

To: Hasday, Lisa (USATXN) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)

Sent: Fri 8/26/2022 4:18:17 PM (UTC-04:00)
Subject: Consultants for Tarrant County

Our contact at (b) (5), (b) (7) suggested (b) (5), (b) (7)(A) (on your list) would be the best person to contact initially. Do you want to set up a call with her or would you like me to do so? Aiming for next week? Thanks!

Elizabeth Johnson

Senior Trial Attorney

Disability Rights Section

Civil Rights Division

Department of Justice

(b) (6) (office)

(b) (6) (cell)

(b) (6)

To: Kirkendall, Roberta (CRT) (b) (6)
Cc: Thomas, Charles (USAMOW) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Sat 11/5/2022 5:28:05 PM (UTC-04:00)
Subject: Draft Response to Cole County

Hi Robbie, here is a proposed response.

Mr. (b) (5), (b) (7)(A), (b) (7)(C),

We are in receipt of your email questioning the Department of Justice's ability to enter polling places or voting locations on Election Day. You cite Missouri Statute 115.409 in support of your assertion. Setting aside for a moment the Supremacy Clause, Section 115.409, in fact, appears to allow for Department of Justice staff to enter Cole County polling places. Section 115.409 provides an exception for "law enforcement officials . . . in the line of duty" to enter polling places on Election Day. As Department of Justice staff, we are federal law enforcement officers conducting an investigation of a potential violation of federal law, namely, the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12134, and Title II's implementing regulation, 28 C.F.R. Part 35. We appear to fall well within the statutory exceptions to persons allowed to enter a polling place. Moreover, you assert that our investigation would "interfere with the voting process." We do not intend to interfere with or disrupt the voting process. We will conduct our investigation at each polling location as discreetly as possible. If election officials are busy, which we anticipate will happen throughout the day, we can wait until a convenient time to speak with them.

We are happy to meet with you and Secretary of State Ashcroft on Monday. Please let us know the location of the meeting as soon as possible. Thank you. Charles Thomas

Mr. Thomas,

I have discussed the letter you sent me on October 27, 2022 regarding available ADA machines at our polling locations with the Chief Election Official of Missouri, Mr. Ashcroft, and the County Commissioners. We have several question regarding your alleged allegations. The County has 29 ADA compliant machines. We have one available at all 28 polling locations at every Federal Election. We had 11 votes on our ADA machines at the August 2, 2022 primary election. I have a Republican and Democrat supervisor at every polling location that can verify the machines are available during Federal Elections. Your allegations that we failed to provide an ADA compliant machine at each polling location in past Elections is unfounded. I have not received any complaints regarding our Election process.

We can get together and meet with you Monday, November 7 at 10:00. Missouri Statute 115.409 prohibits you from entering our polling locations on Election Day. I have posted the State Statute below. I believe if you are allowed to enter our polling locations on Election Day it would interfere with the voting process. Please let me know if you are available to meet on Monday, and please bring a copy of the alleged complaints with you and whatever paper work you may have for us to look at. I would be very interested to see what specific polling places have gotten the complaints. We probably will meet at the Secretary of State's Office, 600 W Main Street, Jefferson City Missouri. The Secretary of State is the "Chief Election Official" in the State of Missouri and I believe that you should have contacted them with any questions or complaints regarding a Local Election Authority.

115.409. Who may be admitted to polling place. — Except election authority personnel, election judges, watchers and challengers appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of election officials or in the line of duty, minor children under the age of eighteen accompanying an adult who is in the process of voting, international observers who have registered as such with the election authority, persons designated by the election authority to administer a simulated youth election for persons ineligible to vote because of their age, members of the news media who present identification satisfactory to the election judges and who are present only for the purpose of bona fide news coverage except as provided in subdivision (18) of section 115.637, provided that such coverage does not disclose how any voter cast the voter's ballot on any question or candidate or in the case of a primary election on which party ballot they voted or does not interfere with the general conduct of the election as determined by the election judges or election authority, and registered voters who are eligible to vote at the polling place, no person shall be admitted to a polling place.

Thanks,

(b) (5), (b) (7)(A)

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section
Civil Rights Division
Department of Justice

(b) (6) (office)
(b) (6) (cell)
(b) (6)

To: Thomas, Charles (USAMOW) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Thur 11/3/2022 2:22:56 PM (UTC-04:00)
Subject: FW: Map Request for Cole County MO DJ 204-43-219
[Polling_Cole_Co_clipped.pdf](#)

From: Stedman, Kelly (CRT) (b) (6)
Sent: Monday, October 31, 2022 4:17 PM
To: Johnson, Elizabeth (CRT) (b) (6); Brooks, Jonathan (CRT) (b) (6)
Subject: RE: Map Request for Cole County MO DJ 204-43-219
Hi Elizabeth
Attached is a pdf for Cole County. Please let me know if you have any changes/revisions
Thanks
Kelly

From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Thursday, October 27, 2022 9:29 PM
To: Brooks, Jonathan (CRT) (b) (6)
Cc: Stedman, Kelly (CRT) (b) (6)
Subject: Map Request for Cole County MO DJ 204-43-219

Hello Jonathan, just wanted to let you know that I am putting in a request for a map for Cole County, MO. Small County with only 29 polling places. Our trip to Tarrant County fell through as the County refused us access to the polling places and apparently, we might be subject to arrest if we entered.

I don't know if you all will have time to do Cole County? We leave on Sunday, November 6. Just let me know. Thanks!

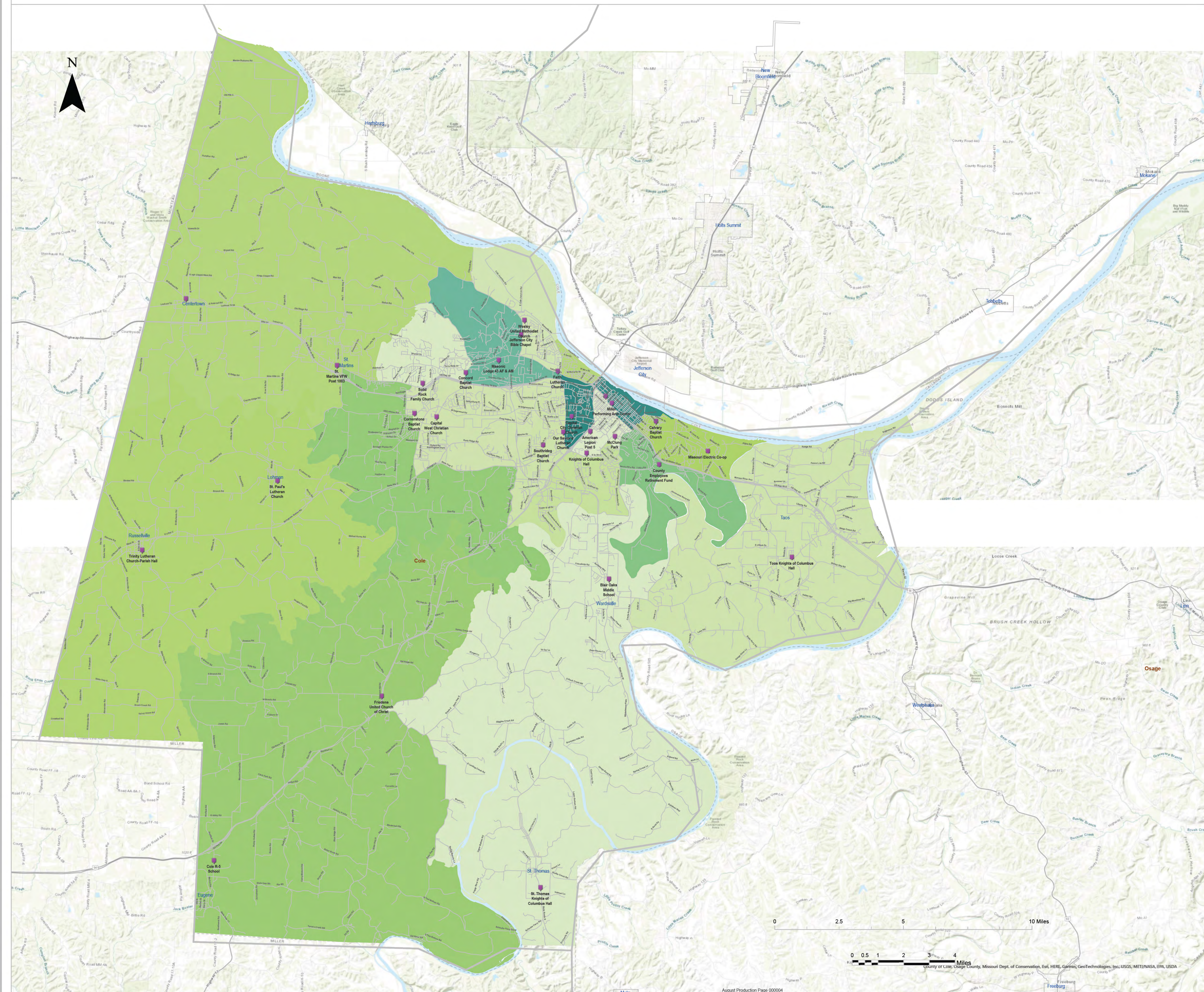
Also, I am attaching the list of polling places in case you can do this. Thanks again.

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section
Civil Rights Division
Department of Justice

(b) (6) (office)
(b) (6) (cell)
(b) (6)

Polling Place Locations

Cole County, Missouri



- USAO WDMO Cole County Polling places
 - Cole County Roads
 - Place Boundaries
 - USA Counties
- ACS Disability by Type Variables - Boundaries - Tract
Percent of population with a disability
- > 19%
 - < 6%
 - No Value



Prepared by:
U.S. Department of Justice
Civil Rights Division
Washington, D.C. 20530

To: Thomas, Charles (USAMOW)(b) (6)
From: Johnson, Elizabeth (CRT)(b) (6)
Sent: Tue 11/1/2022 4:02:54 PM (UTC-04:00)
Subject: Missouri Election Law

Hi Charles, looks like we are okay for going in to polling places: [Missouri Revised Statutes § 115.409 \(2017\) - Who may be admitted to polling place. :: 2017 Missouri Revised Statutes :: US Codes and Statutes :: US Law :: Justia](#)

Except election authority personnel, election judges, watchers and challengers appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of election officials or in the line of duty,

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section
Civil Rights Division
Department of Justice
(b) (6) (office)
(b) (6) (cell)
(b) (6)

To: Hasday, Lisa (USATXN) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Tue 9/27/2022 11:58:35 AM (UTC-04:00)
Subject: RE: Another question for Tarrant County

Yes, thanks. And no worries about any delay—I know you are incredibly busy! Seems like we are all pushed to the extremes these days with caseloads.

From: Hasday, Lisa (USATXN) (b) (6)
Sent: Tuesday, September 27, 2022 10:21 AM
To: Johnson, Elizabeth (CRT) (b) (6) >
Subject: RE: Another question for Tarrant County

Hi Elizabeth,
So sorry about my delay getting back to you on all this. Between a big case of mine that just settled late last week and a brief I had due yesterday, I have been busy! I think your proposed email looks great. I haven't sent any further emails to them yet, so I could add your additional question. Should I go ahead with the email, copying you?

Thanks,
Lisa

Lisa R. Hasday, Assistant U.S. Attorney
(b) (6)

From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Monday, September 26, 2022 8:52 PM
To: Hasday, Lisa (USATXN) (b) (6)
Subject: Another question for Tarrant County

Hi Lisa, when you send your email, or if you have already, send another email requesting the list of polling places, including early voting and election day. I would like to get them mapped out. Online, I didn't see a master list but only pulling them up one by one. Thanks so much. Elizabeth

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section
Civil Rights Division
Department of Justice
(b) (6) (office)
(b) (6) (cell)
(b) (6)

Cc: Kirkendall, Roberta (CRT) (b) (6) : Ray, Jeffrey (USAMOW) (b) (6) Moore, Teresa
(USAMOW) (b) (6) Ketchmark, David (USAMOW) (b) (6)
To: Thomas, Charles (USAMOW) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Sat 11/5/2022 7:51:37 PM (UTC-04:00)
Subject: Re: Charles, Robbie has to run this up the chain. Stay tuned

Charles, we do not intend (b) (5)

. The Voting Section said this is what they have done in the past.

On Nov 5, 2022, at 7:38 PM, Thomas, Charles (USAMOW) (b) (6) wrote:

Elizabeth, Robbie — it seems to me that the (b) (5)

Sent from my iPhone

On Nov 5, 2022, at 5:41 PM, Johnson, Elizabeth (CRT) (b) (6) wrote:

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section
Civil Rights Division
Department of Justice

(b) (6) (office)

(b) (6) (cell)

(b) (6)

To: Thomas, Charles (USAMOW) (b) (6); Eduardo, Ame (CRT) (b) (6) Kirkendall, Roberta
(CRT) (b) (6); Hutcheson, Sean (USAMOW) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Mon 11/14/2022 6:09:58 PM (UTC-05:00)
Subject: RE: Missouri voting statutes

Hi Charles, It was (b) (5) County, though, that prohibited us from entering the polling place. The SOS's office said it was Clerk
(b) (5) decision. (b) (5)
We should discuss. Thanks!

From: Thomas, Charles (USAMOW) (b) (6)
Sent: Monday, November 14, 2022 5:11 PM
To: Johnson, Elizabeth (CRT) (b) (6); Eduardo, Ame (CRT) <(b) (6)>; Kirkendall, Roberta
(CRT) (b) (6); Hutcheson, Sean (USAMOW) (b) (6)
Subject: Missouri voting statutes

On the attached, I have highlighted some portions of Missouri statutes to be considered in conjunction with the (b) (5)
(b) (5)

Charles M. Thomas
Assistant United States Attorney
Western District of Missouri
United States Courthouse
400 East 9th Street, Room 5510
Kansas City, Missouri 64106
(b) (6)
CELL: (b) (6)

To: Johnson, Elizabeth (CRT) (b) (6)
From: Hasday, Lisa (USATXN) (b) (6)

Sent: Fri 10/21/2022 7:06:54 PM (UTC-04:00)
Subject: Re: TARRANT COUNTY FINAL survey form voting machines
[TARRANT COUNTY draft survey form voting machines.docx](#)

Sounds good, thanks!

Lisa R. Hasday, Assistant U.S. Attorney
(b) (6)

On Oct 21, 2022, at 6:05 PM, Johnson, Elizabeth (CRT) <(b) (6)> wrote:

Just wanted to make sure you have the final. I'll bring 50 copies

(b) (5)

(b) (5)

(b) (5)

To: Hasday, Lisa (USATXN) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Wed 11/16/2022 5:16:01 PM (UTC-05:00)
Subject: Re: (b) (5) County

Thanks! That's horrible. Sounds like a (b) (5)
(b) (5). Yes, let's talk when I am back. Thanks so much!

On Nov 15, 2022, at 3:33 PM, Hasday, Lisa (USATXN) <(b) (6)> wrote:

Hi Elizabeth,
Hope all is well! This can wait until you're back from leave, but while everything is fresh in my head I wanted to let you know about the phone call that Gwen and I had with (b) (5)

I'll circle back with you when you're back in the office!

Thanks,

Lisa

Lisa R. Hasday, Assistant U.S. Attorney

(b) (6)

From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Wednesday, November 9, 2022 12:37 PM
To: Hasday, Lisa (USATXN) (b) (6)
Subject: Re: (b) (5) County

Hi Lisa, that sounds like a good plan as I am out for a bit. But reachable in emergencies! Thanks.

August Production
On Nov 9, 2022, at 11:59 AM, Hasday, Lisa (USATXN) (b) (6) wrote:

Hi! Hope all is well! I see you have an out-of-office message set up, but I thought I'd send a message anyway! I'm just circling back about contacting the (b) (5) County complainant to see how her experience was this election season. If I don't hear from you, I'll set something up for me and Gwen to talk to her and let you know what happens.

Thanks,

Lisa

Lisa R. Hasday, Assistant U.S. Attorney

† (b) (6)

To: Thomas, Charles (USAMOW)(b) (6)
From: Johnson, Elizabeth (CRT)(b) (6)
Sent: Wed 10/26/2022 4:36:50 PM (UTC-04:00)
Subject: Cole County Complainant
[NFBMO Complaint Filed with the United States Department of Justice 9.30.21.pdf](#)

Hi Charles, do you want to contact the complainant and set up a telephone call? Thanks!

(b) (6), (b) (7)(C)

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section
Civil Rights Division
Department of Justice

(b) (6) (office)

(b) (6) (cell)

(b) (6)

Complaint Filed with the United States Department of Justice on

Behalf of the

National Federation of the Blind of Missouri, Missouri Council of the Blind,

and the National Federation of the Blind

September 30, 2021

Contact Information:

Shelia Wright, President

National Federation of the Blind of Missouri

(b) (6), (b) (7)(C)

Naomi Soule, President

Missouri Council of the Blind

(b) (6), (b) (7)(C)

Scott LaBarre, General Counsel

National Federation of the Blind

(b) (6), (b) (7)(C)

Melissa Kane, First Vice President and Chair, Special Committee on Accessible Voting

National Federation of the Blind of Missouri

(b) (6), (b) (7)(C)

Chip Hailey, Chair, Education and Advocacy

Missouri Council of the Blind

(b) (6), (b) (7)(C)

Introduction

The National Federation of the Blind of Missouri (NFBMO), Missouri Council of the Blind (MCB), and National Federation of the Blind (NFB) file this complaint on behalf of blind voters in Missouri. During the 2020 general elections and other recent elections, blind Missourians have encountered voting barriers related to inaccessible absentee request forms and ballots, insufficiently trained poll workers, lack of or inoperable accessible voting machines, and access and privacy barriers for in-person voting.

