



VIA FEDERAL EXPRESS

April 28, 2020

Hon. Alex Padilla  
California Secretary of State  
Elections Division  
1500 11<sup>th</sup> Street  
Sacramento, CA 95814

**Re: 1) Notice of Violation of National Voter Registration Act  
2) VoteCal Voter Registration Information, March 13, 2020  
3) Settlement Agreement, *Judicial Watch, Inc., Election Integrity Project California, Inc., et al. v. Logan, et al.*, December 2018**

Dear Secretary Padilla,

Based upon Election Integrity Project's (EIPCa) findings outlined below and contained in the report on the enclosed flash drive, it is notifying you that, pursuant to 52 U.S.C. § 20501(b), it appears the state of California is not in compliance in several respects with the requirements of Section 8 of the National Voter Registration Act of 1993 (NVRA). This federal statute requires election officials to make a reasonable effort to maintain voter registration lists that are free of dead registrants and registrants who have moved to other jurisdictions, and to systematically remove the names of other ineligible registrants. 52 U.S.C. §§ 20507(a)(3), (4)(A)-(B), 20507(c)(1)(A)-(B). Federal law also requires that list maintenance be "conducted in a manner that...duplicate names are eliminated from the computerized list" of registrants 52 U.S.C. § 21083(a)(2)(B)(iii).

California and Los Angeles County may also be in violation of the December 2018 settlement agreement referred to above as (3), which states in paragraph 7 that each of you agreed you "...will continue to implement programs to identify registrants who may have moved or passed away, to send notices pursuant to 52 U.S.C. § 20507(d)(2), to place registrations on the inactive file of registered voters, and to comply with the NVRA."

The following findings are based on EIPCa's analysis of the VoteCal voter registration file and voting history file of March 13, 2020. Detailed information for each finding can be found in the EIPCa Findings Report on the enclosed flash drive.

**Likely Deceased or Moved Registrants (Finding #1)**

Notwithstanding the legal requirement to maintain voter registration lists that are free of dead registrants and registrants who have moved, and the December 2018 Settlement Agreement referenced above, EIPCa found **458,895** California registrants who were registered to vote on or before 11/4/08, have not voted or updated their registrations since 11/4/08 or before, yet remain on the list classified as **Active** status. Of these, **24,335** have not voted in 20 or more years and **177, 947** have NEVER voted. These registrants are likely deceased or moved. In fact, 1,928 have birthdates indicating they are 105+ years old and 2,161 have “legacy” birthdates from when the state did not require birthdates for voter registration. Likely deceased/moved registrants make up 5% of the Active registrations in Imperial, Fresno and Los Angeles counties.

**Likely Deceased/Moved Registrants to Be Mailed Ballots (Finding #2)**

Unless California takes steps to inactivate these registrants who have shown no activity in a dozen or more years, all **458,895** of the registrants- who have likely died or moved- will be mailed ballots under a scenario of mailing all Active status registrants ballots for the November 2020 general election. Delivering ballots to non-existent addressees not only facilitates the corruption of the election process, it exacerbates the probability in an environment of unrestricted ballot ‘harvesting’.

**Duplicated Voter Registrations (Findings #3, 4)**

Notwithstanding the legal obligations to eliminate duplicate names from the list, EIPCa identified **38,289** persons who appear to be registered more than once in the state. 37,762 appear to be registered twice and 527 appear to be registered three or more times. **7,056** of the duplicates appear to be registered in two counties. Of note is that **8,223** suspected duplicates have matching county EMS ID numbers yet have two different Registration ID numbers in VoteCal. Most of the duplicated registrations appear to be associated with the DMV voter registration system. Duplicated registrants can easily vote more than once undetected.

**Registrants to be Mailed Two+ Ballots (Finding #5)**

Of the 38,289 suspected duplicates, 24,018 have more than one Active status registration each. If the suspected duplicated registrations are confirmed as duplicates but not corrected, **24,018** duplicated registrants will be mailed two or more ballots under a scenario of all Active registrants being mailed a ballot for the November 2020 general election. Of these, 233 will be mailed three or more ballots. Persons sent more than one ballot can easily vote more than once undetected.

**Multiple Voter Participation Histories in an Election (Findings #6,7)**

EIPCa identified **216** duplicated registrants, if they are confirmed as duplicates, who have more than one voter participation history (VPH) in at least one past election. This suggests double voting. These include **76** duplicated registrants highlighted in the report who appear to have voted twice by mail in the March 3, 2020 primary election. Los Angeles County has an additional 1,196 duplicated registrants with more than one VPH in at least one election. Though these may be accidental duplications of records, not actual double voting, they should still be investigated.

**Missing Voters (Finding #8)**

EIPCa identified 258 registrants who have VPHs for the March 3, 2020 election but cannot be found in the voter information file.

**Ineligible Voter Registrations (Finding #9)**

EIPCa's analysis identified 11 counties whose total Active and Inactive registrations exceed the number of eligible citizens listed in the state's February 18, 2020 Report of Registration. The ineligible registrants in these 11 counties total **1,063,957**.

EIPCa respectfully requests your office work with the counties to immediately mail NVRA Section 8(d)(2) cards to the 458,895 likely deceased/moved registrants in the report and inactivate them so they will not be automatically mailed ballots. EIPCa's list of suspected duplicated registrations should be helpful to you and the counties so those confirmed as duplicates can be merged into single registrations prior to the November election.

NOTICE: Given the nature of these findings, we are required to inform you that this letter serves as your statutory notice pursuant to 52 U.S.C. § 20510(b) of violations of Section 8 of the NVRA, 52 U.S.C. § 20507.

The Findings Report on the enclosed flash drive is encrypted to protect voter information. Please contact Chief Analyst Ellen Swensen at 925-286-1116 or [ellenswensen@eip-ca.com](mailto:ellenswensen@eip-ca.com) for the password and any data questions.

Respectfully,  
ELECTION INTEGRITY PROJECT California, Inc.

*(SIGNATURE ON FILE)*

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President  
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Cc: Stephen Bailey, Bailey and Romero

Enclosures:  
December 2018 Settlement Agreement  
One flash drive containing Excel file named *EIPCa Findings Report\_VoteCal 200313\_200428\_4SOS*