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January 3, 2018

Via Regular and Electronic Mail (foia@hq.dhs.gov)

Sam Kaplan
Chief Privacy Officer/Chief FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655

Dear Mr. Kaplan:

The NAACP Legal Defense & Educational Fund, Inc. (LDF) is the nation's oldest civil and human rights law organization. LDF was founded in 1940 by Thurgood Marshall, who later became the first African-American Supreme Court Justice, and, since its inception has worked to defend and advance the voting rights of African Americans and protect the integrity of our nation's democracy.

As you are aware, President Trump today issued an executive order disbanding the Presidential Advisory Commission on Election Integrity ("Commission"). However, according to a White House Press Statement, President Trump "has asked the Department of Homeland Security to review [the Commission's] initial findings and determine next courses of action."¹ In addition, Secretary Kobach, the former Vice-Chair of the Commission, is reported to have stated that the disbanding of the Commission simply represents a "tactical shift," and that he would remain in close contact with the Department of Homeland Security (DHS) as DHS investigates the issue of supposed voter fraud.²

On behalf of LDF, and in light of these developments as well as previous evidence of communication between the Commission and DHS, we hereby request copies of the following documents pursuant to the Freedom of Information Act, 5 U.S.C. § 552:

- Any and all drafts and final memoranda, opinions, or correspondence documenting or describing work undertaken by the Commission, its members, or representatives,

¹ <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-presidential-advisory-commission-election-integrity/>.

² <http://www.kansascity.com/news/politics-government/article192854444.html>



before it was disbanded by Executive Order earlier today. This request includes, but is not limited to, any and all documents describing or otherwise relating to the Commission’s “initial findings” as described in the White House Press Statement quoted above. This request also includes, but is not limited to, any and all documents describing or otherwise relating to recommendations made by individual members or representatives of the Commission.

- Any and all documents or correspondence concerning the Commission’s request for voter files from the States on June 28, 2017 and again on July 26, 2017; the States’ responses to those requests; and any efforts undertaken by the Commission, DHS, or anyone else to plan for or conduct a comparison of information in those State voter files with information in any federal database, including any database maintained by DHS.
- Any and all documents or correspondence concerning plans for the security of voter files sent by States to the Commission, the return of those voter files to the States, the continued maintenance of copies of those voter files by DHS or any other federal official or agency, or the destruction of those voter files.
- Any and all correspondence between DHS staff and the Commission, its members, or representatives. This includes, but is not limited to, the correspondence between the Commission or its representatives and DHS staff identified by attorneys for the Defendants in field numbers 365, 383, 384, 445, 472, 475, 681, 682, 689, 693, 701, 703, 705, 706, 711, 735, 738, 739, 741, 742, 744, 749, 750 of the Document Index filed in *Lawyers’ Committee for Civil Rights Under Law v. Presidential Advisory Commission on Election Integrity*, 17-cv-1354 (CKK) (D.D.C. Sept. 29, 2017), ECF No. 33-3. A copy of that Document Index is attached hereto.
- Any and all correspondence or other documents concerning the continuing role that any former Commission member or representative—including but not limited to Secretary Kobach—may have in consulting with DHS as it investigates alleged voter fraud or any other issue related to voting or elections.
- Any and all drafts and final memoranda, opinions, or other documents concerning the legal basis for any former Commission member or representative—including but not limited to Secretary Kobach—to continue a consulting role with DHS as it investigates alleged voter fraud or any other election-related issue.
- And any all correspondence or other documents concerning the access that any former Commission member or representative—including but not limited to Secretary Kobach—has had or will have to files, documents, or other information maintained by DHS or any other federal agency.



- Any and all documents regarding the decision to disband the Commission and have DHS review the Commission’s initial findings and recommend next steps.
- Any and all communications relating to voter fraud and/or voting irregularities, including but not limited to, communications with academics, think tanks, not-for-profit organizations, and/or experts, from November 8, 2016 to the present.
- Any and all documentation of alleged voter fraud, including but not limited to the name and location of the polling precinct in which alleged voter fraud occurred; the name, race and age of person who reported alleged voter fraud; the name, race and age of person accused of voter fraud; state and/or federal actions taken; date of action; and reason of action.
- Any and all documents or correspondence concerning the assertion in the White House Press Statement today that there is “substantive evidence of voter fraud,” including any documents or correspondence that provide alleged support for that assertion, or that tend to undermine that assertion.

If possible, please provide copies of these documents in an electronic format no later than 20 business days after receipt of this request pursuant to 5 U.S.C. § 552 (a)(3) and (6). If photocopies are provided, then LDF respectfully requests a waiver of copying and other fees, as it is a 501(c)(3), non-profit organization seeking these documents in the public interest and because the information is likely to contribute significantly to the public’s understanding of alleged voting irregularities and government integrity. *Id.* §552(a)(4)(A)(iii). The information requested will not be used for commercial purposes. If DHS declines LDF’s request for a waiver, then please provide an invoice, detailing reasonable standard charges, prior to fulfilling this request. *Id.* §552(a)(4)(A)(ii).

If this request is denied in whole or in part, we ask that you cite in writing the specific statutory exemption upon which you have relied. In the event that you have any questions concerning the type or scope of materials we have requested, please contact us by email or by telephone at 212-965-2200.

Sincerely yours,

s/ Sherrilyn A. Ifill
Sherrilyn A. Ifill
President & Director Counsel

s/ Samuel Spital
Samuel Spital
Director of Litigation