This complaint comes to you not as a first but as a last resort. When blind people in Missouri have encountered difficulty in voting, the NFBMO and MCB have complained to county clerks and Missouri's Secretary of State Jay Ashcroft and have repeatedly called upon the legislature of the state of Missouri to guarantee the rights of blind voters to a private and independent ballot. Repeatedly, county clerks say it simply costs too much to set up voting machines for every election, and they believe they are not required by law to do so. NFBMO and MCB met with Secretary Ashcroft in November 2018 and December 2020 regarding widespread voting barriers for blind constituents. During the 2020 meeting, Secretary Ashcroft said that there is no obligation to have an accessible voting machine at every polling place and that blind voters may be assigned to other locations if they wish a machine. Representatives from this office have clearly stated that private and independent voting using an absentee voting system isn't important, is not guaranteed, and is truly not the way votes should be cast, the clear preference being for showing up in person on the day voting is to take place.

The National Federation of the Blind also has advocated to Secretary of State Ashcroft for accessible absentee voting in Missouri. In September 2019, President Mark Riccobono wrote to the Secretary to remind him of his obligation, as required by federal law and recent court decisions, to provide voters with print disabilities an accessible way to privately and independently mark an absentee ballot. See attached and <https://nfb.org/images/nfb/publications/bm/bm20/bm2001/bm200107.htm>.

Absentee Voting

Blind Missourians cannot independently fill out absentee voting request forms. Though the Secretary of State's website instructs that voters can request absentee ballots from their local election authority in person, or by mail, fax, or email¹, voters have been individually instructed to use inaccessible methods to request their absentee ballots.

- When (b) (6), (b) (7)(C) County attempted to vote absentee, she was sent an inaccessible paper letter and instructed to fill it out to request her absentee ballot; Ms. (b) (6), (b) (7)(C) was forced to rely on sighted assistance to complete this request.
- (b) (6), (b) (7)(C) County wanted to vote absentee for the 2020 elections because she was told that her polling place would not have an accessible voting machine due to COVID-related poll worker training restrictions. After submitting her absentee ballot application, (b) (6), (b) (7)(C) was informed that she needed to choose a political party because it was a primary, and that this instruction had been highlighted on her application. Because the application was inaccessible, (b) (6), (b) (7)(C) could not read the highlighted instruction. She was then told to write her party on a piece of paper, sign it, take a picture of it, and then email it to the caller. As this process is also

¹ <https://www.sos.mo.gov/elections/goVoteMissouri/howtovote#Absentee>

inaccessible for (b) (6), (b) (7)(C), the caller eventually permitted her to verbally state the name of her party.

Blind Missourians also have no way to vote accessibly and independently via absentee ballot. Though Missouri allows members of the military in combat zone, hostile fire, or imminent danger areas to receive, mark, and return a ballot using Missouri's Military and Overseas Voting Access Portal², Missouri does not provide accessible electronic ballot delivery or return for voters with disabilities. Absentee ballots are only available to blind voters in paper format and are not readable or fillable with screen access software. Blind Missourians are thus required to either vote in person or forgo their private and independent ballot and vote absentee with the assistance of a sighted third party. Missouri voters (b) (6), (b) (7)(C) in recent elections were all required to rely on sighted assistance to assure their absentee ballots were properly marked and signed.

In-Person Voting

Though the Secretary of State's website purports that "every polling place must have an accessible voting system for individuals with disabilities including audiovisual accessibility. Accessible systems include an audio ballot to make your selections or the ability to enlarge text so that you can read the on-screen ballot with ease,"³ blind Missouri voters regularly encounter a very different reality much more aligned with Secretary Ashcroft's 2020 assertion that the State is not obligated to provide an accessible voting machine at every polling place, and that blind voters may be assigned to other locations if they wish a machine. This failure to provide operable accessible voting machines robs blind voters of their ability to vote privately and independently.

Voter experiences demonstrate pervasive and perpetuating barriers. Per the examples below and included in Exhibit A, Missouri polling places do not consistently offer accessible voting machines for voters with disabilities, train poll workers on how and when to set up the machines, locate accessible voting machines in a physical space that protects their voting process from onlookers, or use accessible voting machines that create ballots identical in size and shape to ballots completed by nondisabled voters.

- ☐ (b) (6), (b) (7)(C) County), (b) (6), (b) (7)(C) County), (b) (6), (b) (7)(C) County), (b) (6), (b) (7)(C) County), and other blind voters⁴ reported voting machines at their polling places as not being set up or not working properly in recent elections, forcing these voters to choose whether to have a sighted person help them cast their vote, travel to a different polling location, or wait in hope that that machine will be set up or repaired.
- ☐ (b) (6), (b) (7)(C) requested to use an accessible voting machine at his assigned polling place in August 2019. He was told that the location did not have a machine, and he would need to travel further to a different polling place if he wanted to use a voting machine.

² <https://www.sos.mo.gov/elections/goVoteMissouri/registeroverseas.aspx>

³ <https://www.sos.mo.gov/elections/goVoteMissouri/howtovote#Accessible>

⁴ See Exhibit A

- (b) (6), (b) (7)(C) , sought to vote via accessible voting machine in 2016. After setting up the machine (because it had been on site, but not set up), insufficiently trained poll workers did not know what to do with his printed ballot. (b) (6), (b) (7)(C) suspects his ballot was not counted for that election.
- (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) reported that the accessible voting machines at their polling places are set up on an open table with no privacy. As a blind person votes, their selections can be viewed by onlookers.
- (b) (6), (b) (7)(C) reported that the accessible voting machines print ballots that are a different size from those used by nondisabled voters. (b) (6), (b) (7)(C) reports that she is the only person who uses the accessible machine at her polling location, making her ballot easily identifiable; anyone reviewing or handling the ballots would know exactly how she voted.

Conclusion

Secretary Ashcroft's blatant disregard of the rights of disabled voters was underscored during the 2020 elections. Amidst the COVID-19 pandemic and a tense political climate, rather than comply with equal access requirements in Title II of the Americans with Disabilities Act of 1990 ("ADA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Secretary Ashcroft continued to require many blind voters to forfeit their right to vote privately and independently and rely on a third party to assist them with inaccessible paper absentee applications and ballots and in-person voting.

The National Federation of the Blind, National Federation of the Blind of Missouri, and Missouri Council of the Blind request that the Department of Justice Civil Rights Division investigate Secretary of State Ashcroft's flagrant and willful violation of the ADA and Section 504 by denying a safe, secure, and independent means for voters with disabilities to cast a ballot and find that:

- Accessible absentee voting via electronically fillable ballots must be available to Missouri voters with disabilities.
- Absentee voting applications must also be accessible to voters with disabilities.
- Accessible voting machines must be available, operable, and ready to use for all federal and local elections and at every polling place.
- Poll workers must have knowledge of how to set up and use the accessible ballot marking devices.

Exhibit A

Testimonies

(b) (6), (b) (7)(C)

In the (b) (6), (b) (7)(C) Missouri, election authority, during the August 2019 election, (b) (6), (b) (7)(C) was told that there was no accessible machine at his normal precinct and was encouraged to go to the (b) (6), (b) (7)(C), an independent living center. There he was able to vote, but the distance he was required to travel was significantly different from the place to which he and his neighbors are assigned.

(b) (6), (b) (7)(C)

In (b) (6), (b) (7)(C) County Missouri, during the November 2018 election, (b) (6), (b) (7)(C) voted absentee, but there was no option other than a paper ballot to do this. He therefore needed sighted help and could not vote privately and independently.

(b) (6), (b) (7)(C)

I reside in (b) (6), (b) (7)(C) Missouri, in the (b) (6), (b) (7)(C) County. The first time an accessible voting machine was onsite that I was informed of was in the 2016 presidential election. The machine was not hooked up. After they got it up and running, I had no problem using it. But, when I was done, no one knew what to do with the small slip of paper the machine printed. I doubt my vote was even counted.

In 2018 I did not use the machine because of the experience I had in 2016. In 2020 I again wanted to use the machine. It was not connected again. I waited for a while, but the person did not seem to be making any progress, so I gave up and had them help me mark the ballot.

A couple of weeks after the election I called my county clerk. He told me they were told by the Secretary of State's office the machine only had to be on site and not actually connected. Then he asks me if I used it in the last election, and I said no. He said that was why the machine was not connected.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) MO, in (b) (6), (b) (7)(C) County, had problems during the November 2018 election because the audio would not work on the machine at the polling place to which she was assigned. Voting could occur only by her going to the office of the (b) (6), (b) (7)(C) County clerk, and there she was able to use a machine to cast her vote privately and independently.

(b) (6), (b) (7)(C)

Email Not Provided

In the April 2021 election in (b) (6), (b) (7)(C) County, an (b) (6), (b) (7)(C) blind woman named (b) (6), (b) (7)(C) who wished to vote for the first time, went to her polling place. Equipment was not setup, and she was told that her mother, who is sighted, should help her. This (b) (6), (b) (7)(C) did under protest.

(b) (6), (b) (7)(C)

Below are my experiences voting in (b) (6), (b) (7)(C) County Missouri:

If I can get transportation to the polling place, I can vote using the accessible voting machine. However, there has been a time or two when the machine was unavailable due to the technology. Otherwise at the polling place, I would have to have a sighted person mark my ballot. I then lose my right to a private ballot.

I have also voted using an absentee ballot. Nothing about this process is accessible for me as a blind person. First, I get a letter which I need to fill in to request a ballot for the upcoming election. A sighted person needs to fill this in. Next is the ballot itself. I cannot read it, and scanning it on my computer does not get successful results. I must have someone read it to me so that I know what is on the ballot. Later, when I am ready to vote, I must have someone mark this ballot. Lastly, there is information including a signature which must be written on the ballot envelope. Again, I do not have a private ballot!

(b) (6), (b) (7)(C)

In the November 2020 election, in (b) (6), (b) (7)(C) County, (b) (6), (b) (7)(C) a blind woman from (b) (6), (b) (7)(C) called ahead to ensure she could vote privately and independently. After talking to several people, all of whom seemed to be confused by what she was asking, (b) (6), (b) (7)(C) was told to go to the polling place and vote. When she arrived, no one knew how to set up the machine. She was encouraged to use a paper ballot and would be provided with a representative from the Democrat and Republican Party to help her fill it out. She refused, and after waiting for someone to be dispatched, a machine she could use was turned on and made operational. Additionally, during the August 2020 election, she voted absentee as she was told they would not have the accessible machine available because they did not have anybody to train them on the new machines due to COVID. Once she sent in her application, she was called and informed that she needed to choose a party because it was a primary. She explained that she did not know this and was informed that it was highlighted. She explained that she could not see. She was then told that she needed to write it on a piece of paper, sign it, take a picture of it and then email it to them. Eventually they agreed that she could inform them verbally. This she did and received a ballot. She had to have her mother help her complete the ballot because it was not accessible.

(b) (6), (b) (7)(C)

This experience comes from (b) (6), (b) (7)(C), a woman in (b) (6), (b) (7)(C) County, regarding her August 2020 experience: "I got to my polling place, and at first they didn't even tell me they had an accessible voting machine. I ended up attempting to fill out a paper ballot, but that got thrown out because the ballot scanner you feed it into said I filled too many circles in one of the contests. We had to throw that ballot out. It was at that point that they told me they had an accessible machine, but they didn't start the day with it and had to request it. The square pad that has the arrows on it didn't work at all at first. One of the workers had to manually type in my information using the screen because the pad didn't work. Then it wouldn't accept my information, displaying "No results found." We put in my name a few different ways, and the worker ended up calling someone to help figure out why it wasn't pulling up my information. Once we got it working and I got to the candidate lists, it was fine. The headphones

that are provided don't have any noise cancelling ability. I got there early, but once people started coming to vote, hearing the audio from the machine and filling in the options gets harder to do because the audio is harder to hear. I contacted Springfield's ADA coordinator, and she said she would forward my concerns to the county clerk.

I've used accessible voting machines every time since 2018, and it seems every time we have issues getting the ballot loaded, getting logged in, or getting to the choice screen. Once I get to the choices, I'm good and don't have any more issues.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) who votes in the (b) (6), (b) (7)(C) election authority, writes: I am not only blind, but I am also Deaf in my left ear and wear a hearing aid in the right one. I tried to use the accessible voting machine in the last election but was unable to do it, due to the volume being too low and conversations going on in the background. No matter how loud I tried to turn it up, it was still not loud enough, so I was unable to vote independently. I needed someone's assistance at the polling place to help me complete filling out my ballot. This is not the first time this has happened.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) lives in (b) (6), (b) (7)(C) County, and voted in August 2020: "My experience was that I showed up to vote, and the workers were unable to get the accessible voting machines working, saying, 'We don't set these up every day'" I should note that the workers were cordial, and one of them did read and mark my ballot for me."

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) County election authority, voted in August 2020: "I voted at the precinct today. I asked for an accessible voting machine and was immediately taken to a touch screen that could be enlarged. The poll worker said he could turn on the voice. The only issue was that the machine was at an open table. When he backed up, if he was looking my way, he could probably see how I was voting. I don't know how accessible it would have been for a totally blind person."

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) writes: "My experience today went smooth as silk. I had no problems whatsoever, however, I did notice that no one other than myself was offered the electronic Voting machine. When counting, if I'm the only one, how secret will my ballot be?"

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) lives in (b) (6), (b) (7)(C) County and writes: I am a visually impaired person and was thrilled when the law was passed that accessible voting machines had to be available to us for casting our ballot privately and independently for federal elections. I have been disappointed many times when I went to use the accessible voting machine to cast my ballot. The voting machine is always at my polling place like I expect it to be, but it is never accessible for me to use. Several times the machine was not even set up or even plugged into the wall outlet. At other times, if the machine was working, the person did not have the keypad or headphones for me. At other times the person in charge of the machine just did not know how to operate it.

I have spoken to my county clerk about this matter many times. Before our last presidential election, I, along with a sighted member of my Missouri Council of the Blind affiliate, was invited to visit the courthouse and do a mock vote with an accessible voting machine. Of course, it worked perfectly.

But during the election, I went to my polling place to vote. The machine was not plugged into the outlet. The gentleman could not get the machine to work. After about 10 to 15 minutes, the gentleman who was supposed to be overseeing the machine called the county clerk, and I was given 2 options: I could let someone else mark my ballot or I could wait until the county clerk brought another machine to my polling place, which would have taken 30 to 40 minutes at the least. I ended up asking my sister-in-law to mark my ballot for me. I was not going to wait another 30 to 40 minutes for another machine to be brought to my polling place because I feel like I would just be wasting my time.

I have spoken to a county commissioner about this issue and have called my state representative's office in (b) (6), (b) (7)(C) about this matter. I feel very frustrated and know that there are many people with a disability that feel this way also.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) City writes: "I have voted often throughout my life. I was so excited when I heard that I was going to have the opportunity to vote privately and independently for the first time. This has rarely gone as I expected.

In about 2014 I arrived at my polling place, in (b) (6), (b) (7)(C) County, Missouri, around 6 PM. An acquaintance had agreed to drive me to the polls. When I arrived, the poll workers explained to me that they did not have the accessible machine available, as they only ever had one person use it and so they had already sent it back to the courthouse. I had 2 poll workers assist me, one Democrat and one Republican. I had no way to verify my vote. I explained to the poll workers that the machine should always be available and let them know that I would be voting regularly.

In November of 2018, I was going to be gone on Election Day and decided to vote absentee. Our county clerk offers absentee voting in person at his office for a few weeks prior to Election Day. I decided to go to the (b) (6), (b) (7)(C) County clerk's office the Saturday prior to Election Day. I was informed that they did not

have the accessible machine available because they had already sent it to the polling location. My husband completed my ballot for me. Again, I did not have a private voting experience.

In March of 2020, I arrived at my (b) (6), (b) (7)(C) County polling location just before 7 AM. It was a federal election, and I greatly anticipated voting in the presidential primary privately and independently. Well, I was informed that they had not set the accessible machine up yet. I explained that it was a federal election and that by law they were required to have it up. I sat down with my husband to complete my ballot. After my husband had already marked my ballot, one of the poll workers offered to set up the machine. I declined since I had to be at work by 7:30, and my husband had already marked my ballot. I called the county clerk and explained my experience. He apologized and said he would call out there and make sure that the machine was set up.

On April 6 and August 3 of 2021, in (b) (6), (b) (7)(C) County, I voted in 2 elections that had only local issues. On neither of these occasions was an accessible machine set up. The poll workers were apologetic. However, our county clerk does not feel that it is cost effective to set the machines up except when he is required to by HAVA. He totally disregards the Americans with Disabilities Act.

It is wonderful being able to vote on an accessible machine when it goes smoothly, but it is rarely smooth. The machines are only available during federal elections and not even always then. When they are available, it is obvious that the poll workers have received minimal training on setting them up and getting the ballot loaded. The machines are always set up on an open table off to the side but facing so that anybody behind me can easily see how I am voting. The ballot is a different size from the regular ballots and, since I am the only person who uses the accessible machine at my polling location, I do not have a private ballot.

I have advocated with our state legislature since at least 2013 to get equal access to the ballot with no success. I have had 2 meetings with the Secretary of State's office, in 2018 and 2020, with no results. The last time they indicated that the Americans with Disabilities Act only applied to the physical spaces of the polling place, not the equipment in the polling place. Advocacy with the county clerk has also met with resistance. Our (b) (6), (b) (7)(C) chapter of the National Federation of the Blind of Missouri has met with the (b) (6), (b) (7)(C) County Clerk and he has basically said that it is too expensive to set the machines up during non-federal elections. The only concession that he has made is having an accessible machine available at his office prior to the election. In addition to the issues with the voting machines, my polling location uses a tablet to sign in on, and it is completely inaccessible."

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) County writes: As I walked into my polling precinct 8 or 9 years ago thinking I would be able to use the accessible voting machine for the first time to cast my ballot, I was quickly disappointed when I was told that the equipment was still in the box sitting on the floor underneath the table. The polling official assured me that it wouldn't take long to get it set up for me to use.

After the machine was set up, I remained excited, still thinking I would be able to cast my vote privately and independently. However, much to my growing disappointment, the machine failed to function properly, and I wasn't able to cast my ballot using the machine. My wife had to assist me in filling out my ballot.

Over the next few years, I continued to remain excited thinking that this could be the year that I would be able to cast my ballot privately and independently, but to my frustration and disappointment, the polling official still couldn't get the machine to work properly. So I again had to call upon my wife to assist me with my balloting.

As I left my polling precinct that day, I was so terribly frustrated that I decided to contact the Secretary of State's office, my county clerk's office, the County Board of Elections, the *Joplin Globe*, and one of the local TV stations explaining my frustration. I was told that most blind and visually impaired people don't use the machines, and that is why many of the polling precincts don't bother with setting up the equipment.

Each time I exited my polling precinct, I really never felt like I had voted. I felt more like my wife got to vote twice, once for herself, and once for me. Furthermore, as much as I love and trust my wife, I really had no way of knowing whether she actually voted as I had instructed her. There was one time when I asked her to vote for a certain candidate and she responded, "Are you kidding?" Still, I believe she marked down the candidate of my choice, or at least I hope she did.

Then there was the time when the polling official couldn't get the equipment to work properly, so after about 45 minutes, he said he would have to call one of the technicians but that it might take an hour-and-a-half before he could get there. I just couldn't wait around that long, so as I got up to leave, feeling totally exasperated, the polling official asked if he could assist me with my voting, to which I quickly responded in a not so kind manner, "no thanks." I'm sure this person was trustworthy, but how could I be absolutely certain, not knowing him from Adam. Over the next 7 or 8 years, if it wasn't one thing or another, the equipment still failed to work as it should, and the polling officials had no answer to the problem but did express their apology.

A couple of years ago I was able to go through the entire selection process on the voting machine, but when I pressed the big red star in the middle of the keypad, my ballot failed to print, and again, the polling official wasn't able to get the printer to work.

I was told that the machines are so antiquated and often times get damaged in transit that it's no wonder they don't work as they should. I even reached out to my county clerk offering to test out the machines before Election Day to make certain they were working properly, but no one from that office ever took me up on my sincere and totally genuine offer.

I next invited my county clerk to bring a couple of the machines over to where I worked, [REDACTED], to have people who are blind and visually impaired and other individuals with a print disability stop by and try out the machines, and that seemed to work quite well. But again, the polling officials at my polling precinct could never seem to get the machine to work on Election Day.

It wasn't until November 2020 that I was able to cast my ballot privately and independently for the very first time. I was so excited that I wanted to pump my fist up in the air and do a little jig. But my polling precinct is at (b) (6), (b) (7)(C), and there must have been more than a hundred people inside waiting to vote. Still, I left my polling precinct that day with my head held high, and I felt as though my vote really did mean something and that it did get counted just as I had always dreamed that it would.

My concern is whether next time the equipment will work properly or whether I will have to relive over some of my past experiences. I'm also very concerned for others in the blind community who have shared similar experiences and have never enjoyed the thrill of voting privately and independently. For the blind community, not being able to use the accessible voting equipment may quickly become a disincentive to get out to vote. For many of them, the question is why they should go through the trouble of acquiring transportation, and even in some cases paying for that transportation to and from their polling precincts, only to arrive to find out the accessible voting equipment isn't working properly. The same can also be said for finding someone to assist them in and out of their polling precinct after they have arrived, again paying for a service that does not work out.

Those of us in the blind community feel as though our vote does mean something and that it does count, and that's why I along with so many others in the blind community, have advocated vigorously for years to ensure that blind people have the same rights as their sighted peers when it comes to voting.

To: Hasday, Lisa (USATXN) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)

Sent: Thur 10/27/2022 12:00:48 PM (UTC-04:00)
Subject: RE: USA MDNC LOR to Regal 2.18.2020

We should at least (b) (5). We can discuss after the election. Thanks.

From: Hasday, Lisa (USATXN) (b) (6)

Sent: Thursday, October 27, 2022 11:52 AM

To: Johnson, Elizabeth (CRT) (b) (6)

Subject: RE: USA MDNC LOR to Regal 2.18.2020

Hi Elizabeth! Just wanted to update you that my office's position is that, due to the (b) (5)

. I plan to follow up with the complainant after Election Day.

Lisa R. Hasday, Assistant U.S. Attorney

(b) (6)

From: Hasday, Lisa (USATXN)

Sent: Monday, October 24, 2022 3:16 PM

To: Johnson, Elizabeth (CRT) (b) (6)

Subject: RE: USA MDNC LOR to Regal 2.18.2020

Thanks, Elizabeth. I'm checking with my office about how they want to proceed.

Lisa R. Hasday, Assistant U.S. Attorney

(b) (6)

From: Johnson, Elizabeth (CRT) (b) (6)

Sent: Monday, October 24, 2022 12:58 PM

To: Hasday, Lisa (USATXN) <lhasday@usa.doj.gov>

Subject: USA MDNC LOR to Regal 2.18.2020

Sample lor

To: Johnson, Elizabeth (CRT) (b) (6)
From: Hasday, Lisa (USATXN) (b) (6)

Yes, definitely! I've also hopefully planted a seed in the mind of my supervisor that we should (b) (5)

Lisa R. Hasday, Assistant U.S. Attorney

 (b) (6)

From: Johnson, Elizabeth (CRT) (b) (6)

Sent: Thursday, October 27, 2022 2:32 PM

To: Hasday, Lisa (USATXN) (b) (6)

Subject: RE: USA MDNC LOR to Regal 2.18.2020

Hi Lisa, I was just thinking that we should also circle back after the election with the complainant to make sure she was able to hear the ballot this time. Thanks!

Duplicative Material p.27

To: Kirkendall, Roberta (CRT) (b) (6) Thomas, Charles (USAMOW) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Sat 11/5/2022 5:35:50 PM (UTC-04:00)
Subject: FW: Missouri and SOS Ashcroft

FYI

From: Herren, Chris (CRT) (b) (6)
Sent: Saturday, November 5, 2022 5:34 PM
To: Johnson, Elizabeth (CRT) (b) (6)
Cc: Russ, Bert (CRT) (b) (6)
Subject: Re: Missouri and SOS Ashcroft

Hi Elizabeth, we have monitored in Missouri a number times, likely most recently 2016. I recall (b) (5)

Just let us know what you decide, so we can make sure the press release is accurate.
Good luck. Thanks

On Nov 5, 2022, at 5:10 PM, Johnson, Elizabeth (CRT) (b) (6) wrote:

Hi Chris, we just got word that (b) (5)

Thanks so much. Elizabeth

P.S., unlike (b) (5)

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section
Civil Rights Division
Department of Justice

(b) (6) (office)
(b) (6) (cell)
(b) (6)

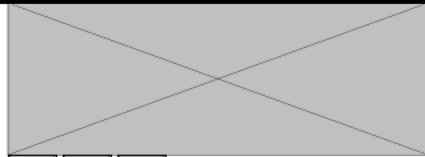
To: Johnson, Elizabeth (CRT) (b) (6)
Cc: Labarre, Scot (b) (6), (b) (7)(C) @labarrelaw.com; (b) (6), (b) (7)(C), (b) (7)(D)
From: (b) (6), (b) (7)(C), (b) (7)(D)
Sent: Wed 3/9/2022 2:43:22 PM (UTC-05:00)
Subject: [EXTERNAL] FW: Texas primary voting issues
[justice department complaint concerning lack of access while voting.docx](#)
[justice department complaint concerning lack of access while voting.docx](#)
[justice department complaint concerning lack of access while voting.docx](#)

All 3 complaints are duplicates.
Deleted 2 copies. One remains.

Hello Elizabeth,

Please find below and attached a complaint filed by (b) (6), (b) (7)(C), a blind voter in (b) (6), (b) (7)(C) County, Texas, that she filed earlier this month through ADA.gov. Thank you for your attention to this complaint.

(b) (6), (b) (7)(C), (b) (7)(D)



(b) (6), (b) (7)(C), (b) (7)(D)

From: (b) (6), (b) (7)(C)
Sent: Tuesday, March 8, 2022 5:27 PM
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: Re: FW: Texas primary voting issues
Hi (b) (6), (b) (7)(C), (b) (7)(D)

Thanks for getting back to me. I tried attaching the DOJ complaint that I filed (b) (6), (b) (7)(C) but I can't get it to work for some reason. I am pasting the text below.

Thanks again.

(b) (6)
My name is (b) (6), (b) (7)(C) which is in (b) (6), (b) (7)(C)

On March 1, 2022, I went to the (b) (6), (b) (7)(C) to cast my ballot in the Texas primary election.

I am a totally blind person, and I rely on the accessible voting machines that are required in polling places in order to cast my ballot independently and privately.

I am filing a complaint against the (b) (6), (b) (7)(C) County Elections Office for violating the Americans with Disabilities Act and the Help America Vote Act because I was not able to cast my ballot without assistance from a friend who provided transportation to the polling site.

When I arrived, the machine was not set up with headphones or the special keypad needed for selecting and entering my choices on the ballot.

The election workers apologized, and they had to search for the necessary items so that I could use the machine without sighted assistance.

However, after the headphones were connected, the audio output from the machine was not loud enough for me to hear, even with the volume turned up because there was so much background noise from people having loud conversations.

Also, I believe there was a problem with the machine properly reading the ballot because as I turned the dial on the keypad to advance through the various races for governor, etc. I got no indication of the various races listed on the ballot. It simply said, "select one."

After a few minutes of trying, I gave up on completing my ballot using the machine, and asked my friend to assist me.

Please note that I was not able to exercise my right to a private, independent vote because of the barriers that I encountered while

at the polling location.

Also, please note that I have contacted county officials on previous occasions because of problems with voting equipment involving headphones that did not work and other issues relating to the audio quality. I also expressed my concerns over the lack of preparation and training of election workers on assisting voters with disabilities.

I appreciate the opportunity to bring this matter to your attention.

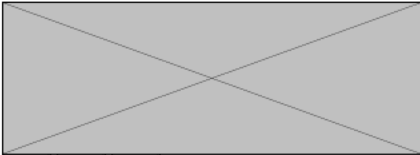
Please feel free to contact me if you have additional questions.

I can be reached at (b) (6), (b) (7)(C)

Thank you for your assistance with this matter.

On Tue, Mar 8, 2022 at 1:38 PM (b) (6), (b) (7)(C), (b) (7)(D) wrote:

(b) (6), (b) (7)(C), (b) (7)(D)



(b) (6), (b) (7)(C), (b) (7)(D)

From: (b) (6), (b) (7)(C), (b) (7)(D)

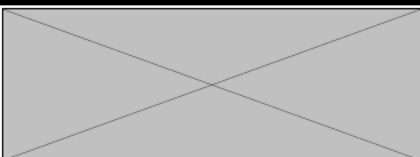
Sent: Wednesday, March 2, 2022 3:01 PM

To: (b) (6), (b) (7)(C)

Cc: (b) (6), (b) (7)(C), (b) (7)(D)

Subject: Texas primary voting issues

(b) (6), (b) (7)(C), (b) (7)(D)



My name is (b) (6), (b) (7)(C) which is in (b) (6), (b) (7)(C)

On March 1, 2022, I went to the (b) (6), (b) (7)(C) to cast my ballot in the Texas primary election.

I am a totally blind person, and I rely on the accessible voting machines that are required in polling places in order to cast my ballot independently and privately.

I am filing a complaint against the (b) (6), (b) (7)(C) County Elections Office for violating the Americans with Disabilities Act and the Help America Vote Act because I was not able to cast my ballot without assistance from a friend who provided transportation to the polling site.

When I arrived, the machine was not set up with headphones or the special keypad needed for selecting and entering my choices on the ballot.

The election workers apologized, and they had to search for the necessary items so that I could use the machine without sighted assistance.

However, after the headphones were connected, the audio output from the machine was not loud enough for me to hear, even with the volume turned up because there was so much background noise from people having loud conversations.

Also, I believe there was a problem with the machine properly reading the ballot because as I turned the dial on the keypad to advance through the various races for governor, etc. I got no indication of the various races listed on the ballot. It simply said, "select one."

After a few minutes of trying, I gave up on completing my ballot using the machine, and asked my friend to assist me.

Please note that I was not able to exercise my right to a private, independent vote because of the barriers that I encountered while at the polling location.

Also, please note that I have contacted county officials on previous occasions because of problems with voting equipment involving headphones that did not work and other issues relating to the audio quality. I also expressed my concerns over the lack of preparation and training of election workers on assisting voters with disabilities.

I appreciate the opportunity to bring this matter to your attention.

Please feel free to contact me if you have additional questions.

I can be reached at (b) (6), (b) (7)(C)

Thank you for your assistance with this matter.

To: (b) (6), (b) (7)(C), (b) (7)(D)]
Cc: Labarre, Scot (b) (6), (b) (7)(C) @labarrelaw.com]; (b) (6), (b) (7)(C), (b) (7)(D) Hasday, Lisa
(USATXN) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Wed 3/9/2022 3:24:33 PM (UTC-05:00)
Subject: RE: FW: Texas primary voting issues

Thank you (b) (6), (b) (7)(C), (b) (7)(D) We appreciate the information.

Duplicative Material p. 30

To: Herren, Chris (CRT) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)

Sent: Wed 3/9/2022 3:29:07 PM (UTC-05:00)

Subject: FW: FW: Texas primary voting issues

[justice department complaint concerning lack of access while voting.docx](#)

[justice department complaint concerning lack of access while voting.docx](#)

[justice department complaint concerning lack of access while voting.docx](#)

All 3 complaints are duplicates.

Deleted two copies. One remains.

Hi Chris, the USAO in the NDTX intends to open an investigation regarding this complaint in (b) (6), (b) (7)(C) —the lack of functioning voting systems during the primary election. Although it raises a HAVA issue as well, we will be focusing our investigation under the ADA. Please let me know if you have any questions or if there is someone in Voting I should update about the progress of the investigation. Thank you. Elizabeth

Duplicative Material p. 30

My name is (b) (6), (b) (7)(C) which is in (b) (6), (b) (7)(C) County.

On March 1, 2022, I went to the (b) (7)(C) to cast my ballot in the Texas primary election.

I am a totally blind person, and I rely on the accessible voting machines that are required in polling places in order to cast my ballot independently and privately.

I am filing a complaint against the (b) (7)(C) County Elections Office for violating the Americans with Disabilities Act and the Help America Vote Act because I was not able to cast my ballot without assistance from a friend who provided transportation to the polling site.

When I arrived, the machine was not set up with headphones or the special keypad needed for selecting and entering my choices on the ballot.

The election workers apologized, and they had to search for the necessary items so that I could use the machine without sighted assistance.

However, after the headphones were connected, the audio output from the machine was not loud enough for me to hear, even with the volume turned up because there was so much background noise from people having loud conversations.

Also, I believe there was a problem with the machine properly reading the ballot because as I turned the dial on the keypad to advance through the various races for governor, etc. I got no indication of the various races listed on the ballot. It simply said, "select one."

After a few minutes of trying, I gave up on completing my ballot using the machine, and asked my friend to assist me.

Please note that I was not able to exercise my right to a private, independent vote because of the barriers that I encountered while at the polling location.

Also, please note that I have contacted county officials on previous occasions because of problems with voting equipment involving headphones that did not work and other issues relating to the audio quality. I also expressed my concerns over the lack of preparation and training of election workers on assisting voters with disabilities.

I appreciate the opportunity to bring this matter to your attention.

Please feel free to contact me if you have additional questions.

I can be reached at (b) (7)(C)

Thank you for your assistance with this matter.

To: Hasday, Lisa (USATXN) (b) (6) : 'Byers, Gwen G. (USATXN) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)

Sent: Wed 3/9/2022 3:30:08 PM (UTC-05:00)

Subject: FW: FW: Texas primary voting issues

[justice department complaint concerning lack of access while voting.docx](#)

[justice department complaint concerning lack of access while voting.docx](#)

[justice department complaint concerning lack of access while voting.docx](#)

All 3 complaints are duplicates.

Deleted two copies. One remains.

Serendipity, yes?

Duplicative Material p. 30

My name is (b) (6), (b) (7)(C) which is in (b) (6), (b) (7)(C) County.

On March 1, 2022, I went to the (b) (7)(C) to cast my ballot in the Texas primary election.

I am a totally blind person, and I rely on the accessible voting machines that are required in polling places in order to cast my ballot independently and privately.

I am filing a complaint against the (b) (7)(C) County Elections Office for violating the Americans with Disabilities Act and the Help America Vote Act because I was not able to cast my ballot without assistance from a friend who provided transportation to the polling site.

When I arrived, the machine was not set up with headphones or the special keypad needed for selecting and entering my choices on the ballot.

The election workers apologized, and they had to search for the necessary items so that I could use the machine without sighted assistance.

However, after the headphones were connected, the audio output from the machine was not loud enough for me to hear, even with the volume turned up because there was so much background noise from people having loud conversations.

Also, I believe there was a problem with the machine properly reading the ballot because as I turned the dial on the keypad to advance through the various races for governor, etc. I got no indication of the various races listed on the ballot. It simply said, "select one."

After a few minutes of trying, I gave up on completing my ballot using the machine, and asked my friend to assist me.

Please note that I was not able to exercise my right to a private, independent vote because of the barriers that I encountered while at the polling location.

Also, please note that I have contacted county officials on previous occasions because of problems with voting equipment involving headphones that did not work and other issues relating to the audio quality. I also expressed my concerns over the lack of preparation and training of election workers on assisting voters with disabilities.

I appreciate the opportunity to bring this matter to your attention.

Please feel free to contact me if you have additional questions.

I can be reached at (b) (7)(C)

Thank you for your assistance with this matter.

To: Johnson, Elizabeth (CRT) (b) (6)
From: Dellheim, Richard (CRT) (b) (6)
Sent: Thur 4/7/2022 10:48:56 PM (UTC-04:00)
Subject: Re: Texas primary voting issues

Hi Elizabeth. I don't believe we've worked with anyone who (b) (5)
I'll check with Chris to be sure.

On Apr 7, 2022, at 10:21 PM, Johnson, Elizabeth (CRT) (b) (6) wrote:

Hi Richard, Speaking of (b) (5)

Any suggestions of even who we could speak with to get us on the right track would be appreciated. Thank you! Elizabeth

From: Dellheim, Richard (CRT)
Sent: Wednesday, April 6, 2022 10:30 AM
To: Johnson, Elizabeth (CRT) (b) (6)
Subject: Re: Texas primary voting issues

Hi Elizabeth. Sorry for the delayed response. No concerns, although the complaint also seems to (b) (5)
. Please keep us posted on what you learn.
Thanks very much.

On Mar 29, 2022, at 6:04 PM, Johnson, Elizabeth (CRT) (b) (6) wrote:

Hi Richard, I meant to ask you all if you have (b) (5)
Please let me know. Thank you. Elizabeth

From: Hasday, Lisa (USATXN)
Sent: Tuesday, March 29, 2022 5:40 PM
To: Johnson, Elizabeth (CRT) (b) (6)
Cc: Byers, Gwen G. (USATXN) (b) (6)
Subject: RE: FW: Texas primary voting issues

Hi Elizabeth,
Hope you're doing well! I'm just following up to see if you were able to discuss this complaint with the Voting Rights Section and if you'd heard back from them.

Thanks,

Lisa

Lisa R. Hasday, Assistant U.S. Attorney

(b) (6)

Duplicative Material p.30

To: Johnson, Elizabeth (CRT) (b) (6); Kim, Christine (CRT) (b) (6); Lanvers, Charlotte (CRT) (b) (6); Lewis, Adam (CRT) (b) (6)
From: Westfall, Elizabeth (CRT) (b) (6)
Sent: Mon 4/11/2022 7:45:56 AM (UTC-04:00)
Subject: RE: Looking for your thoughts FW: FW: Texas primary voting issues

Hi, EJ, I defer to you on whether we should (b) (5)

From: Johnson, Elizabeth (CRT)
Sent: Friday, April 8, 2022 6:49 PM
To: Kim, Christine (CRT) (b) (6); Westfall, Elizabeth (CRT) (b) (6); Lanvers, Charlotte (CRT) (b) (6); Lewis, Adam (CRT) (b) (6)
Subject: RE: Looking for your thoughts FW: FW: Texas primary voting issues
Christine, Thank you so much for your thoughtful advice. Much to follow up on. (b) (5)
(b) (5). It was not clear from their website.
Elizabeth, do you think (b) (5)

Thanks again. EJ
From: Kim, Christine (CRT)
Sent: Friday, April 8, 2022 4:42 PM
To: Johnson, Elizabeth (CRT) <(b) (6)>; Westfall, Elizabeth (CRT) <(b) (6)> Lanvers, Charlotte (CRT) <(b) (6)>; Lewis, Adam (CRT) <(b) (6)>
Subject: RE: Looking for your thoughts FW: FW: Texas primary voting issues

Hello,
I would recommend talking with (b) (5), (b) (6), (b) (7)(C)
(b) (6) would be a good person to ask for recommendations too.
It seems like (b) (5) strategy was (b) (5)

Very interesting. (b) (5)
Happy to answer any questions or be helpful! Best of luck!
Thank you,
Christine

Duplicative Material p.39
(b) (5)



U.S. Department of Justice

Civil Rights Division

*Disability Rights Section - NYA
950 Pennsylvania Ave, NW
Washington, DC 20530*

February 11, 2015

FEDERAL EXPRESS

Janice Bonenfant
Concord City Clerk
City Clerk's Office
City Hall
41 Green St.
Concord, NH 03301

Re: ADA Investigation of City Clerk Regarding Accessible Ballots, DJ # 204-47-62

Dear Clerk Bonenfant:

In response to a complaint filed with the U.S. Department of Justice (the Department) regarding the accessibility of Concord's voting practices and procedures, the Department has opened an investigation to determine whether any violations of title II of the Americans with Disabilities Act of 1990, as amended (ADA), 42 U.S.C. §§ 12131-12134 and the Department's implementing regulation, 28 C.F.R. Part 35, have occurred. Title II of the ADA prohibits discrimination against individuals with disabilities by public entities. The text of the ADA, the Department's regulation, and many technical assistance publications can also be accessed on our ADA Home Page at www.ada.gov. <http://www.ada.gov>.

The complaint alleges that the City of Concord fails to provide an accessible ballot to voters who are blind at state and local elections, where only paper ballots are offered to voters, thus depriving voters who are blind the same amount of privacy and independence afforded to voters without disabilities. Specifically, the complainant, who is blind, alleges that when he went to vote in the November 2013 municipal election, he asked to use the Accessible Voting Telephone System (AVTS) so he could vote privately and independently. The complainant was told that AVTS was not available in the municipal election, only paper ballots were available.

The ADA authorizes the Department to investigate alleged violations of title II. 28 C.F.R. § 35.172. We are also authorized to take appropriate action, including filing an enforcement action in U.S. district court, to enforce title II if voluntary compliance is not achieved, and to seek injunctive relief and monetary damages. 28 C.F.R. § 35.174.

The Department would like to resolve this matter expeditiously and without resorting to litigation. We thus seek your cooperation in providing certain preliminary information. Please provide the following information, in writing, within 30 days of the date of this letter:

1. The name, address, and telephone number of the individual to whom this office should direct any future questions and correspondence. Please indicate if this person has authority to negotiate a settlement of this matter. If you are represented by an attorney in this matter, please provide the attorney's name, address, and telephone number;
2. Your response to the allegations of the complaint and any additional information you consider relevant to resolution of the complaint;
3. The City of Concord's policies and procedures regarding the provision of accessible voting systems or accessible ballots in any and all elections; and
4. A description of the different voting systems used in elections and the process for casting and counting the ballots under each system.

Please be advised that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has filed a complaint with the Department of Justice, or otherwise either taken action or participated in an action to secure rights protected by the ADA. Such behavior would constitute an additional ADA violation.

We strongly recommend that you consult with this office before making any operational changes to resolve this complaint's allegations. Any such changes must comply with the ADA. Any modifications you undertake which are not in compliance with those requirements may need to be redone before this complaint can be resolved.

If you have questions or concerns, feel free to contact me at (b) (6) or by email at (b) (6)

Sincerely,

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section

cc: Michael McCormack, Assistant U.S. Attorney, District of New Hampshire

From: Hasday, Lisa (USATXN) [REDACTED]

Sent: Tue 5/10/2022 10:46:00 AM (UTC-04:00)

Subject: RE: FW: Texas primary voting issues

Outline for Interview of (b) (6), (b) (7)(C).docx

Lisa

Lisa R. Hasday, Assistant U.S. Attorney

Duplicative Material p.39

(b) (5)

(b) (5)

To: Johnson, Elizabeth (CRT) (b) (6)
Cc: Byers, Gwen G. (USATXN) (b) (6)
From: Hasday, Lisa (USATXN) (b) (6)

Sent: Wed 5/18/2022 5:23:20 PM (UTC-04:00)
Subject: RE: FW: Texas primary voting issues
[Request for Information to Tarrant County.docx](#)

Hi Elizabeth,
Hope all is well! Gwen and I spoke to (b) (6), (b) (7)(C) yesterday and had a productive discussion. In addition to the problems identified in her complaint, she (b) (5)

[Redacted]

Attached is a draft RFI if you have time to review. It's very similar to the samples. Before sending the request, do you think we should (b) (5)

Thanks,
Lisa

Lisa R. Hasday, Assistant U.S. Attorney
(b) (6)

From: Hasday, Lisa (USATXN)
Sent: Tuesday, May 10, 2022 11:36 AM
To: Johnson, Elizabeth (CRT) (b) (6)
Cc: Byers, Gwen G. (USATXN) (b) (6)
Subject: RE: FW: Texas primary voting issues

I have made that change. Thanks for reviewing the outline, Elizabeth. We'll let you know how the interview goes.
Lisa

Lisa R. Hasday, Assistant U.S. Attorney
(b) (6)

From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Tuesday, May 10, 2022 11:22 AM
To: Hasday, Lisa (USATXN) (b) (6)
Cc: Byers, Gwen G. (USATXN) (b) (6)
Subject: RE: FW: Texas primary voting issues

Thanks Lisa. I have no other suggestions for questions. The only thing I would recommend is to (b) (5)

[Redacted]

FOIA or discovery). Thank you! Hope it goes well.
Duplicative Material p.44

[Redacted]



THE UNITED STATES ATTORNEY'S OFFICE *for the*
NORTHERN DISTRICT *of* TEXAS

LISA R. HASDAY, Assistant United States Attorney

1100 Commerce Street, 3rd
Floor
Dallas, Texas 75242

Telephone:
214.659.8737
Facsimile:
214.659.8807
Lisa.Hasday@usdoj.gov

June __, 2022

Heider Garcia, Elections Administrator
Tarrant County Election Administration
2700 Premier Street
Fort Worth, Texas 76111

Via regular mail and certified mail (return receipt number _____)

Re: Investigation of Tarrant County's Voting Practices and Procedures, DJ No. 204-73-233

Dear Mr. Garcia:

The United States Attorney's Office for the Northern District of Texas, a component of the United States Department of Justice, received a complaint from an individual with a visual disability regarding voting in Tarrant County. The complainant alleges that, on March 1, 2022, the complainant attempted to cast a private vote using an accessible voting machine at Como Community Center at 4660 Horne Street in Fort Worth, Texas, but—due to the inoperability of the machine—the complainant was unable to do so. In response to the complaint, the Department has opened an investigation to determine whether Tarrant County has violated federal civil rights laws, including title II of the Americans with Disabilities Act of 1990 (ADA), as amended, 42 U.S.C. §§ 12131–12134, the Department's implementing regulation, 28 C.F.R. Part 35, and the Help America Vote Act of 2002 (HAVA), 52 U.S.C. §§ 20901–21145.

The Department is authorized to investigate alleged violations of title II of the ADA, 28 C.F.R. §§ 35.172, and, if voluntary compliance is not achieved, to take appropriate action, including filing an enforcement action in U.S. district court for injunctive relief and monetary damages. 28 C.F.R. §§ 35.172, 35.174. The Department is also authorized to enforce Section 301(a)(3) of HAVA, 52 U.S.C. § 21081(a)(3), by bringing a civil action in U.S. district court for declaratory and injunctive relief. 52 U.S.C. §§ 20510, 21111.

In hopes of resolving this matter expeditiously and without resorting to litigation, we request that you provide the following preliminary information, in writing and in electronic format, within **thirty (30) days** of the date of this letter.

1. The name, address, and telephone number of the individual to whom this office should direct any future questions and correspondence. Please indicate if this person has authority to negotiate a settlement of this matter. If Tarrant County is represented by an

attorney in this matter, please provide the attorney's name, address, and telephone number.

2. Your response to the allegations of the complaint and any additional information you consider relevant to resolution of the complaint.
3. A description of any Tarrant County policy or procedure regarding the provision of accessible voting systems or accessible ballots in federal elections and in any other election and, where such policies or procedures are written, a copy thereof.
4. A description of each type of voting system used in any election from 2019 to 2022 (including federal, state, or local elections). For each voting system, please describe the process by which a voter may cast a ballot, the process by which election officials count the ballot, and how the voting system ensures a voter's privacy and ability to cast a secret ballot.
5. A description of any training and a copy of any training material provided to poll workers in 2021 or 2022 regarding the operation of the County's accessible voting system.
6. A statement addressing whether at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities was located at each of the County's polling places in 2021 or 2022, and the name of the vendor or vendors responsible for providing that system or systems.
7. A description of any functionality testing of the County's accessible voting system conducted prior to any election in 2021 or 2022.
8. A description of any procedures utilized to answer any technical questions or resolve any issues that may arise concerning the operation of the County's accessible voting system.
9. A statement regarding whether the County provides an accessible voting system for Early Voting, In-person Absentee Voting, Same Day Registration and Voting, or any other alternative method of voting in person.
10. Information regarding any complaints received by Tarrant County officials relating to the operation of an accessible voting system in elections held since 2017.

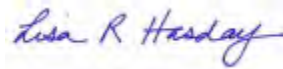
Thank you in advance for your cooperation with this investigation. We strongly recommend that you consult with this office before making any operational changes in an attempt to resolve these allegations. Any such changes must comply with all applicable statutes and regulations. Any modifications you undertake that are not in compliance with those requirements may need to be redone before this complaint can be resolved.

In addition, please be aware that no one may intimidate, threaten, coerce, or engage in any discriminatory conduct against anyone because they have filed a complaint with the Department of Justice or otherwise taken action or participated in any action to secure rights protected by the ADA. Such behavior would constitute an additional ADA violation.

If you have any questions about this request for information, please contact Assistant United States Attorney Lisa R. Hasday at (214) 659-8737 or lisa.hasday@usdoj.gov.

Sincerely,

CHAD E. MEACHAM
United States Attorney



Lisa R. Hasday
Assistant United States Attorney

From: Hasday, Lisa (USATXN) (b) (6)

Sent: Thur 6/2/2022 11:31:14 AM (UTC-04:00)

Expert Witnesses for Voting Machines.docx

[Request for Information to Tarrant County.docx](#)

Hi Elizabeth,

Hope all is well! I wanted to share with you the attached list of (b) (5) . Do you know anything about anyone on this list?

Thanks,

Lisa

Lisa R. Hasday, Assistant U.S. Attorney

(b) (6)

Duplicative Material p.47

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



THE UNITED STATES ATTORNEY'S OFFICE *for the*
NORTHERN DISTRICT *of* TEXAS

LISA R. HASDAY, Assistant United States Attorney

1100 Commerce Street, 3rd
Floor
Dallas, Texas 75242

Telephone:
214.659.8737

Facsimile:
214.659.8807

Lisa.Hasday@usdoj.g
ov

June __, 2022

Heider Garcia, Elections Administrator
Tarrant County Election Administration
2700 Premier Street
Fort Worth, Texas 76111

Via regular mail and certified mail (return receipt number _____)

Re: Investigation of Tarrant County's Voting Practices and Procedures, DJ No. 204-73-233

Dear Mr. Garcia:

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The Department is authorized to investigate alleged violations of title II of the ADA, 28 C.F.R. §§ 35.172, and, if voluntary compliance is not achieved, to take appropriate action, including filing an enforcement action in U.S. district court for injunctive relief and monetary damages. 28 C.F.R. §§ 35.172, 35.174. The Department is also authorized to enforce Section 301(a)(3) of HAVA, 52 U.S.C. § 21081(a)(3), by bringing a civil action in U.S. district court for declaratory and injunctive relief. 52 U.S.C. §§ 20510, 21111.

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1. The name, address, and telephone number of the individual to whom this office should direct any future questions and correspondence. Please indicate if this person has authority to negotiate a settlement of this matter. If Tarrant County is represented by an

attorney in this matter, please provide the attorney's name, address, and telephone number.

2. Your response to the allegations of the complaint and any additional information you consider relevant to resolution of the complaint.
3. A description of any Tarrant County policy or procedure regarding the provision of accessible voting systems or accessible ballots in federal elections and in any other election and, where such policies or procedures are written, a copy thereof.
4. A description of each type of voting system used in any election from 2019 to 2022 (including federal, state, or local elections). For each voting system, please describe the process by which a voter may cast a ballot, the process by which election officials count the ballot, and how the voting system ensures a voter's privacy and ability to cast a secret ballot.
5. A description of any training and a copy of any training material provided to poll workers in 2021 or 2022 regarding the operation of the County's accessible voting system.
6. A statement addressing whether at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities was located at each of the County's polling places in 2021 or 2022, and the name of the vendor or vendors responsible for providing that system or systems.
7. A description of any functionality testing of the County's accessible voting system conducted prior to any election in 2021 or 2022.
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9. A statement regarding whether the County provides an accessible voting system for Early Voting, In-person Absentee Voting, Same Day Registration and Voting, or any other alternative method of voting in person.
10. Information regarding any complaints received by Tarrant County officials relating to the operation of an accessible voting system in elections held since 2017.

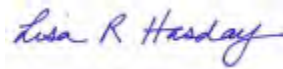
Thank you in advance for your cooperation with this investigation. We strongly recommend that you consult with this office before making any operational changes in an attempt to resolve these allegations. Any such changes must comply with all applicable statutes and regulations. Any modifications you undertake that are not in compliance with those requirements may need to be redone before this complaint can be resolved.

In addition, please be aware that no one may intimidate, threaten, coerce, or engage in any discriminatory conduct against anyone because they have filed a complaint with the Department of Justice or otherwise taken action or participated in any action to secure rights protected by the ADA. Such behavior would constitute an additional ADA violation.

If you have any questions about this request for information, please contact Assistant United States Attorney Lisa R. Hasday at (214) 659-8737 or lisa.hasday@usdoj.gov.

Sincerely,

CHAD E. MEACHAM
United States Attorney

A handwritten signature in blue ink that reads "Lisa R. Hasday". The signature is written in a cursive style with a horizontal line extending from the end.

Lisa R. Hasday
Assistant United States Attorney

To: Hasday, Lisa (USATXN) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Fri 10/21/2022 5:29:36 PM (UTC-04:00)
Subject: TARRANT COUNTY draft survey form voting machines
[TARRANT COUNTY draft survey form voting machines.docx](#)

Let me know how this works and if you have any edits and additions. Thanks!

(b) (5)

(b) (5)

(b) (5)

To: Hasday, Lisa (USATXN) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Fri 10/21/2022 6:38:42 PM (UTC-04:00)
Subject: RE: TARRANT COUNTY draft survey form voting machines

Great questions and will add them.

From: Hasday, Lisa (USATXN) (b) (6)
Sent: Friday, October 21, 2022 5:42 PM
To: Johnson, Elizabeth (CRT) (b) (6)
Subject: RE: TARRANT COUNTY draft survey form voting machines

This looks great! I just have a few thoughts:

- Should we ask whether (b) (5)
Open to your thoughts.
- I think the materials also said that the (b) (5)
- When we talked to (b) (5)
Should we (b) (5)

Lisa R. Hasday, Assistant U.S. Attorney
(b) (6)

From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Friday, October 21, 2022 4:30 PM
To: Hasday, Lisa (USATXN) (b) (6)
Subject: TARRANT COUNTY draft survey form voting machines
Importance: High

Let me know how this works and if you have any edits and additions. Thanks!

To: Johnson, Elizabeth (CRT) (b) (6)
From: Hasday, Lisa (USATXN) (b) (6)

Sent: Fri 10/21/2022 6:51:45 PM (UTC-04:00)
Subject: Re: TARRANT COUNTY draft survey form voting machines
[TARRANT COUNTY draft survey form voting machines.docx](#)

Looks good to me! Thanks!

Lisa R. Hasday, Assistant U.S. Attorney

(b) (6)

On Oct 21, 2022, at 5:46 PM, Johnson, Elizabeth (CRT) (b) (6) wrote:

Revised. I'll print this if you are okay with it.

(b) (5)

(b) (5)

(b) (5)

To: Hasday, Lisa (USATXN) (b) (6); Stoltz, Brian (USATXN) (b) (6); 'Byers, Gwen G. (USATXN) (b) (6)
Cc: Kirkendall, Roberta (CRT) (b) (6); Quinlan, Lisa Y (CRT) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Mon 3/7/2022 3:43:36 PM (UTC-05:00)
Subject: Re: OFFER (b) (5), (b) (7)(C) County Voting
[CRT Complaint Records](#) (b) (5), (b) (7)(C) [County Voting Complaint by](#) (b) (5), (b) (7)(C)

Please see this ADA complaint related to the primary election held last week and the alleged failure of the County to provide an accessible ballot for in-person voting. If you would be (b) (5)

Please let me know if you would like to discuss. Thank you!

Elizabeth Johnson
Senior Trial Attorney
Disability Rights Section
Civil Rights Division
Department of Justice

(b) (6) (office)
(b) (6) (cell)
(b) (6)

Correspondent information

Name	(b) (7)(C)
Email	(b) (7)(C)
Phone	(b) (7)(C)
Address	(b) (7)(C)

Reported Complaint

What is your primary reason for contacting the Civil Rights Division?	Voting rights or ability to vote affected
	None
Organization name	(b) (7)(C)
Where did this happen?	(b) (7)(C)
Do you believe any of these personal characteristics influenced why you were treated this way?	Disability
Are you now or have ever been an active duty service member?	No
When did this happen?	3/1/2022

Personal description

My name is (b) (7)(C) County.
On March 1, 2022, I went to the (b) (7)(C) to cast my ballot in the Texas primary election.
I am a totally blind person, and I rely on the accessible voting machines that are required in polling places in order to cast my ballot independently and privately.

I am filing a complaint against the (b) (7)(C) County Elections Office for violating the Americans with Disabilities Act and the Help America Vote Act because I was not able to cast my ballot without assistance from a friend who provided transportation to the polling site.

When I arrived, the machine was not set up with headphones or the special keypad needed for selecting and entering my choices on the ballot.

The election workers apologized, and they had to search for the necessary items so that I could use the machine without sighted assistance.

However, after the headphones were connected, the audio output from the machine was not loud enough for me to hear, even with the volume turned up because there was so much background noise from people having loud conversations.

Also, I believe there was a problem with the machine properly reading the ballot because as I turned the dial on the keypad to advance through the various races for governor, etc. I got no indication of the various races listed on the ballot. It simply said, "select one."

After a few minutes of trying, I gave up on completing my ballot using the machine, and asked my friend to assist me. Please note that I was not able to exercise my right to a private, independent vote because of the barriers that I encountered while at the polling location.

Also, please note that I have contacted county officials on previous occasions because of problems with voting equipment involving headphones that did not work and other issues relating to the audio quality. I also expressed my concerns over the lack of preparation and training of election workers on assisting voters with disabilities.

I appreciate the opportunity to bring this matter to your attention.

Please feel free to contact me if you have additional questions.

I can be reached at (b) (7)(C)

Thank you for your assistance with this matter.

Report language

This report submitted in: English

Activity

tburton	3/07/22 11:26 a.m.
Assigned to:	
Updated from "None" to "ejohnson"	
tburton	3/07/22 11:26 a.m.
Assigned to:	
"ejohnson"	
tburton	3/07/22 11:26 a.m.
Primary classification:	
Updated from "" to "204"	
fduff	3/04/22 8:16 a.m.
Status:	
Updated from "new" to "open"	
fduff	3/04/22 8:10 a.m.
Report viewed:	

Report viewed at 03/04/22 08:10:10 AM

system

3/03/22 5:50 p.m.

Automated response e-mail sent: 'Thank you for submitting a report to the Civil Rights Division' to

(b) (7)(C)

public user

3/03/22 5:50 p.m.

Created record from Web

Summary

Not given

To: Johnson, Elizabeth (CRT) (b) (6) 1
Cc: Kirkendall, Roberta (CRT) (b) (6) Quinlan, Lisa Y (CRT) (b) (6); Stoltz, Brian
(USATXN) (b) (6); Byers, Gwen G. (USATXN) (b) (6)
From: Hasday, Lisa (USATXN) (b) (6)
Sent: Mon 3/7/2022 4:13:26 PM (UTC-05:00)
Subject: RE: Re: OFFER (b) (5), (b) (7)(C) County Voting

Hi Elizabeth,
Thanks for letting us know about this complaint. (b) (5)

Lisa R. Hasday, Assistant U.S. Attorney
(b) (6)

Duplicative Material p.65

[Large redacted block containing multiple lines of blacked-out text]

Cc: Thomas, Charles (USAMOW) (b) (6)
To: Kirkendall, Roberta (CRT) (b) (6)
From: Johnson, Elizabeth (CRT) (b) (6)
Sent: Tue 11/8/2022 4:41:41 PM (UTC-05:00)
Subject: Re: couple of press inquiries that came to us directly re FL

The (b) (5)
will forward the email to you.

On Nov 8, 2022, at 2:52 PM, Kirkendall, Roberta (CRT) (b) (6) wrote:

Hi EJ and Charles – See the 3rd question about how we (b) (5) Can you please email me

(b) (5) Thanks. Robbie

From: Bond, Rebecca (CRT) (b) (6)

Sent: Tuesday, November 8, 2022 3:07 PM

To: Kirkendall, Roberta (CRT) (b) (6)

Subject: Fwd: couple of press inquiries that came to us directly re FL
Looping you in to answer the last question.

Sent from my iPhone

Begin forwarded message:

From: "Herren, Chris (CRT)" (b) (6)

Date: November 8, 2022 at 12:51:33 PM EST

To: "Bradford, Aryele (PAO)" (b) (6) >

Cc: "Bond, Rebecca (CRT)" (b) (6)

Subject: RE: couple of press inquiries that came to us directly re FL

+ adding Rebecca B re (b) (5)

Do you recall or can we track down (b) (5)

Is DO (b) (5)

Did (b) (5)

(b) (5)

From: Bradford, Aryele (PAO) (b) (6)

Sent: Tuesday, November 8, 2022 12:28 PM

To: Herren, Chris (CRT) (b) (6)

Subject: RE: couple of press inquiries that came to us directly re FL

A few more questions.

Do you recall or can we track down (b) (5)

Is (b) (5)

Did (b) (5)

From: Herren, Chris (CRT) (b) (6)

Sent: Tuesday, November 8, 2022 11:08 AM

To: Bradford, Aryele (PAO) (b) (6)

Subject: RE: couple of press inquiries that came to us directly re FL

As background, we have entered polling places in Florida at times in the past, not just when we had agreements or consent decrees. (b) (5). But again, I would (b) (5)

(b) (5)

For the other question, (b) (5)

From: Bradford, Aryele (PAO) <(b) (6)>

Sent: Tuesday, November 8, 2022 11:04 AM

To: Herren, Chris (CRT) (b) (6)

Subject: RE: couple of press inquiries that came to us directly re FL

A few more from Florida...

The SOS said that DOJ's request to enter polling places is a new one, and that DOJ only did this when they had consent decrees with counties — decrees which he said are now expired. Is that accurate? In

(b) (5)

Or (b) (5)

(b) (5)

From: Herren, Chris (CRT) (b) (6)

Sent: Tuesday, November 8, 2022 11:01 AM

To: Bradford, Aryele (PAO) (b) (6)

Subject: RE: couple of press inquiries that came to us directly re FL

Yep, that's right.

From: Bradford, Aryele (PAO) (b) (6)

Sent: Tuesday, November 8, 2022 11:00 AM

To: Herren, Chris (CRT) (b) (6)

Subject: RE: couple of press inquiries that came to us directly re FL

Thanks. I'm assuming we are (b) (5) and I'm also assuming we

(b) (5)

Is that right?

From: Herren, Chris (CRT) (b) (6)

Sent: Tuesday, November 8, 2022 10:56 AM

To: Bradford, Aryele (PAO) <(b) (6)>

Subject: couple of press inquiries that came to us directly re FL

From: [Herren, Chris \(CRT\)](#)
To: [Bradford, Aryele \(PAO\)](#)
Subject: couple of press inquiries that came to us directly re FL
Date: Tuesday, November 8, 2022 10:56:00 AM
Attachments: [EXTERNAL Florida on DOJ monitors.msg](#)
[EXTERNAL Florida Politics re letter to South Florida elections offices.msg](#)

From: [Pipitone, Tony \(NBCUniversal\)](#)
To: [Russ, Bert \(CRT\)](#)
Subject: [EXTERNAL] Florida on DOJ monitors
Date: Tuesday, November 8, 2022 10:37:28 AM

Good morning,

Any response to Florida Department of State General Counsel Brad McVay's letter to you saying DOJ is not law enforcement in Florida (and therefore may not go into precincts in the state)?

Also, please let me know which precincts you may attempt to have DOJ personnel enter.

Thanks,

Tony

Cell (b) (6)

Tony Pipitone
Reporter
NBC6
(b) (6)

From: [Jacob Ogles](#)
To: [Russ, Bert \(CRT\)](#)
Subject: [EXTERNAL] Florida Politics, re: letter to South Florida elections offices
Date: Tuesday, November 8, 2022 7:42:05 AM

I am a reporter for Florida Politics. Can you please provide us with letters send to supervisors of elections in Miami-Dade, Broward and Palm Beach counties, and any other counties, regarding the 2022 General Election and plans to observe polling precincts?
Considering the urgency of the election today, I would appreciate the letters as soon as possible.

Thank you,
Jacob Ogles
Florida Politics
Federal Editor

(b) (6)

To: Johnson, Elizabeth (CRT) (b) (6) 1
From: Kirkendall, Roberta (CRT) (b) (6)
Sent: Tue 11/8/2022 4:44:22 PM (UTC-05:00)
Subject: FW: couple of press inquiries that came to us directly re FL

FYI. Robbie

From: Bradford, Aryele (PAO) (b) (6)
Sent: Tuesday, November 8, 2022 4:42 PM
To: Kirkendall, Roberta (CRT) (b) (6)
Cc: Herren, Chris (CRT) (b) (6) Bond, Rebecca (CRT) (b) (6)
Subject: Re: couple of press inquiries that came to us directly re FL
Thanks! I'm fine to keep it at (b) (5). I'm trying to (b) (5) at this point.
On Nov 8, 2022, at 4:39 PM, Kirkendall, Roberta (CRT) (b) (6) > wrote:

Hi Aryele – I wanted to let you know that we are tracking down the answer to your 3rd question about (b) (5) and will get back to you ASAP. Also, I wanted to let you know that (b) (5)
Robbie

Roberta S. Kirkendall
Special Legal Counsel
U.S. Attorney Program for ADA Enforcement
Disability Rights Section
Civil Rights Division
Department of Justice
(b) (6)

From: Bond, Rebecca (CRT) (b) (6)
Sent: Tuesday, November 8, 2022 3:07 PM
To: Kirkendall, Roberta (CRT) (b) (6) >
Subject: Fwd: couple of press inquiries that came to us directly re FL
Duplicative Material p.70

From: [Herren, Chris \(CRT\)](#)
Subject: FW: [EXTERNAL] Justice Department to Monitor Polls in 24 States for Compliance with Federal Voting Rights Laws
Date: Monday, November 7, 2022 12:34:38 PM

All -- FYI

From: USDOJ-Office of Public Affairs <USDOJ-OfficeofPublicAffairs@public.govdelivery.com>
Sent: Monday, November 7, 2022 12:32 PM
Subject: [EXTERNAL] Justice Department to Monitor Polls in 24 States for Compliance with Federal Voting Rights Laws

[seal - centered header for gov delivery](#)



The United States Department of Justice

FOR IMMEDIATE RELEASE
WWW.JUSTICE.GOV/NEWS

November 7, 2022

Justice Department to Monitor Polls in 24 States for Compliance with Federal Voting Rights Laws

WASHINGTON – The Justice Department announced today its plans to monitor compliance with federal voting rights laws in 64 jurisdictions in 24 states for the Nov. 8, 2022 general election. Since the passage of the Voting Rights Act of 1965, the Civil Rights Division has regularly monitored elections in the field in jurisdictions around the country to protect the rights of voters. The Civil Rights Division will also take complaints from the public nationwide regarding possible violations of the federal voting rights laws through its call center. The Civil Rights Division enforces the federal voting rights laws that protect the rights of all citizens to access the ballot.

For the general election, the Civil Rights Division will monitor for compliance with the federal voting rights laws on Election Day and/or in early voting in 64 jurisdictions:

- City of Bethel, Alaska;
- Dillingham Census Area, Alaska;

- Kusilvak Census Area, Alaska;
- Sitka City-Borough, Alaska;
- Maricopa County, Arizona;
- Navajo County, Arizona;
- Pima County, Arizona;
- Pinal County, Arizona;
- Yavapai County, Arizona;
- Newton County, Arkansas;
- Los Angeles County, California;
- Sonoma County, California;
- Broward County, Florida;
- Miami-Dade County, Florida;
- Palm Beach County, Florida;
- Cobb County, Georgia;
- Fulton County, Georgia;
- Gwinnett County, Georgia;
- Town of Clinton, Massachusetts;
- City of Everett, Massachusetts;
- City of Fitchburg, Massachusetts;
- City of Leominster, Massachusetts;
- City of Malden, Massachusetts;
- City of Methuen, Massachusetts;
- City of Randolph, Massachusetts;
- City of Salem, Massachusetts;
- Prince George's County, Maryland;
- City of Detroit, Michigan;
- City of Flint, Michigan;
- City of Grand Rapids, Michigan;
- City of Pontiac, Michigan;
- City of Southfield, Michigan;
- City of Minneapolis, Minnesota;
- Hennepin County, Minnesota;
- Ramsey County, Minnesota;
- Cole County, Missouri;

- Alamance County, North Carolina;
- Columbus County, North Carolina;
- Harnett County, North Carolina;
- Mecklenburg County, North Carolina;
- Wayne County, North Carolina;
- Middlesex County, New Jersey;
- Bernalillo County, New Mexico;
- San Juan County, New Mexico;
- Clark County, Nevada;
- Washoe County, Nevada;
- Queens County, New York;
- Cuyahoga County, Ohio;
- Berks County, Pennsylvania;
- Centre County, Pennsylvania;
- Lehigh County, Pennsylvania;
- Luzerne County, Pennsylvania;
- Philadelphia County, Pennsylvania;
- City of Pawtucket, Rhode Island;
- Horry County, South Carolina;
- Dallas County, Texas;
- Harris County, Texas;
- Waller County, Texas;
- San Juan County, Utah;
- City of Manassas, Virginia;
- City of Manassas Park, Virginia;
- Prince William County, Virginia;
- City of Milwaukee, Wisconsin; and,
- City of Racine, Wisconsin.

