



NORTH CAROLINA

State Board of Elections

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 733-7173
Fax: (919) 715-0135

KIM WESTBROOK STRACH
Executive Director

September 30, 2014

VIA EMAIL & US MAIL

Americans for Prosperity
c/o Victor Bernson, General Counsel
2111 Wilson Blvd., Ste. 350
Arlington, Virginia 22201
vbernson@afphq.org

**Re: Notice of Complaint filed September 29, 2014 by North Carolina Democratic Party
("Complaint").**

Dear Mr. Bernson:

This correspondence serves to inform Americans for Prosperity ("AFP") that the North Carolina Democratic Party ("NCDP") has filed the above-referenced Complaint with the State Board of Elections in connection with certain mailers sent throughout North Carolina in recent weeks ("Mailers"). A copy of the Complaint enclosed for your review.

On Monday morning, prior to the filing of the Complaint, I met with Peter Schalestock at my office in Raleigh. As discussed at that time, inaccurate information contained in AFP's mailing has become a source of concern for our office, the county boards of elections, and many hundreds of North Carolinians who have contacted our Agency. We appreciate AFP's willingness to discuss this matter.

Based on the information provided by Mr. Schalestock, it is our understanding that additional mailings sent late last week will be delivered over the next several days. Those mailers contain the same instruction errors as the prior Mailing. Additionally, these final pieces may be sent to the same addressees, resulting in a repetition of the initial error. Among other inaccuracies, the mailing contained the wrong registration deadline.

After advising Mr. Schalestock of our concern regarding misinformation contained in AFP's Mailing and the high volume of calls regarding ineligible recipients, we asked that Mr. Schalestock communicate our request that AFP consider a corrective mailer or other remedial steps to advise affected members of the public that the registration deadline is October 10. I reiterate our request that AFP consider such a course of action. Our staff stands ready to review the proposed content of any future written materials concerning North Carolina's election laws.

The Complaint filed by NCDP alleges violations of North Carolina law relating to voter suppression under NC GEN. STAT. § 163-275(17). In order to address the allegations made in the Complaint, please provide responses to the following questions:

6400 Mail Service Center ▪ Raleigh, NC 27699-6400
441 N. Harrington Street ▪ Raleigh, NC 27611-7255

1. Describe in detail the process by which AFP crafted the content of the Mailer. Provide the names of the individuals that were responsible for the content of the Mailer.
2. Describe the Mailer's scope of distribution in North Carolina, including but not limited to the number of pieces sent and the demographic selection criteria for Mailer recipients.
3. Provide the name of any individuals and/or vendors used to produce the mailing list.
4. State when AFP first became aware that the Mailer contained an inaccurate registration deadline.
5. List all other states in which AFP distributed a substantially similar mailer within the past six months.
6. Describe any remedial steps AFP has taken to address the matters alleged in the Complaint.

Please provide a response within five days of the date of this letter.

Sincerely,



Kim Westbrook Strach

Executive Director, North Carolina State Board of Elections

Cc: Peter Schalestock, AFP Deputy General Counsel (*via* email: pschalestock@afphq.org)
Don Wright, SBE General Counsel (*via* email: don.wright@ncsbe.gov)
Corporation Service Company (*via* US Mail: 327 Hillsborough Street, Raleigh, NC 27603)

Encl.: NCDP Complaint (September 29, 2014)



Hon. Randolph Voller, Chairman

Casey Mann, Executive Director

Ms. Kim Strach
Executive Director
North Carolina State Board of Elections
411 North Harrington Street
Raleigh, N.C. 27611



RE: Americans for Prosperity Foundation

Via Hand Delivery

Dear Ms. Strach,

This Complaint is brought by Casey M. Mann, Executive Director of the North Carolina Democratic Party. The Complaint addresses a series of voter registration mailers that are misleading and contain incorrect and contradictory information that was mailed in the course of the 2014 General Election.

On information and belief each of the above referenced communication was conceived by Americans for Prosperity Foundation reflects a decision to attempt to utilize misleading, incorrect, and confusing voter registration mailers as a means of discouraging or intimidating voters in the 2014 General Election.

The mailer, a copy of which is attached here, includes incorrect or conflicting information as follows: (1) At the top of the mailer, the mailer states voter registrations are due 30 days before an election to the State Board of Elections' office. Below, in smaller type, the mailer states that the deadline for voter registrations is 25 days before the election. (2) The first page of the mailer states people should return the registration to the North Carolina Secretary of State's office, though the envelope provided is addressed to the NC State Board of Elections. (3) The mailer states the Secretary of State's office has an elections division and can answer questions about registration. (4) The mailer states that after voters mail in their information, they will be notified of their precinct by their local county clerk. (5) The mailer contains an incorrect ZIP code for the State Board of Elections.

The above referenced statements were certainly known by the Respondent to be false and known by the Respondents to have the effect of misleading, intimidating, and/or discouraging participation in the North Carolina General Election by recipients not yet sufficiently informed with respect to the voter registration requirements. Further, on information and belief the Respondent intended that the recipients of the communications would be misled, intimidated, and/or discouraged from voting and such communications are designed to effect that result.

