



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

July 23, 2012

The Honorable Carol Aichele
Acting Secretary of the Commonwealth
307 North Office Building
Harrisburg, Pennsylvania 17120

Dear Secretary Aichele:

We write to you, as the chief election official for the Commonwealth of Pennsylvania, to request information concerning Pennsylvania's compliance with Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, and other federal voting rights laws. In particular, the Department of Justice is reviewing Pennsylvania Act No. 18 (2012), which establishes among other requirements that voters provide photographic proof of their identity as a prerequisite to vote.

Every officer of election is required to retain and preserve all records and papers relating to voter registration "or other act requisite to voting" in federal elections, which must be made available to the Attorney General for inspection, reproduction, and copying upon request. 42 U.S.C. §§ 1974, 1974b.

So that we may properly evaluate Pennsylvania's compliance with Section 2 of the Voting Rights Act and other federal voting rights laws, we request that you provide us with the following information:

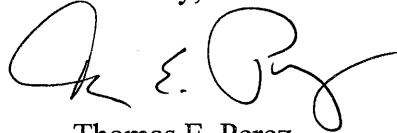
1. The current complete Pennsylvania voter registration list, including each registered voter's full name, address, date of birth, identifying numbers (including driver license, social security, or other numbers), voter history, and race. Please provide this information in electronic format (.dbf, .xls, or .txt files), including any supporting documents that explain the structure, architecture, and operation of the voter registration list and its fields.
2. The current complete Pennsylvania driver license and personal identification card list, including each individual's full name, address, date of birth, identifying numbers (including driver license, social security and other numbers), and race. Please provide this information in electronic format (.dbf, .xls, or .txt files), including any supporting documents that explain the structure, architecture, and operation of the driver license database and its fields.

3. All documents and databases identifying registered voters who lack acceptable proof of identification as defined in Pa. Elec. Code Section 102(z.5)(2). If any of the supporting information is in an electronic format, please provide it as .dbf, .xls, or .txt files.
4. Any documents or records supporting the statement in the Governor of Pennsylvania's press release dated March 14, 2012, that "99 percent of Pennsylvania's eligible voters already have acceptable photo IDs." If any of the supporting information is in an electronic format, please provide it as .dbf, .xls, or .txt files.
5. Any documents or records supporting the July 2012 estimate of the Secretary of the Commonwealth that approximately 758,000 registered voters in Pennsylvania lack state-issued photo identification that would be accepted for voting under the requirements of Act No. 18. If any of the supporting information is in an electronic format, please provide it as .dbf, .xls, or .txt files.
6. All documents, whether in draft or final form, prepared to comply with the requirement in Pa. Elec. Code Section 206(a) that "[t]he Secretary of the Commonwealth shall prepare and disseminate information to the public regarding the proof of identification requirements established under" Act No. 18.
7. All documents, whether in draft or final form, prepared to comply with the obligation in Pa. Elec. Code Section 206(c) that the Secretary of the Commonwealth prepare the form of the statement by which registered electors can receive an identification card at no cost upon declaring under oath or affirmation that the elector does not possess proof of identification and requires an identification card for voting purposes.
8. All studies, analyses, or other activities designed to inform state officials of the number of persons who may not have the specified forms of identification, the demographic characteristics of those persons, and the most effective processes to provide that population with the necessary identification.
9. All documents, whether in draft or final form, reflecting the form of the affirmation required of electors who cast a provisional ballot as referenced in Pa. Elec. Code Section 1210(a.4)(5)(ii)(D).
10. All documents, whether in draft or final form, reflecting the form of the affirmation required of electors who cast a provisional ballot as referenced in Pa. Elec. Code Section 1210(a.4)(5)(ii)(E).
11. All documents, whether in draft or final form, reflecting the notice described in Pa. Elec. Code Section 1302.2(d) advising applicants for an absentee ballot that proof of identification was either not provided with the application or could not be verified by the county board of elections.
12. All documents, whether in draft or final form, reflecting the "written information prescribed by the Secretary of the Commonwealth briefly describing the voter identification requirement," as referenced in Act No. 18 Section 10(2).

13. All documents, whether in draft or final form, reflecting application of and eligibility for the “religious objection” exemption as defined in Pa. Elec. Code Section 102(z.5)(1).
14. All documents, whether in draft or final form, that describe policies or procedures for implementing all of the requirements of Act No. 18, including copies of agency rules, manuals, guidelines, training materials, and any other such materials.
15. All documents, whether in draft or final form, that describe guidance or policies for determining whether the name that appears on an individual’s proof of identification “substantially conforms to the name of the individual as it appears in the district register,” as required by Pa. Elec. Code Section 102(z.5)(2)(i).
16. All documents, whether in draft or final form, reflecting public education or outreach efforts in addition to those required by Pa. Elec. Code Section 206(a) and Act No. 18 Section 10(2).

Please provide this information no later than 30 days from the date of this letter. The materials may be sent by FedEx to Daniel Freeman, Trial Attorney, Voting Section, Civil Rights Division, U.S. Department of Justice, Room 7203 - NWB, 1800 G Street, N.W., Washington, DC 20006; or may be hand-delivered to the attention of Amanda Endy, Office of the United States Attorney for the Middle District of Pennsylvania, Harrisburg Federal Building and Courthouse, 228 Walnut Street, Suite 220, Harrisburg, PA 17101. If you choose to send the documents by FedEx, please contact us and we will provide our FedEx account number. If you have any questions regarding our request, please contact Mr. Freeman at 202-305-4355. We very much appreciate your cooperation with our efforts to monitor compliance with Section 2 of the Voting Rights Act and other federal voting rights laws.

Sincerely,



Thomas E. Perez
Assistant Attorney General

cc:

Linda L. Kelly, Pennsylvania Attorney General
Stephen Aichele, Pennsylvania General Counsel
David J. Hickton, United States Attorney
Zane Memeger, United States Attorney
Peter J. Smith, United States Attorney