

Citizens for Responsibility and Ethics in Washington

September 6, 2005

Ann McGeehan
Director of Elections
Elections Division
Texas Secretary of State
P.O. Box 12060
Austin, TX 78711-2060

BY FAX: 512-475-2811

Dear Director McGeehan:

Citizens for Responsibility and Ethics in Washington (“CREW”), a non-profit, non-partisan, government watchdog group, has learned that Presidential adviser Karl Rove may have violated Texas law by illegally registering as a voter in Kerr County, Texas. CREW respectfully requests that the Elections Division investigate this matter and, if appropriate, refer the matter to the local prosecutor.

According to a recent news report, Mr. Rove and his wife, Darby, registered to vote in Kerr County in 2003 after they sold their Austin, Texas home, where they were previously registered to vote. Lori Montgomery, Rove Not Entitled to D.C. Homestead Exemption, *The Washington Post*, A02, September 3, 2005 (attached as Exhibit A). County property records show that Mr. Rove and his wife have owned two tiny rental cottages since 1997, the largest of which is only 814 feet and is valued by the county at \$25,000. Id. In contrast, the Roves’ Washington, D.C. home is valued at over \$1.1 million. Id.

Despite their voter registration, locals allege that the Roves have never actually lived in either of the two rental cottages. Montgomery, *The Washington Post*. Greg Shrader, the editor and publisher of the Kerrville Daily Times, stated that he has lived in the area for 10 years, but has never seen Rove. Id. Similarly, Charles Ratliff, secretary of the Kerr County Democratic Party stated he has never even heard mention of anyone sighting Mr. Rove in the area. Id.

Texas election law provides that to be eligible to vote, a person must: “(1) be a qualified voter as defined by §11.002 on the day the person offers to vote; (2) be a resident of the territory covered by the election for the office or measure on which the person desires to vote; and (3) satisfy all other requirements for voting prescribed by law for the particular election.” Texas Election Code §11.001. One of the requirements to be considered a “qualified voter” is that the person be a resident of Texas. Texas Election Code §11.002. The law further states that to be eligible for registration as a voter in Texas, a person must be a resident of the county in which application for registration is made. Texas Election Code §13.001(5). The application for registration must be executed and submitted to an election officer and must include a statement that the voter satisfies the applicable residence requirements and the voter's residence address. Texas Election Code §63.0011(c).

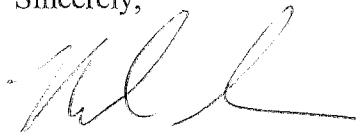
Director McGeehan
September 6, 2005
Page Two

A person commits an offense if he or she knowingly makes a false statement or requests, commands, or attempts to induce another person to make a false statement on a registration application. Texas Election Code §13.007(a). An offense under this section is a Class B misdemeanor and is considered to be perjury, but may be prosecuted only under this section. §13.007(b) – (c).

As it appears that both Mr. and Mrs. Rove violated Texas law by claiming residence in a county in which they obviously do not reside, it is appropriate for the Elections Division to investigate this matter and refer the matter to the proper authority for criminal prosecution.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal flourish extending to the right.

Melanie Sloan
Executive Director

Encls.

EXHIBIT A

Rove Not Entitled to D.C. Homestead Deduction

Bush Adviser to Reimburse City for Back Taxes

By Lori Montgomery
Washington Post Staff Writer
Saturday, September 3, 2005; A02

Presidential adviser Karl Rove may live in Washington. But in his heart -- and for voting purposes -- he remains a Texan. Which means he is not legally entitled to the homestead deduction and property tax cap he's been getting on his Palisades home for the past 3 1/2 years.

This week, the D.C. tax collector was alerted to the problem. And Rove agreed to reimburse the District for an estimated \$3,400 in back taxes, city officials said. But now some Lone Star officials also are wondering about the place Rove calls home.

In a letter released yesterday by the White House, the D.C. Office of Tax and Revenue accepted blame for the error, which also has affected numerous members of Congress. The homestead exemption gives District taxpayers a substantial tax break on their primary residences. But starting in 2002, a change in the law made it available only to District property owners who do not vote elsewhere, city officials said. That made Rove, and many others, ineligible.

"OTR failed to rescind the benefit when the law changed. As a result of OTR's error, the property inadvertently received tax deductions for which you no longer qualified," chief assessor Thomas W. Branham wrote Rove. "We regret any inconvenience that this error on the part of OTR may have caused you."

Rove, who was touring the hurricane-damaged Gulf Coast with President Bush yesterday, was unavailable for comment, White House spokeswoman Erin Healy said. She said Rove never intended to make an improper claim to the deduction.

"When Mr. Rove purchased the home in January 2001, he qualified for the exemption. He was not made aware of the changes in D.C. law," Healy said. "Now that it has been brought to his attention, he is making restitution. He certainly was not trying to mislead anybody."

Going forward, Healy said, Rove will forgo the exemption and tax cap on his Washington house -- valued at more than \$1.1 million -- rather than give up his status as a Texas voter. But that raises a new set of questions.

Rove sold his longtime home in Austin in 2003. He was getting a homestead exemption there, too. So for three years, from 2001 until the sale, Rove was claiming homesteads in Texas and Washington, which is, technically, illegal, according to tax collectors in both cities. "Strictly speaking, you can only have one homestead," said Art Cory, chief tax appraiser in Travis County, Tex.

Cory said he would, nonetheless, probably not bother to investigate.

Anyway, Rove is now registered to vote in Kerr County, about 80 miles west of Austin in the Texas Hill Country. He and his wife, Darby, have owned property there, on the Guadalupe River, since at least 1997, according to county property records.

But as far as the locals know, the couple have never actually lived in either of two tiny rental cottages Rove claims as his residence on Texas voter registration rolls. The largest is 814 square feet and valued by the county at about \$25,000.

"I've been here 10 years and I've never seen him. There are only, like, three grocery stores in town. You'd think you'd at least see him at the HEB" grocery, said Greg Shrader, editor and publisher of the Kerrville Daily Times.

Charles Ratliff, secretary of the Kerr County Democratic Party, said he's never even heard rumors of Rove's presence. "I have no memory of anybody saying to me, 'Hey, Karl Rove is in town, and he's speaking at the courthouse.' Or, 'Karl Rove is in town and I saw him at the grocery store.'

"Now, you do hear people say that all the time about Kinky Friedman," Ratliff said, referring to the novelist and lead singer for the Texas Jewboys. "If somebody famous like Rove lived near Kerrville, I think I would hear about it all the time."

Down in Texas, when you register to vote in a place where you don't actually live, the county prosecutor can come after you for voter fraud, said Elizabeth Reyes, an attorney with the elections division of the Texas Secretary of State. Rove's rental cottage "doesn't sound like a residence to me, because it's not a fixed place of habitation," she said. "If it's just property that they own, ownership doesn't make that a residence."

Still, under state law, the definition of a Texan is really pretty loose, Reyes said, even for voting purposes. So someone would have to file a complaint.

In the end, she said, "Questions of residency are ultimately for the court to decide."