The mailer is thus in violation of the provision of election laws. The applicable statutory language is as follows:



§ 163-275. Certain acts declared felonies.

Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:

- 17) For any person, directly or indirectly, to misrepresent the law to the public through mass mailing or any other means of communication where the intent and the effect is to intimidate or discourage potential voters from exercising their lawful right to vote.

I respectfully request the State Board of Elections open an immediate investigation and if proper, turn the matter over to the Wake County District Attorney for prosecution.

Sincerely,

A handwritten signature in black ink, appearing to read "Casey M. Mann". The signature is fluid and cursive, with a large loop at the end.

Casey M. Mann

STATE OF NORTH CAROLINA

VERIFICATION

COUNTY OF WAKE

The undersigned, Casey M. Mann, after being duly sworn, deposes and says that she has read the foregoing Complaint and knows the contents thereof to be true of her own knowledge, except as to those matters and things alleged upon information and belief, and as to those matters and things she believes them to be true.

This the 29 day of September, 2014.



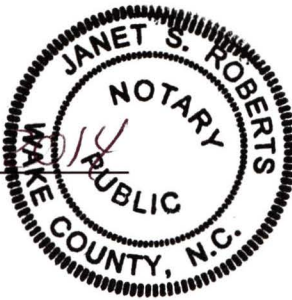
Casey M. Mann

SWORN TO AND SUBSCRIBED
before me this day by Casey M. Mann.

This 29 day of sept, 2014.

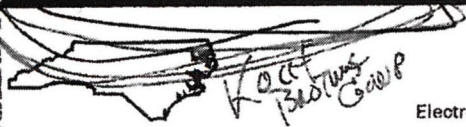


Notary Public
My Commission Expires: 12 30 14



VOTER REGISTRATION DOCUMENTS ENCLOSED

Americans for Prosperity Foundation 200 West Morgan St Suite 100 Raleigh, NC 27601



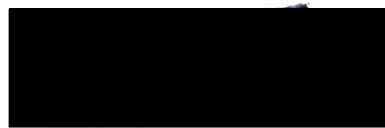
*Koch
Blattner
Camp*

Electronic Service Requested

Non-Profit Org.
US POSTAGE
PAID
WBS

28967

*My youngest
Blattner
Has not lived
Here since
1995 -
Registered in Maryland*



Please return to the North Carolina Secretary of State in the enclosed postage-paid envelope

IMPORTANT VOTER REGISTRATION INFORMATION INSIDE

*David, please complete
with your name, address,
date of birth etc.
Don't forget to sign and date.*

Register to vote today!

If you want to vote in this election you must be registered. That's why the Americans for Prosperity Foundation is sending you this official application form.

Registering to vote is easy.
Just fill out and mail in this form.

Please review the attached form and instructions. Make sure your information is correct and complete. If you need to make corrections, you can write them directly on the application. Then sign and date the form and return it in the envelope provided.

Privacy is protected

If you use the enclosed envelope, your application will be delivered directly to your election officials and no one else will see the contents.

Voting is important.

Registering to vote is voluntary, but to vote, you must be registered. Returning this form promptly ensures that you will be registered to vote in the next North Carolina election. Voters must register in North Carolina 30 days before an election. Please check with your election officials by visiting <http://www.ncsbe.gov/ncsbe>. Act today. **Don't delay.**

If you are qualified and the information on your form is complete, you will be notified of your voting precinct by your local County Clerk.

TO MAIL

Fold form on middle perforation, remove plastic strip, seal at bottom, stamp and mail.

QUESTIONS?

Call your local County Clerk

or

North Carolina Secretary of State
Elaine F. Marshall
Elections Division - Voter Services
919-733-7173

If you have already registered at your current address, there is no need to submit this application.

Complete this form and mail it in the attached envelope today!

NC VOTER REGISTRATION APPLICATION INSTRUCTIONS

You may use this form to:

- Register to vote in your North Carolina county of residence
- Update your name, address, or party affiliation in the North Carolina county in which you are currently registered
- Cancel your previous registration in another county or state

To be eligible to vote in the election in which you are registering:

- You must be a U.S. citizen
- You must be at least 18 years of age by the date of the next general election
- By election day, you must have resided in the county for at least 30 days
- You must not be currently serving a felony sentence. If previously convicted of a felony, you must have fully completed your sentence, including probation or parole. No special dispensation is required.

Voter Registration and Declaration Statements

The location or office where you submitted this application will remain confidential and will be used only for voter registration purposes. If you decline to register to vote, the fact that you so declined will remain confidential.

Registration Deadline

This application must be received (or postmarked) by your county board of elections no later than 25 days before the date of the first election in which you desire to vote.

