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October 9, 2014

VIA EMAIL & US MAIL

Ms. Kim Westbrook Strach
Executive Director
North Carolina State Board of Elections
PO Box 27255
Raleigh, NC 27611-7255

Re: Supplemental response to complaint filed September 29, 2014 by North Carolina Democratic Party

Dear Ms. Strach:

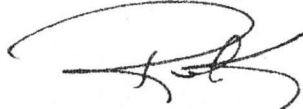
This letter serves as a supplement to my letter of October 7, 2014 on behalf of Americans For Prosperity Foundation (AFPF) in response to the North Carolina Democratic Party (NCDP) complaint with the North Carolina Board of Elections. It is AFPF's hope that its remedial actions over the last few days have reinforced that the motivation behind its voter registration drives has been and continues to be to increase voter participation in the State of North Carolina. I have attached a list of 18 newspapers from across the state that ran AFPF's advertisements informing potential voters of voter registration deadlines and encouraging them to register.

Also attached are two emails from the Complainant North Carolina Democratic Party ("NCDP") to its supporters as well as a blog post from MoveOn.org demonstrating that the true motivation for filing the complaint appears to have been to raise money and attack AFPF.

As always, please let me know if you need anything further to assist you in your determination and thank you for considering this supplemental information.

Ms. Kim Westbrook Strach
October 9, 2014

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Knight', with a large, sweeping loop at the end.

Roger W. Knight
Counsel for Americans for Prosperity Foundation

Enclosures: Emails from Randy Voller and Casey Mann and MoveOn.org blog post

From: Randy Voller <Chairman@ncdp.org> **Date:** October 1, 2014 at 12:42:34 PM EDT **To:** **Subject:** FWD: Sworn Complaint Filed Reply-To: <Chairman@ncdp.org>

Dear Friends,

Americans for Prosperity (AFP) need to stop their "Koch" fueled campaigns in North Carolina that are misleading citizens. We are taking a stand. Earlier this week, I hope you saw the email with our official complaint against the actions of Americans for Prosperity in North Carolina. AFP's actions are drawing nationwide scrutiny and even MSNBC's Rachel Maddow tweeted about the controversy:



The Rachel Maddow Show

50 mins · 🎧

How serious a problem is it that the Koch brothers' group sent out voting materials in North Carolina with incorrect information?

Serious enough to launch an official state investigation into the organization's actions.

<http://on.msnbc.com/1rBbmlk>

Like · Comment · Share · Buffer · 👍 2,340 💬 364 ➦ 788

Support us as we combat the "dark money" that continues to infiltrate our state and distort our democracy. Early voting begins soon so there's no time to waste. Please invest what you can to help us educate and inform voters across North Carolina as we work with Kay Hagan, the judicial candidates and all Democrats up and down the "Blue Ballot" in our state to win on November 4th!

Best regards,
Randy Voller

From: Casey Mann**Sent:** Monday, September 29, 2014 2:50 PM
To: Chairman Randy Voller**Subject:** Sworn Complaint Filed

Dear Fellow Democrat,

Conservative groups will stop at nothing to suppress the vote in North Carolina. Our voting rights have been under attack by repressive laws, dark money, and now Americans for Prosperity (AFP).

Today, I swore out a complaint on behalf of the NCDP that clearly demonstrates how these letters are confusing and misleading to voters. A group as calculating as AFP does not accidentally send thousands of mailers - multiple times - to homes across the state. Besides targeting deceased citizens and a cat, I even know of one documented immigrant who received **three** letters demanding that they register to vote.

Can you help us by sending \$25, \$50, or any amount as we battle against voter suppression, confusion, and intimidation?

Under the Blue Ballot Campaign, we will be providing our organizers with science-driven precinct level data, access to targeted voter universes in VoteBuilder, training and materials, and support from the State Party. Voter Education = Voter Empowerment.

Stand with us as we fight for voters' rights. This election year is too important to do nothing. We need your help to fight this legal battle to ensure groups like Americans for Prosperity are kept out of our democratic process. Now is our opportunity to elect county commissioners, judicial candidates, legislative candidates, and maintain the Senate for our President.

