



June 7, 2018

**VIA ELECTRONIC MAIL & FACSIMILE**

Dean C. Logan  
County Registrar-Recorder/County Clerk  
12400 Imperial Highway  
Norwalk, CA 90650

Dear Mr. Logan:

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combatting racial discrimination and the resulting inequality of opportunity. The Lawyers' Committee leads the nation's largest nonpartisan voter protection effort, the Election Protection Program, and is deeply committed to safeguarding the right to vote for all Americans. We write to express our grave concerns regarding the removal of 118,522 registered voters from the voter rolls for the California primary election on June 5, 2018.<sup>1</sup>

As we understand the facts, the exclusion of this very significant number of voters was not uncovered until the primary election was well underway. The Los Angeles County Registrar-Recorder/County Clerk Office's ("Registrar") mass exclusion of voters caused significant confusion for the public. There was a lack of clarity regarding the full extent of the impact and any ameliorative actions that the County is currently taking to address the problem. Based on the information that we have received, we know that there were voters who were simply turned away and not able to participate in the primary election. We also know that there were voters who were excluded from the rolls and who were not offered provisional ballots. We are further aware that poll workers were not properly trained on how to respond to a problem of this magnitude on Election Day.

In the Press Release<sup>2</sup> issued several hours after the election had commenced, the Registrar failed to provide clarity regarding the full extent of the problem and on the ameliorative actions that would be taken. In fact, the release left open as many questions as it answered, particularly how the voters came to be removed from the rolls, what steps were taken to reach voters who were likely turned away, what alerts were issued instructing impacted voters to request a provisional ballot, what instructions were provided to poll workers during the course of the election, what

---

<sup>1</sup> Elena Schneider, *More than 118,000 Voters Accidentally Left Off Rolls in Los Angeles County*, POLITICO, June 6, 2018, <https://www.politico.com/story/2018/06/05/los-angeles-voters-error-627994>.

<sup>2</sup> Press Release, Los Angeles County Registrar-Recorder/County Clerk, Election Day Polling Locations Affected by Roster Printing Issue (June 5, 2018), [https://www.lavote.net/docs/rccc/news-releases/06052018\\_E-Day-Release.pdf](https://www.lavote.net/docs/rccc/news-releases/06052018_E-Day-Release.pdf) [hereinafter "Press Release"].



steps the Registrar will take to ensure that provisional ballots cast by voters improperly removed from the rolls will be counted, and what measures will be taken to ensure that a similar error does not occur in the future.

The Lawyers' Committee is committed to ensuring that all voters have an equal and fair opportunity to participate in the political process. To that end, the Lawyers' Committee leads the Election Protection Coalition which includes a voter hotline (866-OUR-VOTE) providing Americans from coast to coast with comprehensive voting information and a vehicle to report problems that arise on or before Election Day. During the June 5, 2018 primary election in California, we received calls from longtime voters and registered voters in Los Angeles County expressing concern when they discovered their names were absent from voting rosters. Impacted voters also raised concerns about whether or not their ballot will be counted. We also received similar reports from local partners.

Following up on the calls received from voters whose names were missing from the rolls, the Lawyers' Committee contacted your office on June 6, 2018, and was informed that your office could not provide any additional information beyond what was in your brief Press Release<sup>3</sup>. Your office further stated that voters who cast a provisional ballot must affirmatively go online to LAVote.net to check the status of their provisional ballot or call 1-800-815-2666.<sup>4</sup> It remains unclear what recourse is available to voters who cast a provisional ballot and then discovered that it was not counted.

Based on the information detailed above, we have a number of concerns regarding the 118,522 impacted voters. We are deeply concerned that your office has placed the burden on impacted voters to determine whether or not their provisional ballot has been counted. In order to ensure that we are able to provide support for voters in Los Angeles County and to help us confirm the full extent of your office's error, we request the following information. Specifically, we ask that you provide detailed answers to the following questions:

- (1) How many of the provisional ballots submitted by voters who were improperly excluded from the rolls were counted; how many were not; and the reasons any of them were not counted?
- (2) What process is your office using to ensure that every eligible individual's provisional ballot is counted?
- (3) What affirmative steps are your office taking to reduce the burdens on these voters in getting their provisional ballots counted and learning the status of their ballot?
- (4) Have impacted voters been informed about the actions they must take, if any, in order to have their provisional ballots counted?
- (5) Have impacted voters been informed that they have been restored to the rolls?

---

<sup>3</sup> Press Release, *supra* note 2, at 1.

<sup>4</sup> The status of provisional ballot can be found at <https://www.lavote.net/pbstatus>.



- (6) What instructions were provided to poll workers regarding use of provisional ballots prior to Election Day? What instructions were provided to poll workers following disclosure of the exclusion of voters? Were copies of any written instructions or revised protocols disseminated to voters on Election Day?
- (7) Were any news alerts issued on Election Day? If so, where were these placed and in what languages? What other steps were taken to communicate with impacted voters on Election Day?
- (8) If counting of provisional ballots remains incomplete, what is your office's time frame for completing a full count? What is the number of ballots were counted?

As you know, federal and state laws place restrictions on when voters can be removed from the rolls. It is essential that voters have confidence in the electoral process and also critical that this kind of incident never happens again. To that end, we are requesting a meeting with you to discuss this matter and to determine what steps must be taken to prevent its recurrence. We would also like to confirm your time frame for completing the count of all provisional ballots to help voters in Los Angeles County better understand this process.<sup>5</sup>

We look forward to hearing from you by Tuesday, June 12, 2018. You can contact me directly or Marcia Johnson-Blanco, Co-Director of our Voting Rights Project, at [mblanco@lawyerscommittee.org](mailto:mblanco@lawyerscommittee.org). We thank you for your immediate attention to this important matter.

Sincerely,

Kristen Clarke

President and Executive Director

Lawyers' Committee for Civil Rights Under Law\*

*\*Leader of the national Election Protection Coalition*

cc: Margaret Morrow  
President and CEO  
Public Counsel

Supervisors, County of Los Angeles Board of Supervisors

---

<sup>5</sup> Your website contains conflicting information regarding your timeline for counting provisional ballots. Your Press Release from June 6, 2018, indicates that your office is "tentatively scheduled" to certify the election results on June 29, 2018, approximately three weeks after Election Day. See Press Release, Semi-Official Results Announced for the Statewide Direct Primary Election (June 6, 2018), [https://www.lavote.net/docs/rcc/news-releases/06052018\\_semi-official-results.pdf?v=1](https://www.lavote.net/docs/rcc/news-releases/06052018_semi-official-results.pdf?v=1). However, another page on your website suggests that provisional ballots are counted during a thirty-day period following Election Day. See *Certifying Results*, LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK: ELECTION RESULTS, <https://www.lavote.net/home/voting-elections/current-elections/election-results/certifying-results> (last visited June 7, 2018). We seek clarification on the correct timeline for completing a count of provisional ballots.