



30 April 2021

Paul Pate
Iowa Secretary of State
First Floor – Lucas Building
321 E 12th ST
Des Moines, IA 50319
Via email to Paul.Pate@sos.iowa.gov

Dear Secretary Pate:

RE: Public records request related to 2021 No Activity Notices to Voters

Recently, your office mailed out No Activity Notices (NAN) to thousands of persons in the State of Iowa. Included in those NANs were seventeen year old citizens not eligible to vote in the 2020 general election, persons whose voter registrations were “pending” in IVoters, e.g., naturalized citizens, and deceased voters, who had been “cancelled” in IVoters.

Linn County had forty-two (42) seventeen year old citizens changed from “active” to “inactive” voters in IVoters.

Linn County had 121 voter registration applicants changed from “pending” to “inactive” in IVoters. This action, if left unchecked, will or would allow applicants who had NOT yet been verified to be US citizens, to vote in upcoming elections because, per your Legal Counsel (4/28/2021 Zoom with Iowa election officials), “inactive voters are processed exactly the same as active voters”.

I am hereby requesting a copy of all public records, in whatever form (e.g., SMS text messages, emails, paper, social media), within the possession of the Office of the Iowa Secretary of State and its contractors* (SoS et al) related to:

- 1> **Seventeen (17) year old citizens who were “inactivated” in IVoters regardless of whether or not they were reclassified into another status at some point in time during or after the NAN processing by the SoS et al;**
- 2> **Voter registration applicants who were in a “pending” status in IVoters, and mailed NANs regardless of whether or not their voter status was changed at some point in time during or after the NAN processing by the SoS et al; and,**
- 3> **Deceased voters, who were in a “cancelled” status in IVoters, whose status was changed to something other than “cancelled” at some point in time during or after the NAN processing by the SoS et al.**

The Iowa Public Information Board indicates most requests for records are routine and should be handled promptly. An Advisory Opinion issued by the IPIB on October 16, 2014, references a 2013 Iowa Supreme Court case (*Horsfield Materials Inc. v. City of Dyersville*) which states that an open record should "be provided promptly when requested unless the size and nature of the records make access infeasible." If compliance for providing the record requires time due to the size or nature of the request, the custodian of the record should comply as soon as feasible.

*Please refer to the recent Iowa Court of Appeals case of *Diercks vs City of Bettendorf*, which explains that records of an Iowa governmental body or official that are in the possession of a third party are still subject to the provisions of Iowa Code Chapter 22.

Please contact me with date you expect to release the records or if you have any questions about this request.

If there is a fee for fulfilling this request, please inform me in advance of the amount. Section 22.3 says that the fee shall not exceed the actual cost of providing the service.

Thank you for your attention to this matter.

Sincerely,



Joel D. Miller
Linn County Auditor