



STATE OF NEBRASKA

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The Honorable Kris Kobach, Vice Chair
Presidential Advisory Commission on Election Integrity
1650 Pennsylvania Ave. NW, Room 268
Washington, D.C. 20504

September 19, 2017

Dear Secretary Kobach and Members of the Commission,

This letter acknowledges receipt of the signed Public Service Request Form to my office dated August 31, 2017 and signed by Ron Williams, representing the Presidential Advisory Commission on Election Integrity. As you are well aware, the issue of providing personally identifiable information is one that deeply concerns many citizens. This was enhanced by the recent breach of Equifax that exposed the personal data of 143 million Americans. Due to public sensitivity regarding personal identity theft, I have to act with extreme caution and certainty about the release of our voter registration data.

Prior to submitting any data, I am requesting the commission answer the following questions which, in part, were posed in my letter of July 14, 2017:

1. In your second letter to the states on July 26, 2017, you assure "*...that the Commission will not publically release any personally identifiable information regarding any individual voter or any group of voters from the voter registration records you submit.*" Given all records kept by the Commission are subject to the Presidential Records Act and sent to the National Archives after the remainder of the President's term, what assurances can you give the voters of the State of Nebraska that their information will not be released under a Freedom of Information Act (FIOA) request? Such a distribution of the list under a FIOA request would be a violation of the oath taken under Neb. Rev. Stat. §32-330.
2. Your July letter also states "*...the Commission will dispose of the data, as permitted by federal law.*" Given your Commission's obligations under the Presidential Records Act, we request the specific authority the Commission has to dispose of the data under federal law. If the Commission finds that in fact that the data cannot be destroyed, I request to know specifically how the commission will secure Nebraska's voter data. In addition, I

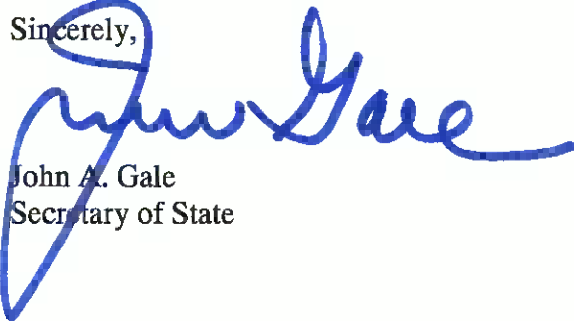
request to know what level of data security and privacy will be provided to Nebraska's voter data once the Commission terminates.

3. Additionally, despite the dismissal of one lawsuit that had held up collection of voter data by the Commission, there are a number of other lawsuits pending which might preclude my office from sending any voter data at this time. Please provide clarification as to status of other lawsuits, which may or may not affect the commission from receiving data and using it.

Finally, as I noted in my written response to the Commission, the statewide list of registered voters is available in Nebraska subject to a fee as well as the signing of an oath. Now that the oath has been signed, once the Commission has addressed our questions to my satisfaction, we can coordinate the payment method for the list.

We appreciate your cooperation. Feel free to reach out to my office, should you need further clarification on addressing these follow-up issues.

Sincerely,



John A. Gale
Secretary of State