

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELECTRONIC PRIVACY INFORMATION
CENTER,

Plaintiff,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY, *et al.*,

Defendants.

Civil Action No. 1:17-cv-1320 (CKK)

DECLARATION OF KRIS W. KOBACH

I, Kris W. Kobach, declare as follows:

1. I am the Secretary of State of Kansas, having served in that position since 2011. I am also the Vice-Chair of the Presidential Advisory Commission on Election Integrity (the “Commission”), which the President established on May 11, 2017, pursuant to Executive Order 13799. The Commission is charged with studying the registration and voting processes used in federal elections and submitting a report to the President that identifies laws, rules, policies, activities, strategies, and practices that enhance or undermine Americans’ confidence in the integrity of the federal election process.

2. The information provided in this declaration is based on my personal knowledge and upon information provided to me in my official capacity as Vice-Chair of the Commission.

3. The Commission was established within the Executive Office of the President and is chaired by the Vice President. The membership, not more than fifteen, is appointed by the President. The members of the Commission come from federal, state, and local jurisdictions

across the political spectrum. The Commission, which is solely advisory, is charged with submitting a report to the President containing its findings and recommendations. The duties of the Commission are set forth in Executive Order 13799 (attached as Exhibit 1) and the Commission's Charter (attached as Exhibit 2). Pursuant to the Charter, the records of the Commission and any subcommittees shall be maintained pursuant to the Presidential Records Act of 1978.

4. In furtherance of the Commission's mandate, I directed that identical letters (with different addressees) be sent to the secretaries of state or chief election officers of each of the fifty states and the District of Columbia. The letters solicit the views and recommendations of the secretaries of state and request their assistance in providing to the Commission publicly-available voter roll data to enable the Commission to fully analyze vulnerabilities and issues related to voter registration and voting. Specifically, I asked for the following data, "if publicly available under the laws of your state": full first and last names of registrants; middle names or initials if available; addresses; dates of birth; political party (if recorded); last four digits of social security numbers; voter history (elections voted in) from 2006; active/inactive status; cancelled status; information regarding prior felony convictions; information regarding voter registration in another state; military status; and overseas citizen information. The information requested is similar to the information that states are required to maintain and to make available for public inspection under the National Voter Registration Act (NVRA) and the Help America Vote Act (HAVA). *See, e.g.*, 52 U.S.C. §§ 20507(i), 21083. The letter I sent to the Secretary of State of Alabama, which is representative of all the letters, is attached as Exhibit 3.

5. In these letters, I requested that the states respond by July 14, 2017, and described two methods for responding. I intended that narrative responses, not containing voter roll data,

be sent via email to the address provided in the letter. This email is a White House email address (in the Office of the Vice President) and subject to the security protecting all White House communications and networks. For voter roll data, I intended that the states use the Safe Access File Exchange (“SAFE”), which is a secure method of transferring large files up to two gigabytes (GB) in size. SAFE is a tested and reliable method of secure file transfer used routinely by the military for large, unclassified data sets. It also supports encryption by individual users. My letters state that “documents” submitted to the Commission will be made available to the public. That refers only to the narrative responses. With respect to voter roll data, the Commission intends to de-identify any such data prior to any public release of documents. In other words, the voter rolls themselves will not be released to the public by the Commission. The Commission intends to maintain the data on the White House computer system.

6. To my knowledge, as of July 5, 2017, no Secretary of State had yet provided to the Commission any of the information requested in my letter. I have read media reports that numerous states have indicated that they will decline to provide all or some portion of the information, in some cases because individual state law prohibits such transfer of information. However, it is my belief that there are inaccuracies in those media reports with respect to various states.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 5th day of July 2017.

A handwritten signature in black ink that reads "Kris Kobach". The signature is written in a cursive style with a large, prominent "K" and "C".

Kris W. Kobach