Monitors will include personnel from the Civil Rights Division and from U.S. Attorneys' Offices. In addition, the division also deploys monitors from the Office of Personnel Management, where authorized by federal court order. Division personnel will also maintain contact with state and local election officials.

The Civil Rights Division's Voting Section enforces the civil provisions of federal statutes that protect the right to vote, including the Voting Rights Act, the

Uniformed and Overseas Citizens Absentee Voting Act, the National Voter Registration Act, the Help America Vote Act and the Civil Rights Acts. The division's Disability Rights Section enforces the Americans with Disabilities Act (ADA) to ensure that persons with disabilities have a full and equal opportunity to vote. The division's Criminal Section enforces federal criminal statutes that prohibit voter intimidation and voter suppression based on race, color, national origin or religion.

On Election Day, Civil Rights Division personnel will be available all day to receive complaints from the public related to possible violations of the federal voting rights laws by a complaint form on the department's website <https://civilrights.justice.gov/> or by telephone toll-free at 800-253-3931.

Individuals with questions or complaints related to the ADA may call the department's toll-free ADA information line at 800-514-0301 or 833-610-1264 (TTY) or submit a complaint through a link on the department's ADA website, at <https://www.ada.gov/>.

Complaints related to disruption at a polling place should always be reported immediately to local election officials (including officials in the polling place). Complaints related to violence, threats of violence or intimidation at a polling place should be reported immediately to local police authorities by calling 911. These complaints should also be reported to the department after local authorities have been contacted.

The Justice Department recently [announced](#) its overall plans for the general election to protect the right to vote and secure the integrity of the voting process through the work of the Civil Rights Division, Criminal Division, National Security Division and U.S. Attorneys' Offices.

More information about the federal civil rights laws is available on the Civil Rights Division's website at <https://www.justice.gov/crt>.

###

CRT

22-1192

Do not reply to this message. If you have questions, please use the contacts in the message or call the Office of Public Affairs at 202-514-2007.

From: [Kirkendall, Roberta \(CRT\)](#)
To: [Bond, Rebecca \(CRT\)](#); [Herren, Chris \(CRT\)](#); [Johnson, Elizabeth \(CRT\)](#)
Cc: [Wertz, Rebecca J \(CRT\)](#); [Dellheim, Richard \(CRT\)](#); [Russ, Bert \(CRT\)](#)
Subject: RE: [EXTERNAL] Your Voice Mail
Date: Monday, November 7, 2022 12:52:22 PM
Attachments: [DOJ Permission Leter October 29 2022.pdf](#)

(b) (7)(E) . Robbie

From: Bond, Rebecca (CRT) (b) (6)
Sent: Monday, November 7, 2022 12:44 PM
To: Kirkendall, Roberta (CRT) (b) (6); Herren, Chris (CRT)
(b) (6) Johnson, Elizabeth (CRT) (b) (6)
Cc: Wertz, Rebecca J (CRT) (b) (6); Dellheim, Richard (CRT)
(b) (6); Russ, Bert (CRT) (b) (6)
Subject: RE: [EXTERNAL] Your Voice Mail

Hi Chris,

We also (b) (7)(E) .

Thanks,

Rebecca

From: Kirkendall, Roberta (CRT) (b) (6)
Sent: Monday, November 7, 2022 12:39 PM
To: Herren, Chris (CRT) (b) (6); Bond, Rebecca (CRT)
(b) (6); Johnson, Elizabeth (CRT) (b) (6)
Cc: Wertz, Rebecca J (CRT) (b) (6); Dellheim, Richard (CRT)
(b) (6); Russ, Bert (CRT) (b) (6)
Subject: RE: [EXTERNAL] Your Voice Mail

(b) (7)(E) . Robbie

(b) (5)

From: Herren, Chris (CRT) <(b) (6)>
Sent: Monday, November 7, 2022 12:21 PM
To: Bond, Rebecca (CRT) (b) (6); Kirkendall, Roberta (CRT)
(b) (6); Johnson, Elizabeth (CRT) (b) (6)
Cc: Wertz, Rebecca J (CRT) (b) (6) Dellheim, Richard (CRT)
(b) (6) Russ, Bert (CRT) (b) (6)
Subject: FW: [EXTERNAL] Your Voice Mail

(b) (5)

From: Dellheim, Richard (CRT) (b) (6)
Sent: Monday, November 7, 2022 12:13 PM
To: Russ, Bert (CRT) (b) (6)
Cc: Herren, Chris (CRT) (b) (6)
Subject: Fwd: [EXTERNAL] Your Voice Mail

Hi Bert. Based on what (b) (5)

Begin forwarded message:

From: Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>
Date: November 7, 2022 at 12:08:22 PM EST
To: "Dellheim, Richard (CRT)" (b) (6)
Cc: Christopher Hilton <Christopher.Hilton@oag.texas.gov>, Will Thompson <Will.Thompson@oag.texas.gov>, Adam Bitter <ABitter@sos.texas.gov>, Aaron Reitz <Aaron.Reitz@oag.texas.gov>, Ari Cuenin <Ari.Cuenin@oag.texas.gov>, Kimberly Gdula <Kimberly.Gdula@oag.texas.gov>, Ari Herbert <Ari.Herbert@oag.texas.gov>
Subject: [EXTERNAL] Your Voice Mail

Dear Richard,

I just returned from a vacation, and I received voice mails apparently left late last week in my absence about election monitors or observers. I am aware of no other communications directed to me or our office that address this matter by email or letter.

As an initial matter, please include Christopher Hilton on future communications on this issue. He is working on this matter for OAG and is copied here.

In your voice mail you advised that DOJ intended to send monitors or observers to three areas in Texas: Waller County, Dallas County and Harris

County. We have several questions about your message.

1. Is DOJ intending to send monitors or observers to other locations or just those three counties?
2. How many election monitors or observers are you intending to send to each county?
3. What is the scope of your proposed monitoring or observing efforts and what is their specific charge? Also, where do you intend to station these monitors or observers in those areas?
4. Have you previously notified the specific counties or the Secretary of State of your intentions?
5. As you are likely aware the Texas Election Code has various provisions that may be relevant to monitors or observers, among others Section 61.001 that limits the role of election bystanders. Please provide us the basis of DOJ's claimed authority to undertake the monitoring or observations in the proposed areas and advise if you intend to adhere to those provisions.

Please respond to the above questions as soon as possible in view of the impending deadlines.

Best Regards,

Patrick K. Sweeten
Deputy Attorney General for Special Litigation

Christopher Hilton
Chief, General Litigation Division

William Thompson
Deputy Chief, Special Litigation Division



HARRIS COUNTY ELECTIONS ADMINISTRATION OFFICE

November 3, 2022

Re: Permission to Observe Voting Locations for United States Department of Justice

Dear Presiding Judge:

Representatives from the United States Department of Justice (DOJ), Assistant US Attorneys Jimmy Rodriguez and Elizabeth Karpati, Paralegal Raymond Babauta and Expert John Torkelson have been authorized by the Harris County Elections Administrator to observe and inspect Harris County early voting and election day locations for the November 8, 2022 General and Special Elections. The DOJ Representatives are permitted to observe and inspect during the conduct of this election.

Please accept this document as the appropriate credentials for the DOJ.

Sincerely,
Sashikala Nisankarao, J.D.
Senior ADA Compliance Manager
Harris County Elections Administrator's Office

From: [Russ, Bert \(CRT\)](#)
To: [Russ, Bert \(CRT\)](#); [Herren, Chris \(CRT\)](#); [Wertz, Rebecca J \(CRT\)](#); [Bradford, Aryele \(PAO\)](#)
Subject: Another media request on Florida
Date: Tuesday, November 8, 2022 2:31:14 PM
Attachments: [EXTERNAL PolitiFact Media Inquiry.msg](#)

From: [Yacob Reyes](#)
To: [Russ, Bert \(CRT\)](#)
Subject: [EXTERNAL] PolitiFact | Media Inquiry
Date: Tuesday, November 8, 2022 2:30:01 PM

Hello, Mr. Russ. I am Yacob Reyes, a reporter for PolitiFact. I am writing an article about the U.S. Department of Justice's monitoring of three Florida counties for compliance with federal voting laws. Florida's State Department wrote in a letter that the D.O.J. had requested to have monitors inside of polling locations. Is that accurate?

Can you provide me information related to the letters sent to Miami-Dade, Palm Beach and Broward.

Thank you,

Yacob Reyes
Reporter at PolitiFact

(b) (6)

Twitter: (b) (6)

Pronouns: he/him

From: [Russ, Bert \(CRT\)](#)
To: [Herren, Chris \(CRT\)](#); [Wertz, Rebecca J \(CRT\)](#)
Subject: Another press inquiry from Florida
Date: Tuesday, November 8, 2022 10:49:53 AM
Attachments: [EXTERNAL Florida on DOJ monitors.msg](#)

From: [Pipitone, Tony \(NBCUniversal\)](#)
To: [Russ, Bert \(CRT\)](#)
Subject: [EXTERNAL] Florida on DOJ monitors
Date: Tuesday, November 8, 2022 10:37:28 AM

Good morning,

Any response to Florida Department of State General Counsel Brad McVay's letter to you saying DOJ is not law enforcement in Florida (and therefore may not go into precincts in the state)?

Also, please let me know which precincts you may attempt to have DOJ personnel enter.

Thanks,

Tony

Cell (b) (6)

Tony Pipitone

Reporter

NBC6

(b) (6)

From: [Russ, Bert \(CRT\)](#)
To: [Herren, Chris \(CRT\)](#); [Wertz, Rebecca J \(CRT\)](#)
Subject: CBS News asking about Florida
Date: Tuesday, November 8, 2022 1:23:52 PM
Attachments: [EXTERNAL Election monitoring letter from Florida Department of State.msg](#)

From: [Emily Mae Czachor](#)
To: [Russ, Bert \(CRT\)](#)
Subject: [EXTERNAL] Election monitoring letter from Florida Department of State
Date: Tuesday, November 8, 2022 1:15:22 PM

Hi Mr. Russ,

My name is Emily Mae Czachor, and I'm an editor at CBS News. I'm writing to see if the Justice Department can provide any comments in response to yesterday's letter from the Florida Department of state opposing [election monitors](#) at polling sites. You can reach me by phone or email.

Thank you,
Emily Mae

--

Emily Mae Czachor
News Editor, CBSNews.com

(b) (6)

From: [Russ, Bert \(CRT\)](#)
To: [Herren, Chris \(CRT\)](#); [Mellett, Timothy F \(CRT\)](#)
Cc: [Berman, Robert \(CRT\)](#); [Wertz, Rebecca J \(CRT\)](#)
Subject: A reporter reach out to me directly, re FL
Date: Tuesday, November 8, 2022 7:44:25 AM
Attachments: [EXTERNAL Florida Politics re letter to South Florida elections offices.msg](#)

He's asking for the letters we sent the Florida counties.

(b) (7)(E), (b) (5)

My thought is that we (b) (5)

From: [Jacob Ogles](#)
To: [Russ. Bert \(CRT\)](#)
Subject: [EXTERNAL] Florida Politics, re: letter to South Florida elections offices
Date: Tuesday, November 8, 2022 7:42:05 AM

I am a reporter for Florida Politics. Can you please provide us with letters send to supervisors of elections in Miami-Dade, Broward and Palm Beach counties, and any other counties, regarding the 2022 General Election and plans to observe polling precincts?
Considering the urgency of the election today, I would appreciate the letters as soon as possible.

Thank you,
Jacob Ogles
Florida Politics
Federal Editor

(b) (6)

From: [Russ, Bert \(CRT\)](#)
To: [Bradford, Aryele \(PAO\)](#); [Herren, Chris \(CRT\)](#); [Wertz, Rebecca J \(CRT\)](#)
Cc: [Mellett, Timothy F \(CRT\)](#)
Subject: Another reporter call
Date: Tuesday, November 8, 2022 3:24:17 PM

Jacob Reyes of PolitiFact called (b) (6) to ask about whether DOJ had requested to be in the polls in Florida.

(b) (6)


From: [Shore, Elise \(CRT\)](#)
To: [Paikowsky, Dana \(CRT\)](#)
Cc: [Russ, Bert \(CRT\)](#)
Subject: Broward phone call from Joe Scott
Date: Thursday, November 3, 2022 1:20:55 PM
Importance: High

Dana,

Joe Scott just called me to ask whether other counties have been open to our entering the polls. I told him that he needed to speak directly with you about this issue and that I would connect you to our call.

I called you and left a message along with Joe on the phone. Joe left a message as well (as we were on conference call) explaining the issue. I told him we would both plan to call him this afternoon. (I'm available anytime except from 2-3:15 pm.)

Overall, it appears that the Florida county (b) (5)



Thanks,

Elise

From: [Meza, Catherine \(CRT\)](#)
To: [Russ, Bert \(CRT\)](#)
Subject: Call with NC SBOE re election monitoring
Date: Monday, October 31, 2022 1:41:25 PM

Hi Bert,

I spoke with the NC SBOE's general counsel this morning, Paul Cox, and associate general counsel, Candace Marshall. Mr. Cox is new and indicated he was formerly with the NC DOJ. He has not been at the NC SBOE for a federal election cycle during which the USDOJ monitored elections (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

We are scheduled for a follow up tomorrow at 3 pm.

Do you have a moment for a brief call to discuss further?

Thank you.

Cathy

From: [Malhi, Jaywin \(CRT\)](#)
To: [Russ, Bert \(CRT\)](#)
Subject: Fwd: [External] RE: Looking place authorizations for Minneapolis
Date: Sunday, November 6, 2022 1:04:41 PM

Bert,

See below for my current exchange with Hennepin County. Thanks!

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
(b) (6)

Begin forwarded message:

From: "Malhi, Jaywin (CRT)" (b) (6)
Date: November 4, 2022 at 12:22:00 PM CDT
To: Ginny Gelms (b) (6) @hennepin.us>
Cc: "Evans, Rachel (CRT)" (b) (6)
Subject: RE: [External] RE: Looking place authorizations for Minneapolis

Ginny,

My apologies for misspeaking in my email. I meant to say Katie Smith is our elections contact in *Minneapolis*, not Hennepin County. So she has given us approval to enter polling places in Minneapolis.

And yes, we would appreciate receiving a county-level authorization from you for Hennepin County. Our list of cities to visit within the county is still evolving so it would be best to just get your approval to avoid last-minute burdens. Do we have your approval? If we need a formal credential from you, that also works for us. But for our purposes, an email from you saying we have your approval to enter polling places within Hennepin County works for us.

For your information, we plan to have these Department of Justice staff monitor in Hennepin County on Election Day: (b) (6)

Thanks!

Jaywin Singh Malhi
Trial Attorney

Voting Section, Civil Rights Division
United States Department of Justice

(b) (6)

From: Ginny Gelms (b) (6) @hennepin.us>
Sent: Friday, November 4, 2022 1:16 PM
To: Malhi, Jaywin (CRT) (b) (6)
Cc: Evans, Rachel (CRT) (b) (6)
Subject: RE: [External] RE: Looking place authorizations for Minneapolis

Thanks Jaywin – I believe Katie Smith must be deputy director for Minneapolis (not Hennepin County). What other cities are you interested in sending observers to, do you know? I ask because if there are many we can give you a county level authorization (we actually issue “credentials” for the observers to have on hand) but if it’s only a few then it might be best to coordinate directly with those cities, as you have with Minneapolis. Let me know.

Ginny Gelms | she/her
Hennepin County Elections Director
Office: (b) (6)
hennepin.us/elections



From: Malhi, Jaywin (CRT) (b) (6)
Sent: Thursday, November 3, 2022 4:09 PM
To: Ginny Gelms (b) (6) @hennepin.us>
Cc: Evans, Rachel (CRT) (b) (6)
Subject: [External] RE: Looking place authorizations for Minneapolis

CAUTION: This email was sent from outside of Hennepin County. Unless you recognize the sender and know the content, do not click links or open attachments.

Ginny,

Thanks for the note. I spoke by phone earlier this week with Katie Smith, who I understand is the Director of Elections for Hennepin County. I followed up with her via email earlier this afternoon and she gave us her approval to enter polling places in Minneapolis.

Separately, it sounds like you recently spoke with the Secretary of State’s Office. I, too, spoke with David Maeda in that office this week. He informed us that his office is not

providing a letter because local jurisdictions are in charge of their polling places and can decide access on their own. With that in mind, do we have your approval to enter polling places in Hennepin County on Election Day? As mentioned on our call, we do not interfere with any voting processes or tell anyone what to do; we are merely there to better understand your processes and collect information.

Thanks!

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice

(b) (6)

(b) (6)

From: Ginny Gelms (b) (6) s@hennepin.us>

Sent: Thursday, November 3, 2022 3:49 PM

To: Malhi, Jaywin (CRT) (b) (6)

Subject: [EXTERNAL] Looking place authorizations for Minneapolis

Hi Jaywin,

I've been informed the OSS prefers for local justifications to handle pulling place observer authorizations. Please contact Minneapolis City Clerk Casey Carl for authorization to send observers to Minneapolis polling places. His email is

(b) (6)

Ginny Gelms | *she/her*
Hennepin County Director of Elections

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Disclaimer: If you are not the intended recipient of this message, please immediately notify the sender of the transmission error and then promptly permanently delete this message from your computer system.

From: [Herren, Chris \(CRT\)](#)
To: [Russ, Bert \(CRT\)](#); [Berman, Robert \(CRT\)](#)
Subject: Fwd: Request for federal monitoring of the 2022 election in Florida
Date: Tuesday, September 27, 2022 9:51:06 AM
Attachments: [Coalition Letter to USDOJ FL election monitoring 2022 9 26.pdf](#)

Begin forwarded message:

From: "Bond, Rebecca (CRT)" (b) (6) >
Date: September 27, 2022 at 9:47:11 AM EDT
To: "Herren, Chris (CRT)" (b) (6)
Cc: "Powers, John (CRT)" (b) (6)
Subject: FW: Request for federal monitoring of the 2022 election in Florida

From: Sooknanan, Sparkle (OASG) (b) (6)
Sent: Tuesday, September 27, 2022 9:46 AM
To: Clarke, Kristen (CRT) (b) (6); Boddie, Elise (CRT)
(b) (6) Bond, Rebecca (CRT) (b) (6) Cochran,
Shaylyn (CRT) (b) (6)
Subject: FW: Request for federal monitoring of the 2022 election in Florida
Importance: High

Good morning, team. Please see attached.

From: Kirk Bailey (b) (6) <kbailey@acluf.org>
Sent: Tuesday, September 27, 2022 9:13 AM
To: Gupta, Vanita (OASG) (b) (6)
Cc: Abdelilah Skhir (b) (6) <askhir@acluf.org>; Ben Needham <(b) (6)@aclu.org>; Robert Hoffman (b) (6) <robert.hoffman@aclu.org>
Subject: [EXTERNAL] Request for federal monitoring of the 2022 election in Florida
Importance: High

Associate Attorney General Gupta,

I write on behalf of a coalition of voting rights groups in Florida with the attached letter detailing our request for federal monitoring of the 2022 election in Florida. You are welcome to reach me (contact info below) or Abdelilah Skhir, ACLU of Florida Voting Rights Policy Strategist (b) (6) <askhir@acluf.org>, with any questions. Thank you for your attention to this important matter.

Kind regards,

Kirk Bailey | Political Director | American Civil Liberties Union of Florida (b) (6) m. |

(b) (6) [@aclufl.org](mailto:(b)(6)@aclufl.org)

Pronouns: he, him, his

Confidentiality Notice: This communication is for use by the intended recipient and contains information that may be privileged, confidential or copyrighted under applicable law. If you are not the intended recipient, you are hereby formally notified that any use, copying or distribution of this communication, in whole or in part, is strictly prohibited. Please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy. This communication does not constitute consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties.

September 26, 2022

The Honorable Vanita Gupta
United States Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-000

Re: Request for Federal Monitoring and Oversight of Florida's Elections

Dear Associate Attorney General Gupta:

We, the undersigned, write to express our deep concern that the freedom to vote for Floridians is under threat. The right to vote is the cornerstone of our democracy. It is the foundation upon which all our freedoms lie. We wish to highlight for your attention several measures the Florida Legislature has taken in recent years – with increasing fervor following the 2020 election – that may significantly impact Floridians' right to free and fair elections.

Under the Voting Rights Act, the Civil Rights Division of the Department of Justice has the authority to monitor jurisdictions to protect the rights of all voters. Federal monitoring of elections in Florida is needed to ensure a fair and transparent process for voters, free from interference and intimidation. The Department has previously sent personnel to Florida – including in 2020 under former U.S. Attorney General Bill Barr – to monitor voting in Broward, Duval, Hillsborough, Miami-Dade, Orange, and Palm Beach Counties.¹

In addition to protecting the freedom to vote for racial minority groups, federal monitoring would also help ensure that language minority groups and those needing assistance to vote due to disabilities are able to do so free of discrimination, intimidation, or fraud. It would also ensure that Supervisor of Elections offices and poll workers are treated fairly, free from harassment in the course of their work of administering elections.

Intentional Legislative Barriers to Voting

Following the 2020 election, Governor Ron DeSantis and his allies in legislative leadership gave glowing praise to Florida's administration of the 2020 election, calling it "the

¹ <https://www.justice.gov/opa/pr/justice-department-again-monitor-compliance-federal-voting-rights-laws-election-day>

most transparent and efficient election anyplace in the country in 2020,”² stating, “The way Florida did it, I think inspires confidence. I think that’s how elections should be run.”³

Following these statements, the Florida Legislature proposed, then passed, Senate Bill 90 (SB 90)⁴. The law severely limits the use of vote-by-mail drop boxes – now named Secure Ballot Intake Stations (SB 524, 2022) – so that they are available only during early voting days and hours. SB 90 also criminalizes collection of vote-by-mail (VBM) ballots, limiting who can assist elderly voters or voters with disabilities with returning their VBM ballot.

Not content with these major changes to election law, the Florida Legislature saw fit to pass Senate Bill 524 (SB 524). Among other provisions, this law created the Office of Election Crimes and Security, a first-of-its-kind law enforcement operation under the Florida Department of State. The stated purpose of this office is to investigate instances of election “irregularities;” however, questions remain unanswered regarding the scope and subject matter of potential investigations. The law also harshly increases penalties for third-party voter registration organizations, key players in conducting voter registration in traditionally underrepresented communities.

As stated by the Department in its amicus brief in the League of Women Voters’ and other allies’ litigation against SB 90,⁵ a federal judge has found that the Florida Legislature has a pattern of intentionally discriminating against Black voters in Florida for over twenty years. Given that troubling finding, we are concerned how the election crimes unit and other law enforcement efforts may be used.

We are also concerned about the expansion of the ability to challenge voter’ signatures and believe that a number of bad-faith actors using the guise of election security to create intentional barriers to voting will misuse these systems. There are additional concerns that the state’s election crimes unit could be used to support these efforts to discard valid votes.

Racial Gerrymandering

The 2022 Florida legislative session marked the beginning of redistricting using data from the 2020 Census. Mindful of lengthy litigation from the prior redistricting cycle, legislative leadership in the House and Senate committed to a transparent process. However, on the eve of Martin Luther King Jr. Day, Governor DeSantis made the unprecedented move of submitting his own map. This racially and politically gerrymandered map removed two of four existing congressional districts that provided Black Floridians an opportunity to elect the candidate of their choice. Legislative leadership then abdicated their constitutional duty to produce a map compliant with the 14th Amendment and the Florida Constitution in favor of the governor’s preferred map, culminating in a sit-in demonstration by members of the Florida House of Representatives.

² <https://www.cbsnews.com/miami/news/florida-governor-desantis-pushes-election-changes-florida>

³ <https://www.wptv.com/news/election-2020/gov-ron-desantis-praises-floridas-election-process-says-other-states-should-follow-sunshine-states-lead>

⁴ <https://flsenate.gov/Session/Bill/2021/90/BillText/er/PDF>

⁵ *League of Women Voters of Fla., Inc., v. Fla. Sec’y of State*, No. 22-11143 (11th Cir.).

In addition to retrogressing the ability of Black voters to elect their candidate of choice at the congressional level, racial gerrymandering has occurred at the local level. In March, the Jacksonville City Council passed maps illegally “packing” Black voters into four of its 14 City Council districts. In doing so, the Council ignored the desires of the public, who overwhelmingly opposed the maps in public hearings. These district maps are currently being litigated in the U.S. District Court for the Middle District of Florida, where the ACLU of Florida Northeast Chapter is one of several plaintiffs.

Hate Groups and Illegal Private Armies

According to the Southern Poverty Law Center, 53 hate groups operated in Florida in 2021,⁶ with 20 documented instances of intimidation or violence since January 2020. Proactive action must be taken to ensure that voters are not intimidated by these armed, private armies, including comprehensive crisis planning and coordination among agencies, deployment of Justice Department observers in communities where hate groups and previous political intimidation activities have been documented, and additional resources provided to local election officials.

‘Constitutional Sheriffs’

A growing movement of far-right sheriffs throughout the country includes organizations such as the Constitutional Sheriffs & Peace Officers Association (CSPOA). These officials believe their authority as a sheriff supersedes all levels of government within their jurisdiction.⁷ This raises severe concerns around the constitutional separation of powers and frightening possibilities in the event a situation arises in which Florida finds itself with one or more closely contested elections. The guiding philosophy of the CSPOA is described in the following excerpt from their website:

The law enforcement powers held by the sheriff supersede those of any agent, officer, elected official or employee from any level of government when in the jurisdiction of the county.

The vertical separation of powers in the Constitution makes it clear that the power of the sheriff even supersedes the powers of the President.

A similar political organization, Protect America Now, recently announced a partnership with True the Vote, a Texas-based organization that has continued to spread misinformation regarding election security and the 2020 presidential election, in order to “equip sheriffs, educate citizens and protect our elections.” Sheriff Wayne Ivey of Brevard County, FL – home to 455,275 registered voters – serves on the Advisory Committee of Protect America Now, and several other Florida-based sheriffs are members of this organization, including the Sheriffs of the following Florida counties: Palm Beach, Indian River, Bradford, Flagler, and Marion.

Given the stated threats to democracy outlined in this letter, we respectfully request the Department undertake immediate action to ensure that Floridians are able to participate in free

⁶ <https://www.splcenter.org/hate-map?state=FL>

⁷ <https://cspoa.org/about>

and fair elections. We are available to discuss and answer any questions at your convenience – please contact Kirk Bailey, ACLU of Florida at (b) (6) [@aclufl.org](mailto:(b) (6)@aclufl.org) or Abdelilah Skhir, ACLU of Florida Voting Rights Policy Strategist at (b) (6) [@aclufl.org](mailto:(b) (6)@aclufl.org). Thank you for your attention to this important matter.

Sincerely,

Kirk Bailey
Political Director
American Civil Liberties Union of Florida

Brad Ashwell
Florida State Director
All Voting Is Local

Jamil Davis
State Organizing Manager
Black Voters Matter

Genesis Robinson
Political Director
Equal Ground

Roberto Cruz
Managing Attorney, Southeast Regional
Office
LatinoJustice PRLDEF

Cecile M. Scoon, Esq.
President
League of Women Voters of Florida

From: [Russ, Bert \(CRT\)](#)
To: [Herren, Chris \(CRT\)](#); [Wertz, Rebecca J \(CRT\)](#)
Cc: [Mellett, Timothy F \(CRT\)](#)
Subject: Miami and Broward
Date: Thursday, November 3, 2022 3:46:00 PM

Miami [REDACTED] (b) (5)

Broward [REDACTED] (b) (5)

So Chris, [REDACTED] (b) (5)

I have not called Maria Matthews yet, but was about to do that.

From: [Russ, Bert \(CRT\)](#)
To: [Herren, Chris \(CRT\)](#); [Wertz, Rebecca J \(CRT\)](#); [Dellheim, Richard \(CRT\)](#); [Berman, Robert \(CRT\)](#); [Mellett, Timothy F \(CRT\)](#); [Russ, Bert \(CRT\)](#)
Subject: North Carolina
Date: Tuesday, November 1, 2022 3:57:16 PM

Despite [REDACTED] (b) (5)

[REDACTED]
[REDACTED]

I spoke with Minnesota's state officials, [REDACTED] (b) (5)

[REDACTED]
[REDACTED]

So far, I have confirmed that we have spoken to [REDACTED] (b) (5)

[REDACTED]
[REDACTED]

[REDACTED] (b) (5)
[REDACTED]

[REDACTED]

Bert

From: [Russ, Bert \(CRT\)](#)
To: [Malhi, Jaywin \(CRT\)](#); [Herren, Chris \(CRT\)](#); [Russ, Bert \(CRT\)](#)
Cc: [Mellett, Timothy F \(CRT\)](#)
Subject: RE: A note on Tuesday
Date: Monday, November 7, 2022 12:02:00 PM

(b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Bert

From: Russ, Bert (CRT)
Sent: Monday, November 7, 2022 10:24 AM
To: Malhi, Jaywin (CRT) (b) (6)
Cc: Mellett, Timothy F (CRT) (b) (6)
Subject: RE: A note on Tuesday

Thanks.

I left a message for (b) (5) (b) (6) In his message to me on Friday, he stated their (b) (5)

[REDACTED]

Bert

From: Malhi, Jaywin (CRT) (b) (6)
Sent: Monday, November 7, 2022 12:50 AM
To: Russ, Bert (CRT) (b) (6)
Cc: Mellett, Timothy F (CRT) (b) (6)
Subject: RE: A note on Tuesday

Sure thing. Below are our current assignments for monitoring in Minnesota on Tuesday. In red text, I've reflected which of the Hennepin County teams are within and outside of Minneapolis. Thanks!

—

Ramsey County (focused on language access)

Team 1 (Thomas-Dale and Payne-Phalen): (b) (6)
Team 2 (Dayton's Bluff): (b) (6)

Hennepin County (focused on intimidation)

Team 1 (Central and Philips) (b) (6) [within Minneapolis]
Team 2 (Camden and Near North) (b) (6) [within Minneapolis]
Team 3 (Brooklyn Park and Brooklyn Center): (b) (6) [outside Minneapolis]

—

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
(b) (6)

From: Russ, Bert (CRT) (b) (6)
Sent: Sunday, November 6, 2022 8:26 PM
To: Russ, Bert (CRT) (b) (6); Malhi, Jaywin (CRT) (b) (6)
Cc: Mellett, Timothy F (CRT) (b) (6)
Subject: A note on Tuesday

Jaywin,

On Tuesday, for Hennepin and Minneapolis, I'll need to know which people are in Minneapolis, and which people visited outside Minneapolis in Hennepin County. (b) (7)(E)

Thanks.
 Bert

MN	<u>Hennepin County</u> DJ # 166-16P-47 <u>City of Minneapolis</u> DJ # 166-16P-47 (b) (6)]	N/A	6	0	Voss, Ana D. Minn. (Sp.) (b) (6) (3 teams) [USAO Contact: (b) (6)] [Lead (b) (6)]	(b) (6)
MN	Ramsey County DJ # 166-39-14 Canopy by Hilton Minneapolis, 708 South 3rd Street, Minneapolis, MN 55415 (b) (6)	Hmong	4	2	(b) (6) (b) (6) (2 teams) [USAO Contact: (b) (6)]	(b) (6)

From: [Russ, Bert \(CRT\)](#)
To: [Knight, David \(CRT\)](#); [Mellett, Timothy F \(CRT\)](#); [Shore, Elise \(CRT\)](#)
Cc: [Sitton, Jaye \(CRT\)](#)
Subject: RE: Call with Maria Mathews
Date: Monday, November 7, 2022 8:30:00 PM

An attorney with the FL DOS called me at 7 p.m., asking (b) (5)

From: Knight, David (CRT) <(b) (6)>
Sent: Monday, November 7, 2022 7:58 PM
To: Russ, Bert (CRT) (b) (6); Mellett, Timothy F (CRT) (b) (6)
Cc: Sitton, Jaye (CRT) (b) (6)
Subject: RE: Call with Maria Mathews

Bert & Tim –

As discussed with Bert, I (b) (5)

-David

From: Russ, Bert (CRT) (b) (6)

Sent: Monday, November 7, 2022 11:41 AM

To: Russ, Bert (CRT) (b) (6) Herren, Chris (CRT) (b) (6)

Cc: Shore, Elise (CRT) (b) (6) Paikowsky, Dana (CRT)

(b) (6) Mellett, Timothy F (CRT) (b) (6) Knight,

David (CRT) (b) (6); Sitton, Jaye (CRT) (b) (6)

Subject: Call with Maria Mathews

The Florida Director of Elections Maria Matthews (b) (6) called me to (b) (5)

(b) (6)
(b) (6)
(b) (6)

(b) (6)
(b) (6)
(b) (6)

(b) (6)
(b) (6)

(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)
(b) (6)

Looking at my notes, I see we are not (b) (5)

(b) (6)

Thanks,
Bert

From: [Russ, Bert \(CRT\)](#)
To: [Evans, Rachel \(CRT\)](#); [Malhi, Jaywin \(CRT\)](#)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials
Date: Thursday, October 27, 2022 1:29:00 PM
Attachments: [20141103 Letter to TX Director of Elections.pdf](#)

Thanks. Before we call the State, let me look up my prior call with them, and we might try to do the call together.

(b) (5) [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

From: Evans, Rachel (CRT) (b) (6)
Sent: Thursday, October 27, 2022 1:00 PM
To: Malhi, Jaywin (CRT) (b) (6); Russ, Bert (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Thank you, Jaywin.

I hope you don't mind, but I'm adding Bert to get his take on (b) (5) [REDACTED]
[REDACTED]
[REDACTED] want to make sure we are all on the same page with this.

Bert, what are your thoughts? (b) (5) [REDACTED]
[REDACTED]

Thanks to you both!
Rachel

From: Malhi, Jaywin (CRT) (b) (6)
Sent: Thursday, October 27, 2022 12:49 PM
To: Evans, Rachel (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Rachel,

Just to keep all the information in one spot, I figure I'll (b) (7)(E) [REDACTED]
[REDACTED]

I just got off the phone (b) (5) [REDACTED]
[REDACTED]

(b) (5)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] (b) (6) which is his direct line.

Thanks!

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice

(b) (6)
[REDACTED]

From: Malhi, Jaywin (CRT)
Sent: Thursday, October 27, 2022 10:38 AM
To: Evans, Rachel (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Got it. Thanks!