Any amount you give will go towards helping elect solid Democratic candidates all over our state, and put a stop to groups that want to challenge our right to vote.

We will continue to fight against misleading, erroneous, and shameful behavior taking place against our voters.

Democratically yours,

Casey

Link to the complaint <http://www.ncdp.org/press/north-carolina-democratic-party-files-formal-complaint>

Paid for by the North Carolina Democratic Party (www.ncdp.org) Not authorized

North Carolina Democratic Party 220 Hillsborough Street Raleigh
NC 27616 United States

Koch brothers caught red handed

Hi there—I wanted to make sure you saw Maria's urgent message from the other day.

ABC news reports that a Koch brothers' front group sent false voter registration information Can you chip in \$3 to help set the record straight and hold accountable the pe

Dear MoveOn member,

In an election too close to call that could determine control of the U.S. Senate, ABC News reports that **hundreds of thousands of voters have received grossly incorrect voter registration information in the mail from the Koch brothers' right-wing front group, Americans for Prosperity.**¹

Here's just some of what's in the mailing:

- **The wrong deadline** for registering to vote—cutting the registration window short by five days, critical for working families.
- **The wrong office** for questions on voter registration and **the wrong zip code** for turning in a voter registration form.
- **False information** about how voters will be notified of their precinct after they register to vote.²

This may be a felony—if the voter registration information is intentionally misleading and is found to discourage voters.³ And we're **preparing for possible legal action** to hold the Koch-funded perpetrators accountable. **Can you chip in \$3 to help us launch an emergency, rapid-response campaign to stop North Carolina's Senate seat from being stolen?**

Yes, I'll chip in to fight back against this outrageous mailing.

If we don't fight back now, this mailing could tip the scales in North Carolina—one of the handful of states that will decide if Republicans take control of the Senate. **We can't let them get away with it.**

At best, this is an egregious oversight that could mean thousands of eligible voters not registering to vote. At worst, **it's a cynical move by a**

right-wing organization to disenfranchise Democratic voters and steal a Senate seat—and maybe even control of the entire U.S. Senate. In either scenario, it demands a response.

Our team spun into action as soon as this news broke, putting in motion possible legal action and contacting MoveOn members in North Carolina who may have received this mailing.

Now, we need your support if we're going to fight this injustice, set the record straight, and hold accountable the people responsible for deceiving voters.

Can you chip in \$3 to help fight back?

Yes, I'll help educate voters and hold the people who sent this mailing accountable.

AFP's North Carolina director called the bad information his organization mailed out "non-substantive" and "minor administrative errors."^{4,5} So-called "minor errors"—that could disenfranchise thousands of people!

Whatever the story behind the faulty voter registration forms, the fact remains that **there are likely hundreds of thousands of potential voters being handed false information about voting less than six weeks before a major election.**

With sufficient funds, here's what we'll do to fight back:

- We'll **get ads on the radio and in community newspapers to give voters the correct information** wherever the deceitful mailings were reported.
- We'll **prepare for possible legal action** to hold the Koch-funded perpetrators accountable. If voter registration information is intentionally misleading and is found to discourage voters, providing that information could be a felony.
- We'll organize MoveOn's awesome volunteers to **call voters** in North Carolina to make sure they understand the stakes of this election and have access to accurate information.
- And we'll **support voters in making their voices heard—to make this maneuver backfire.** In 2012, when Republicans passed laws that

turned voting into an obstacle course, some of the most affected communities—African Americans and Latinos—voted in greater numbers than in 2008, before voter suppression had become such a popular GOP tactic.⁶

We expect this campaign to cost around \$80,000—and more if it becomes a legal battle. We expected we'd be fighting voter suppression this election season, and budgeted accordingly—but we never expected something this outrageous. That's why we're asking for your help right now.

Can you chip in \$3 to help stop Americans for Prosperity, the Koch brothers, and the GOP from stealing the election?

Yes, I'll chip in to make sure this Senate seat isn't being stolen through dirty tricks.

Thanks for all you do.

—Maria, Victoria, Jo, Brian, and the rest of the team