zero registrants in the last four years* pursuant to Section 8(d)(1)(B).
- Clarion County reported removing *zero* registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B).
- Crawford County reported removing *zero* registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B).
- Cumberland County reported removing a total of 85 registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. Indeed, in the past four years, the county has reported removing only 0.42% of its total voter registration population under this procedure. At the same time, the percentage of active registrants in the county increased by almost 6% in the most recent reporting period.
- Erie County reported removing *zero registrants in the last four years* pursuant to Section 8(d)(1)(B). This is an astonishingly bad record for a county of this size. One of every six registrations in the county is currently inactive, which is a high ratio by national standards.
- Forest County likewise reported removing *zero registrants in the last four years* pursuant to Section 8(d)(1)(B).
- Franklin County reported removing reported removing less than 2% of its total voter registration population in the last two-year reporting period pursuant to Section 8(d)(1)(B).
- Indiana County reported removing a total of 17 registrants *in the last four years* pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population.
- Jefferson County reported removing a total of only two registrants *in the last four years* pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. About one of every six registrations in the county is currently inactive.
- Lebanon County reported removing less than 2% of its total voter registration population in the last two-year reporting period pursuant to Section 8(d)(1)(B).
- Luzerne County reported removing a total of 61 registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. Indeed, Luzerne County's reported removals under this procedure for the last four years rounds to 0% of its total voter registration population. About one of every seven registrations in the county is currently inactive, which is a high ratio by national standards.

- Lycoming County reported removing less than 2% of its total voter registration population in the last two-year reporting period pursuant to Section 8(d)(1)(B).
- Mifflin County reported removing *zero* registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B).
- Montour County reported removing a total of only two registrants *in the last four years* pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. About one of every six registrations in the county is currently inactive.
- Northumberland County reported removing only two registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. At the same time, the percentage of active registrants in the county jumped by over 9% in the most recent reporting period.
- Philadelphia County reported removing less than 2% of its total voter registration population in the last two-year reporting period pursuant to Section 8(d)(1)(B).
- Snyder County reported removing *zero* registrants less in the last two-year reporting period pursuant to Section 8(d)(1)(B).
- Warren County reported removing only one registrant *in the last four years* pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. More than one of every five registrations in the county is currently inactive.
- Washington County reported removing a total of three registrants *in the last four years* pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population.
- Wyoming County reported removing a total of six registrants *in the last four years* pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population.

These low—often absurdly low—removal figures establish beyond any reasonable dispute that these counties are not complying with the NVRA. The same data proves that the failure to remove registrations pursuant to Section 8(d)(1)(B) of the NVRA is a Commonwealth-wide problem. Indeed, over one third of Pennsylvania’s registered voters reside in one of the 24 counties identified above. All of the foregoing shows that the Secretary, who is “the chief State election official ... responsible for coordination of State responsibilities” under the Act,⁹ is not fulfilling her NVRA obligations.

⁹ 52 U.S.C. § 20509; *see United States v. Missouri*, 535 F.3d 844, 851 (8th Cir. 2008) (lack of local compliance “remains relevant to determining whether or not” a state “is reasonably ‘conduct[ing] a general program’” of voter list maintenance). See also the problems reported by Pennsylvania’s Auditor General in the PERFORMANCE AUDIT REPORT: PENNSYLVANIA DEPARTMENT OF STATE, STATEWIDE UNIFORM REGISTRY OF ELECTORS, December 2019.

In addition, four Pennsylvania counties have a total registration rate exceeding 100% of their eligible voting populations. Bucks (101.42%), Chester (100.86%), Delaware (101.21%), and Pike (100.36%) counties all have more registered voters than citizens who are old enough to register. Such high registration rates are inconsistent with NVRA compliance.

Finally, we note that all of the defendants in the current litigation, including the Secretary, have conceded that the data that the office of the Secretary previously reported to the EAC was erroneous. More recently, the Secretary conceded in written and oral argument that there were concerns as well about the accuracy of the most recent data reported by her office. This difficulty in reporting accurate data required by federal laws and regulations¹⁰ is itself evidence of the lack of a reasonable program required by the NVRA.