Returning Your Form

Registering for the first time in the county in which you presently reside, or if you are changing your party affiliation, your county board of elections must receive your originally signed application. If you are currently registered in your county of residence and you are using this form to update your name, address, or other information, you may also fax or email a scanned image of your signed application. You should submit your signed application to your county board of elections. Visit www.ncsbe.gov for the address, fax number, or email address for your county board of elections.

Valid Identification (ID) Requirements

First American Photo ID Requirements - Under federal and state law, if you are registering and cannot provide a valid ID number in Section 3, you should include with this application a copy of one of the documents listed below:

- A current and valid photo ID.
- A current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address.

If you do not provide a valid ID number on your application or submit a copy of one of the documents noted above, you must show ID the first time you vote.

Photo ID Requirements - Effective January 1, 2016, North Carolina voters will need to show a photo ID when voting in person. Acceptable types of photo ID for purposes of voting are:

- Unexpired North Carolina driver's license, learner's permit, provisional license or non-operators identification card
- Unexpired United States passport
- United States military identification card
- Veterans Identification Card
- Tribal enrollment card issued by a federally or NC recognized tribe
- Unexpired out-of-state drivers license or non-operators ID card (may only show if you initially register within 30 days of election day)

Voters who have a religious objection to being photographed must sign a declaration stating this objection before an election official at least 25 days before the date of an election. Contact your county board of elections for more details on ID requirements in North Carolina.

Contact

Contact your county board of elections (contact information is available at www.ncsbe.gov) or call or email the State Board of Elections at:

1-866-522-4723 or elections.sboe@ncsbe.gov

Complete this form and mail it in the attached envelope today!

Americans for Prosperity Foundation tracks the registration rates of eligible voters. Our records show that you may be eligible to vote in the next election in North Carolina. If you are a U.S. citizen and meet the requirements below, all you need to do is fill out the attached registration form and return it to your election officials in the envelope provided. We are tracking the level of voter registration in your neighborhood and hope that we can add your name to the list of people who are registered in 2014.

Already Registered?

If you are not sure if you are registered to vote at your current address, you can check by visiting <http://www.ncsbe.gov/ncsbe> if you have already registered at your current address, there is no need to submit this application

NORTH CAROLINA VOTER REGISTRATION APPLICATION

Please use black ink and print legibly.

06w

<p>1 Are you a citizen of the United States of America? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>IF YOU CHECKED "NO" IN RESPONSE TO THIS QUESTION, DO NOT SUBMIT THIS FORM.</p>	<p>Will you be at least 18 years of age on or before election day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>IF YOU CHECKED "NO" IN RESPONSE TO THIS QUESTION, DO NOT SUBMIT THIS FORM.</p>
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2

Last Name (Required)

First Name (Required)

Middle Name (Required)

3

Date of Birth MMDDYYYY (Required)

State of Birth/Country of Birth

If you know your NC Voter Registration Number, enter it below.

If you have a NC drivers license or non-operators ID card, enter the number below.

<input type="checkbox"/> Female	<input type="checkbox"/> Black	<input type="checkbox"/> Alaska Native	<input type="checkbox"/> Independent	<input type="checkbox"/> Democrat	<input type="checkbox"/> Republican	<input type="checkbox"/> Libertarian
<input type="checkbox"/> Male	<input type="checkbox"/> Asian	<input type="checkbox"/> Multiracial	<input type="checkbox"/> Not Hispanic/ Latino	<input type="checkbox"/> Unaffiliated	<input type="checkbox"/> Other _____	
	<input type="checkbox"/> White	<input type="checkbox"/> Other	If you indicate a political party that is not currently qualified, or you do not indicate a choice, you will be listed as "Unaffiliated."			

PREVIOUS VOTER REGISTRATION (This information will be used to cancel your previous voter registration in another county or state.)

7	Last Name used in Previous Registration		First Name used in Previous Registration	
	Previous Address		Previous County	
	Previous City	Previous State	Previous Zip Code	

I attest, under penalty of perjury, that in addition to having read and understood the contents of this form, that:

- I am a United States citizen, as indicated above;
- I am at least 18 years of age, or will be by the date of the general election;
- I shall have been a resident of North Carolina, this county, and precinct for 30 days before the election in which I intend to vote;
- I will not vote in any other county or state after submission of this form and if I am registered elsewhere, I am canceling that registration at this time; and
- I have not been convicted of a felony, or if I have been convicted of a felony, I have completed my sentence, including any probation or parole.
(Citizenship and voting rights are automatically restored upon completion of the sentence. No special document is needed.)

Fraudulently or falsely completing this form is a Class I Felony under Chapter 163 of the NC General Statutes.

X _____ Date

Signature (Required)

version 102013

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO 236 ARLINGTON, VA

POSTAGE WILL BE PAID BY ADDRESSEE

**NC STATE BOARD OF ELECTIONS
PO BOX 27255
RALEIGH NC 27690-0019**



IMPORTANT ELECTION INFORMATION

How to Register



Complete the enclosed application



Verify you have completed all fields



Sign and Date your application



*Return Your Application to the Board
of Elections*

David Castleberry
328 Barbour St
Clayton, NC 27520-2406



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES