



November 22, 2019

Wendy Sartory Link  
Palm Beach County Supervisor of Elections  
240 South Military Trail  
West Palm Beach, FL 33415

Dear Supervisor Link:

Demos is a non-profit organization working to advance and protect the right to vote through advocacy and litigation. We have expertise on the rules respecting federal voter list-maintenance requirements, having litigated several significant cases challenging unwarranted and unlawful voter purges. We write to express concern regarding a recent report by the Public Interest Law Foundation (“PILF”) accusing Palm Beach County and your office of violations of Section 8 of the National Voter Registration Act (“NVRA”), and, based on nothing more than speculation, accusing several hundred Palm Beach County residents of committing criminal acts. PILF has made such misleading and irresponsible claims before, and, when tested, they have uniformly proven to be unreliable and misleading. Taking any action to remove registrants from Palm Beach County’s voter rolls based on PILF’s accusations would be unwarranted. Indeed, any such removal would risk disenfranchising eligible voters and may itself violate Section 8 of the NVRA, which mandates important protections for voters as states and localities perform their list maintenance activities.

On November 4, 2019, PILF published a report entitled “Calm Before the Storm: Are Palm Beach County’s Elections Protected Against Emerging Threats?” The report claimed that PILF had identified tens of thousands of voters registered in both Palm Beach County and another jurisdiction and thousands of purportedly deceased voters. The report also asserts that several hundred Palm Beach County residents have voted illegally—either because they purportedly voted in multiple states or because they were deceased, non-citizens, or registered at an invalid address.

PILF has made similar claims in other jurisdictions, and in each instance, they have proven to be founded on flawed assumptions and shoddy, results-oriented analysis. In 2016, PILF sued the Broward County Supervisor of Elections, making claims of double registrations, dead voters, and fraudulent voting. Those claims were resoundingly rejected by two federal

courts,<sup>1</sup> but not before PILF had put the county through years of litigation at the expense of Broward tax-payers. And in Virginia, when PILF made unsupported claims of illegal voting similar to those leveled against Palm Beach County and its citizens, PILF and its president were sued for defamation and violations of the Voting Rights Act.<sup>2</sup> After it was revealed that PILF knew the claims were false, its president was forced to publicly apologize.<sup>3</sup> In that case, internal emails revealed that PILF was less interested in exposing unlawful voting than in creating “official confusion to justify [its] call for top-down overhaul” of Virginia’s voter registration system.<sup>4</sup>

Because of the misrepresentations and deficiencies in PILF’s analysis and PILF’s record of falsely claiming voting improprieties, we are concerned that PILF’s report is intended to bully or induce your county into undertaking unnecessary and potentially unlawful voter purges that would remove eligible voters from the rolls. We are also concerned that such voter purge programs may have a disproportionate effect on African Americans, Latinos, Asian Americans, students, disabled voters, military voters, and other communities.

The primary purpose behind the NVRA is to “*increase* the number of eligible citizens who register to vote.”<sup>5</sup> The NVRA further seeks to “enhance[] the participation of eligible citizens as voters.”<sup>6</sup> This critical federal law sets forth a framework that allows states to conduct responsible list maintenance activities while promoting those important goals. The NVRA framework includes procedures that would reduce the chance that citizens eligible to vote will be removed from the rolls. For example, the NVRA restricts who can be removed and on what grounds, requires notice and a waiting period before certain removals, and blocks certain removals during the period before an election.<sup>7</sup> A federal court of appeals recently affirmed the importance of these mandatory voter protections.<sup>8</sup>

Accordingly, we offer our assistance to your office in its efforts to maintain clean and accurate voter rolls in a lawful manner. If we can be of service, you may contact me by email at [снаifeh@demos.org](mailto:снаifeh@demos.org) or by phone at (212) 485-6055.

We also formally request pursuant to 52 U.S.C. § 20507(i) and Fla. Stat. § 286.011 that you provide to us any and all records your office provided to PILF in connection with its November 4, 2019 report, and all correspondence with PILF concerning the issues raised in the report. We also request all records pertaining to any changes to list maintenance activities

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<sup>1</sup> See *Bellitto v. Snipes*, 935 F.3d 1192, at 1205-10 (11th Cir. Aug. 22, 2019), affirming *Bellitto v. Snipes*, No. 16-cv-61474-BB, 2016 U.S. Dist. LEXIS 128840 (S.D. Fla., Sept. 20, 2016).

<sup>2</sup> See *League of United Latin American Citizens v. Public Interest Legal Foundation*, No. 1:18-cv-00423 (N.D. Va. Apr. 12, 2016).

<sup>3</sup> See Steve Benen, “Member of Trump’s voting commission settles embarrassing lawsuit,” *MSNBC* (July 22, 2019).

<sup>4</sup> See *LULAC v. PILF Deposition Exhibit*, <https://protectdemocracy.org/resource-library/document/lulac-v-public-interest-legal-foundation-exhibit-jj-2/>.

<sup>5</sup> 52 U.S.C. §§ 20501(b)(1) (emphasis added).

<sup>6</sup> 52 U.S.C. §§ 20501(b)(2).

<sup>7</sup> See 52 U.S.C. § 20507.

<sup>8</sup> See *Common Cause Indiana v. Lawson*, No. 18-2491, 937 F.3d 944, 962-63 (7th Cir. 2019) (observing that the NVRA requires direct contact with voters prior to certain removals).

related to PILF's report, including lists of voters, if any, who were removed from the rolls. Please send the documents to [snaifeh@demos.org](mailto:snaifeh@demos.org). If there are any copying expenses, please let us know in advance at that email address or the phone number listed above.

Localities should always be thoughtful and careful when performing list maintenance activities. Efforts that are too aggressive or undertaken without basis risk violating federal law and disenfranchising eligible voters. We stand at the ready to assist you to uphold federal law and protect the voting rights of the eligible citizens in your jurisdiction.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Naifeh', written in a cursive style.

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