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice

(b) (6)
[REDACTED]

From: Evans, Rachel (CRT) (b) (6)
Sent: Thursday, October 27, 2022 10:37 AM
To: Malhi, Jaywin (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

On scheduling: (b) (7)(E), (b) (5)
[REDACTED] (It's merely personal preference on my end—no hard and fast rule.) Today my schedule is packed with calls staring at noon, but I'm flexible tomorrow after 10 am and next Monday through Wednesday except for a meeting on Wednesday form 1-2.

(b) (5) : (Not a dumb question!) (b) (5)
[REDACTED]

(b) (5)

-Rachel

From: Malhi, Jaywin (CRT) (b) (6)
Sent: Thursday, October 27, 2022 11:23 AM
To: Evans, Rachel (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Got it. For our call with the State, is there a day or time you prefer? I'm generally flexible today, Tuesday, and Wednesday. We could either just jump on a phone call together and then give David a cold call together. Or I could call in advance and try to hammer out a time with him when we can both chat.

And one other, possibly dumb question: (b) (5)

Thanks!

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
(b) (6)

From: Evans, Rachel (CRT) (b) (6)
Sent: Thursday, October 27, 2022 10:15 AM
To: Malhi, Jaywin (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Sounds good, Jaywin! Let me know if you hit any snags or if there's anything I can do to be of assistance!

From: Malhi, Jaywin (CRT) (b) (6)
Sent: Thursday, October 27, 2022 11:06 AM
To: Evans, Rachel (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Got it. I'll handle everything in (A), minus the State call (which we'll do together). Thanks for getting (B) started, after which I can put together a list. And for (C), I can also send you a proposed report, which you can review and revise as you deem fit. Thanks!

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice

(b) (6)

From: Evans, Rachel (CRT) (b) (6)
Sent: Thursday, October 27, 2022 10:02 AM
To: Malhi, Jaywin (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

As to (A), I found the following contact information in our files or online:

Ramsey County:
David Triplett, Elections Manager

(b) (6)

State of Minnesota:
David Maeda, Elections Director, Office of the Secretary of State
(b) (6)
(Deputy Director is Paul Linnell)

Hennepin County:
Ginny Gelms, Elections Manager
Elections main phone line: 612-348-5151

Minneapolis:
Elections & Voter Services main phone line: 612-673-3000
City Clerk is in charge of elections at the city level.

As to (B), we need to (b) (5)
I'll reach
out to her today and copy you on the email.

Lastly, (C) we will need to (b) (5)

Thanks!
Rachel

From: Malhi, Jaywin (CRT) (b) (6) >
Sent: Thursday, October 27, 2022 10:39 AM
To: Evans, Rachel (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Thanks, Rachel. It looks like we have two buckets of things to do for our Minnesota monitoring: (A) call various elections officials and (B) figure out what poll sites to visit in Hennepin and Ramsey Counties.

As to (A), I understand we need to (b) (5)

(b) (5)
(b) (5)
(b) (5)

As to (B), I have (b) (5)

(b) (5)
(b) (5) I'm

not sure off the top of my head. Thanks!

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
(b) (6)
(b) (6)

From: Evans, Rachel (CRT) (b) (6)
Sent: Thursday, October 27, 2022 9:36 AM
To: Malhi, Jaywin (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Thanks, Jaywin! I'm happy to participate in any calls you'd like me to be on. My schedule today is packed, but I am flexible tomorrow and early next week, and happy to work with your schedule.

Also please let me know how I can best help you prepare for this monitoring. If you don't already have lists of polling locations (and if we can't get them easily online or from some other source), we can ask for those when we speak with the jurisdictions.

-Rachel

From: Malhi, Jaywin (CRT) (b) (6)
Sent: Thursday, October 27, 2022 10:21 AM
To: Russ, Bert (CRT) (b) (6)

Cc: Samie, Bahram (USAMN) (b) (6); Evans, Rachel (CRT)
(b) (6) Mellett, Timothy F (CRT) (b) (6) Rios, Maria
(CRT) (b) (6) Berman, Robert (CRT) (b) (6); Rupp, Michelle
(CRT) (b) (6)

Subject: Re: Contacting Hennepin, Ramsey, and MN State Election Officials

Got it. Rachel and I will handle and report back. Thanks!

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
(b) (6)
(b) (6)

On Oct 27, 2022, at 9:14 AM, Russ, Bert (CRT) <(b) (6)> wrote:

Jaywin,

We can reach out to Hennepin and Ramsey Counties to let them know we are going to monitor. (I think Minneapolis has its own election's office, while St. Paul contracts with Ramsey County, at least as of two years ago. We may need to call Minneapolis, as well).

We should also let the appropriate state official(s) know. (b) (5)

(b) (5)
(b) (5)
(b) (5)
(b) (5)
(b) (5)

(b) (5)
(b) (5)
(b) (5)
(b) (5)

Bert



U.S. Department of Justice
Civil Rights Division

*Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530*

November 3, 2014

Via Email

Keith Ingram
Director of Elections
Texas Division of Elections
208 East 10th Street
Rusk Building, Third Floor
Austin, Texas 78701

Dear Mr. Ingram:

This letter follows up on our phone conversation on October 31. As you have requested previously and as we have done in years past, we contacted you then to let you know about upcoming election monitoring by the Civil Rights Division of the U.S. Department of Justice in Texas for the November 4, 2014 election. On November 4, the Department will be sending Civil Rights Division staff members to Harris and Waller Counties. We have already contacted county attorneys for those counties to discuss the monitoring.

The federal voting rights statutes that fall within the jurisdiction of the Civil Rights Division provide the Attorney General with enforcement authority on behalf of the United States. This includes statutes such as the Voting Rights Act (52 U.S.C. §§ 10308, 10504, 10701), the National Voter Registration Act (52 U.S.C. § 20510), the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20307), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20105), the Civil Rights Act (52 U.S.C. §§ 10101, 20703) and the Help America Vote Act (52 U.S.C. § 21111), among others. Pursuant to that enforcement authority, through election-day monitoring and in-person visits to jurisdictions, the Department investigates potential violations of the federal voting rights statutes, such as the minority language provisions of Section 203 or the anti-intimidation provisions of Section 11(b) of the Voting Rights Act, for example.

As you are aware, the Department of Justice has sent Civil Rights Division staff members to Texas for monitoring during many elections in years past, including on dozens of occasions just since 2000. We have appreciated working cooperatively with your office and your counties on these monitoring efforts in the past, and we look forward to continuing to do so in the future.

If you have any questions, please do not hesitate to contact us at (b) (6)

Sincerely,

A handwritten signature in black ink that reads "Bert Russ". The signature is fluid and cursive, with the first name "Bert" and last name "Russ" clearly distinguishable.

John "Bert" Russ
Voting Section
Civil Rights Division
U.S. Department of Justice

From: [Herren, Chris \(CRT\)](#)
To: [Russ, Bert \(CRT\)](#)
Cc: [Mellett, Timothy F \(CRT\)](#)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials
Date: Thursday, October 27, 2022 1:39:25 PM

Worth asking for both

From: Russ, Bert (CRT) (b) (6)
Sent: Thursday, October 27, 2022 1:39 PM
To: Herren, Chris (CRT) (b) (6)
Cc: Mellett, Timothy F (CRT) <(b) (6)>
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials
If they are (b) (5)

From: Herren, Chris (CRT) (b) (6)
Sent: Thursday, October 27, 2022 1:37 PM
To: Russ, Bert (CRT) (b) (6)
Cc: Mellett, Timothy F (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials
Thanks. It does seem (b) (5)

Good luck.

From: Russ, Bert (CRT) (b) (6)
Sent: Thursday, October 27, 2022 1:34 PM
To: Herren, Chris (CRT) (b) (6)
Cc: Mellett, Timothy F (CRT) <(b) (6)>
Subject: FW: Contacting Hennepin, Ramsey, and MN State Election Officials
We could be (b) (5)

From: Russ, Bert (CRT)
Sent: Thursday, October 27, 2022 1:30 PM
To: Evans, Rachel (CRT) (b) (6); Malhi, Jaywin (CRT) (b) (6)
Subject: RE: Contacting Hennepin, Ramsey, and MN State Election Officials

Duplicative Material p.110

From: [McFarland, Ernest A \(CRT\)](#)
To: [Williamson, Victor \(CRT\)](#); [Russ, Bert \(CRT\)](#); [Jhaveri, Sejal \(CRT\)](#); [Dellheim, Richard \(CRT\)](#); [Gear, Bruce \(CRT\)](#)
Subject: RE: Contacting Philadelphia and Lehigh County
Date: Tuesday, November 1, 2022 5:52:58 PM
Attachments: [Order Ball v. Chapman \(PA S. Ct. No. 102 MM 2022\)\(undated and incorrectly dated mail-in ballots\).pdf](#)

I spoke with (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]
The PA Supreme Court's order is attached.

Ernest

From: Williamson, Victor (CRT) <(b) (6)>
Sent: Monday, October 31, 2022 8:26 AM
To: McFarland, Ernest A (CRT) <(b) (6)>; Russ, Bert (CRT)
(b) (6)
Cc: Jhaveri, Sejal (CRT) (b) (6); Dellheim, Richard (CRT)
(b) (6) Gear, Bruce (CRT) (b) (6)
Subject: RE: Contacting Philadelphia and Lehigh County

To answer Bert's question below, I would suggest contacting our PA UOCAVA POC: Jessica Mathis (b) (6) [@pa.gov](#); (b) (6) Director, Bureau of Election Services and Notaries. And/or PA's Deputy Secretary for Elections and Commissions: Jonathan Marks (b) (6) [@pa.gov](#); (b) (6).

From: McFarland, Ernest A (CRT) (b) (6)
Sent: Wednesday, October 26, 2022 8:25 PM

To: Russ, Bert (CRT) <(b) (6)>
Cc: Williamson, Victor (CRT) (b) (6); Jhaveri, Sejal (CRT)
(b) (6); Dellheim, Richard (CRT) (b) (6); Gear, Bruce
(CRT) (b) (6)
Subject: RE: Contacting Philadelphia and Lehigh County

Thanks for the update, Bert. We will inform the City prior to starting our meeting with leaders from the community groups.

Have a great night.

E

From: Russ, Bert (CRT) (b) (6)
Sent: Wednesday, October 26, 2022 7:07 PM
To: McFarland, Ernest A (CRT) <(b) (6)>; Jhaveri, Sejal (CRT)
(b) (6); Dellheim, Richard (CRT) <(b) (6)>; Gear, Bruce
(CRT) (b) (6)
Cc: Williamson, Victor (CRT) (b) (6)
Subject: Contacting Philadelphia and Lehigh County

Ernest,

We can tell Philadelphia that we are coming. We can also tell Lehigh County. Let's hold off until next week on (b) (5)

Do we have someone (b) (5)
(b) (5) Victor, when he's back next week, may have the answer.

Bert

DAVID BALL, JAMES D. BEE, JESSE D.	:	No. 102 MM 2022
DANIEL, GWENDOLYN MAE DELUCA,	:	
ROSS M. FARBER, LYNN MARIE	:	
KALCEVIC, VALLERIE SICILIANO-	:	
BIANCANIELLO, S. MICHAEL STREIB,	:	
REPUBLICAN NATIONAL COMMITTEE,	:	
NATIONAL REPUBLICAN	:	
CONGRESSIONAL COMMITTEE, AND	:	
REPUBLICAN PARTY OF PENNSYLVANIA,	:	
	:	
Petitioners	:	
	:	
	:	
	:	
v.	:	
	:	
	:	
LEIGH M. CHAPMAN, IN HER OFFICIAL	:	
CAPACITY AS ACTING SECRETARY OF	:	
THE COMMONWEALTH, AND ALL 67	:	
COUNTY BOARDS OF ELECTIONS,	:	
	:	
	:	
Respondents	:	

DECIDED: November 1, 2022

The Court is evenly divided on the issue of whether failing to count such ballots violates 52 U.S.C. §10101(a)(2)(B).

We hereby **DIRECT** that the Pennsylvania county boards of elections segregate and preserve any ballots contained in undated or incorrectly dated outer envelopes.

The Republican National Committee, the National Republican Congressional Committee, and the Republican Party of Pennsylvania have standing. Petitioners David Ball, James D. Bee, Jesse D. Daniel, Gwendolyn Mae Deluca, Ross M. Farber, Lynn Marie Kalcevic, Vallerie Siciliano-Biancaniello, and S. Michael Streib are hereby **DISMISSED** from the case for lack of standing.

Opinions to follow.

Chief Justice Todd and Justices Donohue and Wecht would find a violation of federal law.

Justices Dougherty, Mundy and Brobson would find no violation of federal law.

From: [Russ, Bert \(CRT\)](#)
To: [Malhi, Jaywin \(CRT\)](#); [Mellett, Timothy F \(CRT\)](#)
Cc: [Evans, Rachel \(CRT\)](#)
Subject: RE: [EXTERNAL] Polling Locations for Tomorrow
Date: Monday, November 7, 2022 5:25:00 PM

Yes, that email is probably fine.

Frankly, after our (b) (5)

[REDACTED]

From: Malhi, Jaywin (CRT) (b) (6)
Sent: Monday, November 7, 2022 5:21 PM
To: Russ, Bert (CRT) (b) (6); Mellett, Timothy F (CRT)
(b) (6)
Cc: Evans, Rachel (CRT) (b) (6)
Subject: Fwd: [EXTERNAL] Polling Locations for Tomorrow

Bert and Tim,

I just received the below note from Katie, the elections director in Minneapolis. With thanks to Rachel, below is a draft response to Katie. Do we have your approval to send? Please free to edit the email as you deem fit. Thanks!

—

Katie,

As a policy, we (b) (5)

[REDACTED]

[REDACTED]

Thanks!

Sincerely,
Jaywin

—

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice

(b) (6)

[REDACTED]

Begin forwarded message:

From: "Smith, Katie M" (b) (6) <[REDACTED]@minneapolismn.gov>
Date: November 7, 2022 at 4:02:18 PM CST
To: "Malhi, Jaywin (CRT)" (b) (6) [REDACTED]
Subject: [EXTERNAL] Polling Locations for Tomorrow

Good afternoon,
Do you know which precincts you'll be visiting in Minneapolis tomorrow?

Katie Smith

Assistant City Clerk: Director of Elections & Voter Services

City of Minneapolis – City Clerk's Office

Elections & Voter Services

980 E. Hennepin Ave.

Minneapolis, MN 55414

Office: (b) (6) [REDACTED]
[REDACTED]

<image001.png>

From: [Meza, Catherine \(CRT\)](#)
To: [Russ, Bert \(CRT\)](#)
Subject: RE: Some new USAO folks have joined Mecklenburg
Date: Tuesday, November 1, 2022 3:20:24 PM

Hi Bert,

Unfortunately, the determination of the general counsel was that DOJ monitors will not be allowed inside the polling places. He cited the following:

[GS 163-166.3.pdf \(ncleg.gov\)](#)

Indicating that they have had to make a number of determinations re access to the polling place and, under state law, don't see how they can grant federal observers access but deny access to county and other groups and individuals who have made requests.

He offered to still provide a letter indicating that the SBOE is aware of our presence. He indicated that during the day, we would have to observe the 50 ft buffer around polling places but are welcome to approach and interview voters.

Cathy

From: Russ, Bert (CRT) (b) (6)
Sent: Monday, October 31, 2022 7:57 PM
To: Meza, Catherine (CRT) (b) (6)
Subject: Re: Some new USAO folks have joined Mecklenburg

Ok to send the letter to him. Hopefully it will help.

I will get everyone trained by this week. And yes, all of them are available.

Sent from my iPhone

(b) (6) M, Meza, Catherine (CRT)
wrote:

Thanks, Bert.

To clarify, are all 11 individuals listed below available to join a team? If yes, I will be sure to pair folks with no training, with someone who has been trained.

Also, FYI, I plan to use the shorter modified form for the coverage and made a few additional modifications.

Lastly, I just wanted to flag my email from this morning regarding my call with the NC SBOE's general counsel, Paul Cox. He is new and given the heightened concern there is regarding who and how many individuals can have access to the polling place, he was hesitant to state affirmatively that our election monitors would be granted access inside polling places. We scheduled a follow-up call for tomorrow at 3 pm. Hopefully, he will have definite answer then, but I am concerned that his answer may be that we won't be allowed access inside the polling places.

I located the attached letter that SBOE (K. Strach) provided during the 2016 monitoring. Mr. Cox didn't seem to have any background knowledge of our election monitoring activities in general or our past

efforts in NC, so I thought sending him this letter may assuage some of his concerns. Let me know if ok to send.

Thank you.

Cathy

From: Russ, Bert (CRT) (b) (6)
Sent: Monday, October 31, 2022 2:51 PM
To: Meza, Catherine (CRT) (b) (6)
Subject: Some new USAO folks have joined Mecklenburg

Green means they have been trained.

<div>NC</div>	<div><u>Mecklenburg County</u> <u>(Charlotte)</u> DJ # 166-16P-47</div> <div>AC Hotel by Marriott Charlotte City Center 220 E. Trade Street Charlotte, NC 28022</div> <div>(b) (6)</div> <div>ASSIGNMENT EMAIL</div>	<div>(b) (6)</div> <div>(four teams)</div> <div>WD NC USAO Contact: (b) (6)</div>	<div>(b) (6)</div>
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