



STATE BOARD OF ELECTIONS
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GARY O. BARTLETT
Executive Director

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May 2, 2007

Mr. John K. Tanner, Chief
Voting Section – NWB
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Tanner:

This letter is in response to your letter of April 18, 2007, in which you requested that we provide a copy of North Carolina's voter registration list, including at a minimum, personal identifying information such as voters' full names, dates of birth, addresses, dates of registration, voter history, and social security number (if applicable). You asked that this information be sent to you on compact disc via Federal Express within two weeks. Let me assure you that North Carolina has implemented a vigorous and effective list maintenance program fully compliant with the NVRA and HAVA. Nevertheless, we have significant concerns about this request as set forth below.

First, there are over 5.5 million registered voters in North Carolina. In this age of identity theft, it is an untenable risk to download the data you requested to compact discs and transmit them via a courier service. There have been widely reported instances of large amounts of personal data in the possession of federal or state agencies that have been lost because of the theft of computers or for other reasons. Recently, the State of Georgia has had to deal with the loss of such data with respect to Medicaid recipients by a contractor using a courier service to ship it. (See attached article) You undoubtedly can appreciate the chilling effect it would have on voter registration if voters' information were ever compromised because it had been transmitted in this manner.

Second, despite communication by my staff with Mr. Popper, it is not clear what specific information you are requesting that has not already been made available to you through our web site. We have provided considerable information in the past, including the web site address for accessing the public information about registered voters in North Carolina. Apparently, this web site was sufficient to meet your needs in 2006 and should

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be adequate to assess changes since that date. That address is <ftp://www.sboe.state.nc.us/data/>. This registration data includes both active and inactive voters.

Third, your letter references a report filed with the EAC after the 2004 general election that presented concerns that “voter registration actually exceeded the total citizen voting age population in 10 percent or more of the jurisdictions within [North Carolina].” The jurisdictions that caused concern are not listed in your latest letter. However, in detailed communications with your office in 2005, we explained North Carolina’s list maintenance program and addressed concerns with respect to fourteen counties. (Copies attached) We can provide you similar information about any jurisdictions that cause you concern at this time if you will identify those for us.

According to our data, no county in North Carolina currently has more registered active voters than voting age population using adjusted census data. All counties have completed or will complete by July 1 their list maintenance following the 2006 general election. As you are aware, even a jurisdiction with a conscientious list maintenance effort may not remove an inactive voter until after two federal elections. Inactive voters tend to appear on voter registration rolls as a higher percentage of voters in fast-growing or highly mobile communities and those with large student or military populations.

Fourth, as stated at the outset, North Carolina has a vigorous list maintenance effort. Counties conduct this program according to state and federal statutes, and in regular consultation with this office. Members of our staff obtain monthly reports from all 100 North Carolina counties on duplicate registrations, felony convictions, and deceased voters. We have centralized removal of felons convicted in our State courts and when we receive notification from United States Attorneys of convictions in federal court we notify the appropriate county. We also have centralized reporting of deceased voters so that their names may be promptly removed from the voter registration rolls. In addition, we conduct regular training of county elections officials and special training of new elections directors, and conduct periodic wellness checks of every county on a number of registration issues.

In conclusion, I will be happy to provide you information so you can assess North Carolina’s list maintenance efforts. I will be happy to answer any questions you have about North Carolina’s list maintenance efforts. But 42 USC § 1974b does not appear to require nor does North Carolina law permit the provision of the voter-specific data on the scale or in the manner you requested.

Please feel free to contact me to discuss this matter.

Sincerely,



Gary O. Bartlett
Executive Director