



ALEX PADILLA
CALIFORNIA SECRETARY OF STATE

November 9, 2018

The Honorable John Moorlach
State Capitol, Room 2048
Sacramento, CA 95814

Dear Senator Moorlach:

This letter serves as response to your letter dated September 17, 2018, wherein you relayed questions about errors associated with the Department of Motor Vehicles' ("DMV") and the California Department of Technology's ("CDT") processing and transmission of voter registration information to the Secretary of State.

I share in your concern that such errors have the potential to impact public confidence in our elections. California voters expect and deserve a voter registration process that is based on accurately collected and transmitted voter data. I have expressed my concerns to both the DMV and CDT of the significant disruption these errors have caused to voters and the additional workload these errors have created for county elections offices.

To that end, I attach a copy of my September 10, 2018 letter to the DMV and CDT following their initial written notification of the reported errors. Through this letter, I requested that the DMV provide information related to the identification of the errors, steps taken to resolve the errors, and all efforts taken to ensure the accuracy of voter registration data transmitted to our office in order to prevent these or other errors occurring in the future.

I have also enclosed the DMV's and CDT's October 4, 2018 response to my letter, which provides information responsive to your questions. Upon reviewing the explanations provided by DMV/CDT, I subsequently requested additional information and documentation related to their efforts to "test and verify functionality and accuracy of systems and procedures used to transmit voter registration and affidavits." You have also raised questions about the accuracy of motor voter registration data and the processes for verifying voter eligibility. As you are aware, in compliance with the National Voter Registration Act ("NVRA"), Californians have registered or updated voter information through the Department of Motor Vehicles for over two decades. The NVRA mandates that Californians visiting the DMV must be provided an opportunity to update or register to vote and requires the Secretary of State to receive and process these new registrations or updates. In the past year, the Secretary of State has worked with the DMV and the CDT to streamline this process as required by AB 1461. Pursuant to state and federal law, a person is registered to vote if they have attested, under penalty of perjury, to meeting all eligibility requirements.

Second, you inquired about the current process of confirming the accuracy of motor voter registration data and the process of verifying the eligibility of individuals registered. Recently, on October 5, 2018, we were notified by the DMV that an additional error was found that led to the registration of individuals who may not have completed an affidavit of registration.

According to the DMV and CDT, this error occurred at field offices when technicians incorrectly retained changes to a driver license application. As previously mentioned in the September 10, 2018 letter, my office has promptly notified county election officials of this new error, as well as the need for these additional records to be cancelled. These affected individuals will also receive the registration cancellation communication described above.

Third, you inquired why the DMV states that “none of the applicants were undocumented immigrants.” The DMV has stated that none of the errors included undocumented immigrants (AB60 applicants) because DMV systems do not present voter registration questions to those individuals when finalizing their DMV transaction. DMV has informed us that no AB60 licensee data or information has been transmitted to our office.

Fourth, you asked whether we know how many of the erroneous registrations included ineligible individuals and what is being done to rectify their inaccurate registration. The DMV informed us that certain individuals that declined to respond or answer no to any one of the five eligibility questions were incorrectly registered to vote through no fault of their own. We have notified county election officials to cancel these records.

Finally, you wanted to know what is being done to correct the erroneous registrations and to address whether these incidents constitute voter fraud. These registrations do not constitute voter fraud, as none of the individuals erroneously registered did so through any affirmative effort on their part. Each of the data transmission errors that occurred were the result of DMV/CDT errors.

I share with you my deep frustration with these persistent errors by the DMV and CDT and I have called for an independent third party review of DMV and CDT technology and processes related to California Motor Voter. I have also enclosed the DMV’s and CDT’s October 8, 2018 letter notifying my office of this additional error and my October 8, 2018 response.

My office continues to explore various strategies that can help voters identify and report irregularities. We will be in touch with you as new resources become available.

I thank you again for your continued efforts serve your constituents and the people of California. If you have additional questions or need additional information, please feel free to contact me.

Sincerely,



Alex Padilla
Secretary of State