

# Judicial Watch Sues California and Los Angeles Over Dirty Voter Registration Rolls

Judicial Watch on December 13, 2017 filed a federal lawsuit against Los Angeles County and the State of California over failure to clean their voter rolls and to produce election-related records as required by the federal National Voter Registration Act (NVRA) (*Judicial Watch, Inc. et al. v. Dean C. Logan, et al.* (No. 2:17-cv-08948)). The lawsuit was filed in the United States District Court for the Central District of California's Western Division on behalf of Judicial Watch, Election Integrity Project California, Inc., and Wolfgang Kupka, Rhue Guyant, Jerry Griffin and Delores M. Mars, who are lawfully registered voters in Los Angeles County.

Judicial Watch argues that the State of California and a number of its counties, including the county of Los Angeles, have registration rates exceeding 100 percent of eligible voters:

- Eleven of California's 58 counties have registration rates exceeding 100 percent of the age-eligible citizenry.
- Los Angeles County has more voter registrations on its voter rolls than it has citizens who are old enough to register. Specifically, according to data provided to and published by the U.S. Election Assistance Commission, Los Angeles County has a registration rate of 112 percent of its adult citizen population.
- The entire State of California has a registration rate of about 101 percent of its age-eligible citizenry.

Judicial Watch points out that this is due in part to the high numbers of inactive registrations that are still carried on California's voter rolls:

- About 21 percent of all of California's voter registrations, or more



Voters at polling station in presidential election in Nov. 2012, Ventura County, California

than one in five, are designated as inactive.

- California has the highest rate of inactive registrations of any state in the country... Los Angeles County has the highest number of inactive registrations of any single county in the country.

Although these inactive registrations should be removed after a statutory waiting period consisting of two general federal elections, California officials are simply refusing to do so.

Judicial Watch explains that even though a registration is officially designated as "inactive," it still may be voted on election day and is still on the official voter registration list. The inactive registrations of voters who have moved to a different state "are particularly vulnerable to fraudulent abuse by a third party" because the voter who has moved "is unlikely to monitor the use of or communications concerning an old registration." Inactive registrations "are also inherently vulnerable to abuse by voters who plan to fraudulently double-vote in two different jurisdictions on the same election day."

Judicial Watch sent a written request for public records on November

16, 2017, and another on November 29, 2017, seeking information about "the number of inactive registrations on the voter rolls in Los Angeles County." JW was told each time that there were no responsive records.

Last summer, Judicial Watch sent a broader request for voter roll records that Los Angeles County and the State of California are required by law to keep and to make publicly available. Nothing was produced in response to this request. Judicial Watch points out that it is impossible to believe that there were no responsive records:

"Los Angeles County, with over five million active voters and massive list maintenance responsibilities, and the Secretary of State of California [must] have exchanged emails responsive to [Judicial Watch's] request for 'all email or other communications between the Secretary's Office and all California County voter registration officials concerning...[i]nstructions to the counties concerning their general list maintenance practices and obligations' and '[n]otices to the counties concerning any failure to comply with their voter list maintenance obligations.' Such emails

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## Registration

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should have been produced.”

Section 8(a)(4) of the NVRA requires states to implement a program to remove ineligible registrants; and compels them to turn over relevant records and information. Judicial Watch argues:

“Los Angeles County is failing to properly conduct the list maintenance required by the NVRA by failing to properly train employees, failing to require and enter registrants’ birthdates, and failing to timely process reports that registrants have died, have committed disqualifying felonies, are mentally incompetent, or have registered twice.”

Judicial Watch asks that the court enjoin Los Angeles County and the State of California from further violating the NVRA and compel them to “develop and implement a general program that makes a reasonable effort to remove from Los Angeles County’s rolls the registrations of ineligible registrants.” Judicial Watch asks to inspect and copy the requested voter roll records.

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### Eleven of California’s 58 counties have registration rates exceeding 100 percent of the age-eligible citizenry.

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Judicial Watch sent a notice-of-violation letter in August 2017 threatening to sue California and certain of its counties over their violations of the NVRA. California was one of 12 states to receive such letters from Judicial Watch.


“California may have the dirtiest election rolls in the country,” said Judicial Watch President Tom Fitton. “Federal law requires states to take reasonable steps to clean up their voting rolls. Dirty voting rolls can mean dirty elections. This lawsuit aims to ensure that citizens of California can have more confidence that their elections are fair and honest.”

Judicial Watch Senior Attorney and Director of its Election Integrity Project, Robert Popper, recently provided testimony to the Presidential Advisory Commission on Election Integrity concerning the NVRA. Popper was formerly deputy chief of the Voting

Section of the Civil Rights Division of the Justice Department.

Judicial Watch sent notice-of-violation letters threatening to sue 11 other states having counties in which the number of registered voters exceeds the number of voting-age citizens, as calculated by the U.S. Census Bureau’s 2011-2015 “American Community Survey:” Alabama, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, New Jersey, New York, North Carolina and Tennessee. Judicial Watch informed the states that should they fail to take action to correct violations of Section 8 of the NVRA, it would file suit.

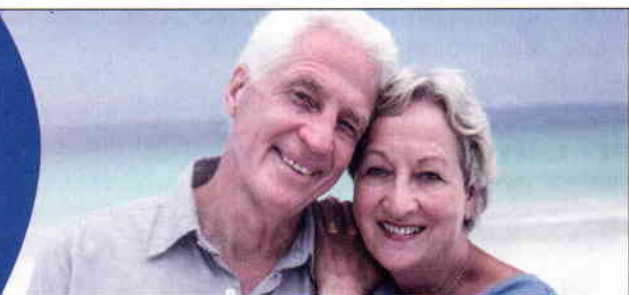
Judicial Watch previously filed successful lawsuits under the NVRA against Ohio and Indiana, which resulted in those states taking several actions to clean up their voting rolls. Judicial Watch is currently suing Kentucky over its failure to remove ineligible voters as required by the NVRA and is suing the State of Maryland and Montgomery County over their failure to release voting-related records.

Judicial Watch is being assisted by Charles H. Bell Jr., of Bell, McAndrews & Hiltachk, LLP; and H. Christopher Coates of the Law Office of H. Christopher Coates. 

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