

G S B A



July 10, 2017

Robert Giles
Director
Division of Elections
P.O. Box 304
Trenton, New Jersey 08625

Dear Mr. Giles:

On behalf of the officers and members of the Garden State Bar Association, I write this letter strongly opposing the request for a compilation of sensitive New Jersey voter information from the Presidential Advisory Commission on Election Integrity (the "Commission"). The request is futile, far-reaching and a disguised attempt to suppress the voting rights of citizens.

Established by President Trump's Executive Order 13799, the Commission purports to review claims of voter fraud and improper registration. To carry out its function, the Commission requests voter names, addresses, dates of birth, political affiliation, voting history, criminal records and social security numbers, among others. Although we disagree with the stated intent of the Commission, it is clear that the privacy of voters cannot be upended to satisfy the Commission's fishing expedition.

The requested information is extremely sensitive and should not, under any circumstances, be turned over to the Commission. In fact, we cannot fathom any reason how the release of this confidential information could assist the Commission in attacking voter fraud. The only fraud at issue in this matter is, on its face, the Commission itself and its request to invade upon the most basic tenets of voter privacy.

The Commission likely seeks to establish a voter database to cross check voter registration in multiple states. Not only are we concerned about this presidential administration possessing such sensitive information, we are also aware that the process of cross checking has been proven to be ineffective. A lack of updated voter rolls leads to errors in these reports and renders it an unreliable means of checking voting accuracy. Knowing this, we are forced to believe that this Commission seeks to obtain this information for other means that may lead to voter suppression in a number of ways.

Arriving at similar conclusions, over 40 states to date have refused to turn over the requested information of its citizens. As of now, the New Jersey Division of Elections has assured us that non-publicly available information will not be produced, yet we have not been told the extent of what information may be disclosed. The Division of Elections owes New Jersey citizens more clear and complete responses regarding this matter.

We resolutely urge New Jersey to categorically refuse the Commission's request. Moreover, we demand the Lieutenant Governor, in her dual role as secretary of state and monitor of the Division of Elections, to step in and protect the privacy of New Jersey citizens. By recusing herself from this matter, the Lieutenant Governor is in derelict of her duties and fails to properly safeguard sensitive voter data.

As New Jersey's oldest and largest professional organization of African American judges, lawyers and law students, the Garden State Bar Association is keenly aware of the history of voter suppression in this country and its disproportionate effect on persons of color. The establishment of this Commission and its quest to obtain individual voting data is a thinly veiled attempt to intimidate prospective voters and disenfranchise millions who are terrified about the release of their identifying information. New Jersey must join the supermajority of the states and reject this Commission's request in full.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Freeman". The signature is fluid and cursive, with a large loop at the end.

Lloyd Freeman, Esq.
President, Garden State Bar Association

cc: Kris Kobach, Vice Chairman of the Commission
Governor Chris Christie
Lt. Governor Kim Guadagno
President, Asian Pacific American Lawyers Association
President, Association of Black Women Lawyers
President, Haitian American Lawyers Association
President, Hispanic Bar Association of New Jersey
President, New Jersey Muslim Lawyers Association
President, New Jersey Women Lawyers Association
President, South Asian Bar Association of New Jersey