These facts establish clear violations of Section 8(a)(4) of the NVRA.

* * * * *

This letter serves as official statutory notice of violations of the NVRA pursuant to 52 U.S.C. § 20510(b)(2). In response to this letter, please provide your explanation and documentation addressing the low levels of Section 8(d)(1)(B) removals and the high registration rates in the aforementioned counties, as well as the Commonwealth's efforts to assure the accuracy of the data it collects and forwards to the federal government. If the number of removals for any of the foregoing counties has changed recently, please provide data reflecting that change. Please describe as well any plans for remedying the foregoing violations within the next 90 days.

We look forward to receiving your prompt response.

Sincerely,

JUDICIAL WATCH, INC.

s/ Robert D. Popper

Robert D. Popper
Attorney, Judicial Watch, Inc.

cc: Boards of Elections of Armstrong County; Bedford County; Bucks County; Cameron County; Carbon County; Chester County; Clarion County; Crawford County; Cumberland County; Delaware County; Erie County; Forest County; Franklin County; Indiana County; Jefferson County; Lebanon County; Luzerne County; Lycoming County; Mifflin County; Montour County; Northumberland County; Philadelphia County; Pike County; Snyder County; Warren County; Washington County; Wyoming County.

¹⁰ See 52 U.S.C. § 20508(a)(3); 11 C.F.R. § 9428.7.



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May 3, 2021

VIA USPS CERTIFIED MAIL AND EMAIL

Diana Irey Vaughan
Washington County Commissioner
100 W. Beau St.
Washington, Pennsylvania 15301

Melanie R. Ostrander
Washington County Director of Elections
100 W. Beau St.
Washington, Pennsylvania 15301

Hon. Veronica Degraffenreid
Acting Secretary of the Commonwealth
Pennsylvania Secretary of State
401 North Street
Harrisburg, Pennsylvania 17120

Re: Statutory Notice of Violations of 52 U.S.C. § 20507.

To Commissioner Vaughan, Director Ostrander, and Acting Secretary Degraffenreid:

I write as legal counsel for Judicial Watch, Inc. (“Judicial Watch”). This letter is to bring to your attention violations of Section 8 of the National Voter Registration Act (“NVRA”) committed in your county.¹ This letter serves as official statutory notice pursuant to 52 U.S.C. § 20510(b)(1) & (2) that Judicial Watch will file a complaint against you if these violations are not corrected within 90 days.

Section 8(a)(4) of the NVRA requires states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters” by reason of death or change of address.² The following explains how we determined that Section 8 has been violated.

Judicial Watch examines a number of metrics in order to assess whether a jurisdiction is conducting a general program that makes a reasonable effort to remove ineligible registrants from its voter rolls. A voter registration is subject to cancellation when a voter fails to respond to an

¹ Acting Secretary Degraffenreid is receiving this letter as chief State election official for Pennsylvania, because her office is responsible for coordinating compliance with Section 8 of the NVRA *See* 52 U.S.C. § 20509; *PILF v. Boockvar*, 370 F. Supp. 3d 449, 457 (M.D. Pa. 2019).

² 52 U.S.C. § 20507(a)(4).

address confirmation notice and then fails to vote or correct the registration record before the second general federal election following the notice.³ Accordingly, Judicial Watch considers how many registrations were ultimately removed from the voter rolls pursuant to this provision. If few or no voters were removed through this process, the jurisdiction is failing to comply with Section 8(d) of the NVRA. States must report to the U.S. Election Assistance Commission (EAC) the number of removals their counties made pursuant to this provision in each two-year period.⁴

Federal regulations require the Secretary of the Commonwealth, as chief State election official, to submit data relevant to Section 8(d)(1)(B) removals, inactive registrations, and total voter registrations, among other data, to the EAC by March 31 of each odd-numbered year. On April 12, 2021, Judicial Watch received the latest Pennsylvania county data submitted to the EAC for the period from November 2018 to November 2020, via a discovery response in the case of *Judicial Watch, Inc. v. Comm. of Pa.*, No. 20-cv-708-CCC (M.D. Pa.). Judicial Watch had previously received the same data for the period from November 2016 to November 2018 in a prior discovery response.

