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California Secretary of State

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Secretary of State Alex Padilla Reaffirms California Will Not Comply with Kobach Commission Voter Data Request

SACRAMENTO – Yesterday, a DC federal district court denied a request for a temporary restraining order against the Presidential Advisory Commission on Election Integrity that would have prohibited the Commission and Vice Chair Kris Kobach from receiving any voter data from states. The lawsuit filed by the Electronic Privacy Information Center (EPIC) alleges that the President’s Voter Fraud Commission violated federal law by failing to conduct a Privacy Impact Assessment. Under the E-Government Act of 2002, Privacy Impact Assessments are required to “ensure sufficient protections for the privacy of personal information as agencies implement citizen-centered electronic Government.”

California Secretary of State Alex Padilla released the following statement:

“United States District Court Judge Colleen Kollar-Kotelly’s ruling clarified the Commission’s ‘request for information is just that—a request.’ The Commission has no independent authority to compel states to surrender voter data. Despite the ruling, Judge Kollar-Kotelly further cautioned the Commission’s request for voter data might still result in judicial review if circumstances related to the request change.

“The court’s ruling doesn’t change anything. While the commission is allowed to request the personal data of California voters, they cannot compel me to provide it. Let me reassure California voters: I will not provide the Commission with any personal voter data. Californians can be confident that when they register to vote or cast a ballot I will protect against presidential overreach and defend against any effort to compel my office to turn over their sensitive information.”

“Yesterday’s ruling is merely the first in a string of lawsuits challenging the Commission. Those lawsuits send a strong message – the Commission will face opposition at every step of the way from those who are fighting to protect our voting rights, our privacy, and our democratic principles. The sham Commission has been flawed from its inception. It is clear that the Commission is a thinly veiled attempt to justify President Trump’s unsubstantiated and debunked claims that he lost the popular vote in the 2016 Presidential Election by up to ‘5 million illegally’ cast votes.

“Vice President Pence and Vice Chair Kris Kobach have already endorsed Trump’s demonstrably false statement that massive voter fraud exists and I have no confidence that this commission hasn’t already arrived at a conclusion that will be used to support legislation that will dramatically undermine the voting rights of American citizens.

“A majority of states led by Republican and Democratic secretaries of state, have refused to comply outright with the request or only agreed to send some information. At the last meeting of the National Association of Secretaries of State, secretaries unanimously approved a resolution reaffirming states’ rights to protect the integrity of our elections, including the secrecy of the ballot, security and personal information included in our voter rolls.”

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