This data revealed that Washington County reported removing a total of three registrants in the last four years pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. This absurdly low removal figure establishes beyond any reasonable dispute that the County is not complying with the NVRA.

These facts establish clear violations of Section 8(a)(4) of the NVRA.

* * * * *

This letter serves as official statutory notice of violations of the NVRA pursuant to 52 U.S.C. § 20510(b)(2). In response to this letter, please provide your explanation and documentation addressing the foregoing data. If the number of NVRA-related removals has changed recently, please provide data reflecting that change. Please describe as well any plans for remedying the foregoing violations within the next 90 days.

We look forward to receiving your prompt response.

Sincerely,

JUDICIAL WATCH, INC.

s/ Robert D. Popper

Robert D. Popper
Attorney, Judicial Watch, Inc.

³ 52 U.S.C. § 20507(d)(1)(B).

⁴ 11 C.F.R. § 9428.7(b)(5); U.S. Election Assistance Commission, ELECTION ADMINISTRATION AND VOTING SURVEY: 2020 COMPREHENSIVE REPORT (survey question A9e).



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May 3, 2021

VIA USPS CERTIFIED MAIL AND EMAIL

Tim McGinley
Luzerne County Council Chair
200 N. River Street
Wilkes-Barre, Pennsylvania 18711

Shelby Witchilla
Luzerne County Director of Elections
20 N. Pennsylvania Ave., Ste. 207
Wilkes-Barre, Pennsylvania 18701

Hon. Veronica Degraffenreid
Acting Secretary of the Commonwealth
Pennsylvania Secretary of State
401 North Street
Harrisburg, Pennsylvania 17120

Re: Statutory Notice of Violations of 52 U.S.C. § 20507.

To Council Chair McGinley, Director Witchilla, and Acting Secretary Degraffenreid:

I write as legal counsel for Judicial Watch, Inc. (“Judicial Watch”). This letter is to bring to your attention violations of Section 8 of the National Voter Registration Act (“NVRA”) committed in your county.¹ This letter serves as official statutory notice pursuant to 52 U.S.C. § 20510(b)(1) & (2) that Judicial Watch will file a complaint against you if these violations are not corrected within 90 days.

Section 8(a)(4) of the NVRA requires states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters” by reason of death or change of address.² The following explains how we determined that Section 8 has been violated.

Judicial Watch examines a number of metrics in order to assess whether a jurisdiction is conducting a general program that makes a reasonable effort to remove ineligible registrants from its voter rolls. A voter registration is subject to cancellation when a voter fails to respond to an

¹ Acting Secretary Degraffenreid is receiving this letter as chief State election official for Pennsylvania, because her office is responsible for coordinating compliance with Section 8 of the NVRA *See* 52 U.S.C. § 20509; *PILF v. Boockvar*, 370 F. Supp. 3d 449, 457 (M.D. Pa. 2019).

² 52 U.S.C. § 20507(a)(4).

address confirmation notice and then fails to vote or correct the registration record before the second general federal election following the notice.³ Accordingly, Judicial Watch considers how many registrations were ultimately removed from the voter rolls pursuant to this provision. If few or no voters were removed through this process, the jurisdiction is failing to comply with Section 8(d) of the NVRA. States must report to the U.S. Election Assistance Commission (EAC) the number of removals their counties made pursuant to this provision in each two-year period.⁴

Judicial Watch also examines the number of inactive registrations in each jurisdiction. Registrants who have failed to respond to a notice and whose registrations may be removed after two general federal elections are typically described as “inactive.” Inactive registrations may still be voted on election day.⁵ Data concerning such registrations must be reported to the EAC.⁶ A high percentage of inactive registrations suggests that they are not being timely removed as required by federal law.

Federal regulations require the Secretary of the Commonwealth, as chief State election official, to submit data relevant to Section 8(d)(1)(B) removals, inactive registrations, and total voter registrations, among other data, to the EAC by March 31 of each odd-numbered year. On April 12, 2021, Judicial Watch received the latest Pennsylvania county data submitted to the EAC for the period from November 2018 to November 2020, via a discovery response in the case of *Judicial Watch, Inc. v. Comm. of Pa.*, No. 20-cv-708-CCC (M.D. Pa.). Judicial Watch had previously received the same data for the period from November 2016 to November 2018 in a prior discovery response.

This data revealed that Luzerne County reported removing a total of 61 registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. Indeed, Luzerne County’s reported removals under this procedure for the last four years rounds to 0% of its total voter registration population. These absurdly low removal figures establish beyond any reasonable dispute that the County is not complying with the NVRA. About one of every seven registrations in the county is currently inactive, which is a high ratio by national standards.

These facts establish clear violations of Section 8(a)(4) of the NVRA.

* * * * *

This letter serves as official statutory notice of violations of the NVRA pursuant to 52 U.S.C. § 20510(b)(2). In response to this letter, please provide your explanation and documentation addressing the foregoing data. If the number of NVRA-related removals has

³ 52 U.S.C. § 20507(d)(1)(B).

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⁵ 52 U.S.C. § 20507(d)(2)(A).

⁶ 11 C.F.R. § 9428.7(b)(1), (2), & (4).

changed recently, please provide data reflecting that change. Please describe as well any plans for remedying the foregoing violations within the next 90 days.

We look forward to receiving your prompt response.

Sincerely,

JUDICIAL WATCH, INC.

s/ Robert D. Popper _____

Robert D. Popper
Attorney, Judicial Watch, Inc.



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May 3, 2021

VIA USPS CERTIFIED MAIL AND EMAIL

Michael Keith
Indiana County Commissioner
825 Philadelphia St.
Indiana, Pennsylvania 15701-3934

Debra L. Streams
Indiana County Director of Voter Registration
825 Philadelphia St.
Indiana, Pennsylvania 15701-3934

Hon. Veronica Degraffenreid
Acting Secretary of the Commonwealth
Pennsylvania Secretary of State
401 North Street
Harrisburg, Pennsylvania 17120

Re: Statutory Notice of Violations of 52 U.S.C. § 20507.

To Commissioner Keith, Director Streams, and Acting Secretary Degraffenreid:

I write as legal counsel for Judicial Watch, Inc. (“Judicial Watch”). This letter is to bring to your attention violations of Section 8 of the National Voter Registration Act (“NVRA”) committed in your county.¹ This letter serves as official statutory notice pursuant to 52 U.S.C. § 20510(b)(1) & (2) that Judicial Watch will file a complaint against you if these violations are not corrected within 90 days.

Section 8(a)(4) of the NVRA requires states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters” by reason of death or change of address.² The following explains how we determined that Section 8 has been violated.

Judicial Watch examines a number of metrics in order to assess whether a jurisdiction is conducting a general program that makes a reasonable effort to remove ineligible registrants from its voter rolls. A voter registration is subject to cancellation when a voter fails to respond to an

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² 52 U.S.C. § 20507(a)(4).

address confirmation notice and then fails to vote or correct the registration record before the second general federal election following the notice.³ Accordingly, Judicial Watch considers how many registrations were ultimately removed from the voter rolls pursuant to this provision. If few or no voters were removed through this process, the jurisdiction is failing to comply with Section 8(d) of the NVRA. States must report to the U.S. Election Assistance Commission (EAC) the number of removals their counties made pursuant to this provision in each two-year period.⁴

Federal regulations require the Secretary of the Commonwealth, as chief State election official, to submit data relevant to Section 8(d)(1)(B) removals, inactive registrations, and total voter registrations, among other data, to the EAC by March 31 of each odd-numbered year. On April 12, 2021, Judicial Watch received the latest Pennsylvania county data submitted to the EAC for the period from November 2018 to November 2020, via a discovery response in the case of *Judicial Watch, Inc. v. Comm. of Pa.*, No. 20-cv-708-CCC (M.D. Pa.). Judicial Watch had previously received the same data for the period from November 2016 to November 2018 in a prior discovery response.

This data revealed that Indiana County reported removing a total of 17 registrants in the last four years pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. This absurdly low removal figure establishes beyond any reasonable dispute that the County is not complying with the NVRA.

These facts establish clear violations of Section 8(a)(4) of the NVRA.

* * * * *

This letter serves as official statutory notice of violations of the NVRA pursuant to 52 U.S.C. § 20510(b)(2). In response to this letter, please provide your explanation and documentation addressing the foregoing data. If the number of NVRA-related removals has changed recently, please provide data reflecting that change. Please describe as well any plans for remedying the foregoing violations within the next 90 days.

We look forward to receiving your prompt response.

Sincerely,

JUDICIAL WATCH, INC.

s/ Robert D. Popper

Robert D. Popper
Attorney, Judicial Watch, Inc.

³ 52 U.S.C. § 20507(d)(1)(B).

⁴ 11 C.F.R. § 9428.7(b)(5); U.S. Election Assistance Commission, ELECTION ADMINISTRATION AND VOTING SURVEY: 2020 COMPREHENSIVE REPORT (survey question A9e).



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May 3, 2021

VIA USPS CERTIFIED MAIL AND EMAIL

Gary Eichelberger
Cumberland County Commissioner
1 Courthouse Square
Carlisle, Pennsylvania 17013

Bethany Salzarulo
Cumberland County Director of Elections
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Carlisle, Pennsylvania 17013

Hon. Veronica Degraffenreid
Acting Secretary of the Commonwealth
Pennsylvania Secretary of State
401 North Street
Harrisburg, Pennsylvania 17120

Re: Statutory Notice of Violations of 52 U.S.C. § 20507.

To Commissioner Eichelberger, Director Salzarulo, and Acting Secretary Degraffenreid:

I write as legal counsel for Judicial Watch, Inc. (“Judicial Watch”). This letter is to bring to your attention violations of Section 8 of the National Voter Registration Act (“NVRA”) committed in your county.¹ This letter serves as official statutory notice pursuant to 52 U.S.C. § 20510(b)(1) & (2) that Judicial Watch will file a complaint against you if these violations are not corrected within 90 days.

Section 8(a)(4) of the NVRA requires states to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters” by reason of death or change of address.² The following explains how we determined that Section 8 has been violated.

Judicial Watch examines a number of metrics in order to assess whether a jurisdiction is conducting a general program that makes a reasonable effort to remove ineligible registrants from its voter rolls. A voter registration is subject to cancellation when a voter fails to respond to an

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² 52 U.S.C. § 20507(a)(4).

address confirmation notice and then fails to vote or correct the registration record before the second general federal election following the notice.³ Accordingly, Judicial Watch considers how many registrations were ultimately removed from the voter rolls pursuant to this provision. If few or no voters were removed through this process, the jurisdiction is failing to comply with Section 8(d) of the NVRA. States must report to the U.S. Election Assistance Commission (EAC) the number of removals their counties made pursuant to this provision in each two-year period.⁴

Federal regulations require the Secretary of the Commonwealth, as chief State election official, to submit data relevant to Section 8(d)(1)(B) removals, inactive registrations, and total voter registrations, among other data, to the EAC by March 31 of each odd-numbered year. On April 12, 2021, Judicial Watch received the latest Pennsylvania county data submitted to the EAC for the period from November 2018 to November 2020, via a discovery response in the case of *Judicial Watch, Inc. v. Comm. of Pa.*, No. 20-cv-708-CCC (M.D. Pa.). Judicial Watch had previously received the same data for the period from November 2016 to November 2018 in a prior discovery response.

This data revealed that Cumberland County reported removing a total of 85 registrants in the last two-year reporting period pursuant to Section 8(d)(1)(B), which rounds to 0% of its total voter registration population. Indeed, in the past four years, the county has reported removing only 0.42% of its total voter registration population under this procedure. These absurdly low removal figures establish beyond any reasonable dispute that the County is not complying with the NVRA. At the same time, the percentage of inactive registrants in the county increased by almost 6% in the most recent reporting period.

These facts establish clear violations of Section 8(a)(4) of the NVRA.

* * * * *

This letter serves as official statutory notice of violations of the NVRA pursuant to 52 U.S.C. § 20510(b)(2). In response to this letter, please provide your explanation and documentation addressing the foregoing data. If the number of NVRA-related removals has changed recently, please provide data reflecting that change. Please describe as well any plans for remedying the foregoing violations within the next 90 days.

We look forward to receiving your prompt response.

³ 52 U.S.C. § 20507(d)(1)(B).

⁴ 11 C.F.R. § 9428.7(b)(5); U.S. Election Assistance Commission, ELECTION ADMINISTRATION AND VOTING SURVEY: 2020 COMPREHENSIVE REPORT (survey question A9e).

Sincerely,

JUDICIAL WATCH, INC.

s/ Robert D. Popper

Robert D. Popper
Attorney, Judicial Watch, Inc.



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is above the law!*

May 3, 2021

VIA USPS CERTIFIED MAIL AND EMAIL

Rocky Ahner
Carbon County Commissioner
2 Hazard Square
Jim Thorpe, Pennsylvania 18229

Lisa Dart
Carbon County Director of Elections
410 Center Ave.
Jim Thorpe, Pennsylvania 18229

Hon. Veronica Degraffenreid
Acting Secretary of the Commonwealth
Pennsylvania Secretary of State
401 North Street
Harrisburg, Pennsylvania 17120

Re: Statutory Notice of Violations of 52 U.S.C. § 20507.

To Commissioner Ahner, Director Dart, and Acting Secretary Degraffenreid:

I write as legal counsel for Judicial Watch, Inc. (“Judicial Watch”). This letter is to bring to your attention violations of Section 8 of the National Voter Registration Act (“NVRA”) committed in your county.¹ This letter serves as official statutory notice pursuant to 52 U.S.C. § 20510(b)(1) & (2) that Judicial Watch will file a complaint against you if these violations are not corrected within 90 days.

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¹ Acting Secretary Degraffenreid is receiving this letter as chief State election official for Pennsylvania, because her office is responsible for coordinating compliance with Section 8 of the NVRA *See* 52 U.S.C. § 20509; *PILF v. Boockvar*, 370 F. Supp. 3d 449, 457 (M.D. Pa. 2019).

² 52 U.S.C. § 20507(a)(4).

address confirmation notice and then fails to vote or correct the registration record before the second general federal election following the notice.³ Accordingly, Judicial Watch considers how many registrations were ultimately removed from the voter rolls pursuant to this provision. If few or no voters were removed through this process, the jurisdiction is failing to comply with Section 8(d) of the NVRA. States must report to the U.S. Election Assistance Commission (EAC) the number of removals their counties made pursuant to this provision in each two-year period.⁴

Federal regulations require the Secretary of the Commonwealth, as chief State election official, to submit data relevant to Section 8(d)(1)(B) removals, inactive registrations, and total voter registrations, among other data, to the EAC by March 31 of each odd-numbered year. On April 12, 2021, Judicial Watch received the latest Pennsylvania county data submitted to the EAC for the period from November 2018 to November 2020, via a discovery response in the case of *Judicial Watch, Inc. v. Comm. of Pa.*, No. 20-cv-708-CCC (M.D. Pa.). Judicial Watch had previously received the same data for the period from November 2016 to November 2018 in a prior discovery response.

This data revealed that Carbon County reported removing zero registrants in the last four years pursuant to Section 8(d)(1)(B). This absurdly low removal figure establishes beyond any reasonable dispute that the County is not complying with the NVRA.

These facts establish clear violations of Section 8(a)(4) of the NVRA.

* * * * *

This letter serves as official statutory notice of violations of the NVRA pursuant to 52 U.S.C. § 20510(b)(2). In response to this letter, please provide your explanation and documentation addressing the foregoing data. If the number of NVRA-related removals has changed recently, please provide data reflecting that change. Please describe as well any plans for remedying the foregoing violations within the next 90 days.

We look forward to receiving your prompt response.

Sincerely,

JUDICIAL WATCH, INC.

s/ Robert D. Popper _____

Robert D. Popper
Attorney, Judicial Watch, Inc.

³ 52 U.S.C. § 20507(d)(1)(B).

⁴ 11 C.F.R. § 9428.7(b)(5); U.S. Election Assistance Commission, ELECTION ADMINISTRATION AND VOTING SURVEY: 2020 COMPREHENSIVE REPORT (survey question A9e).