

**RE: Judicial Watch v. Logan**

Andrew Baum &lt;abaum@glaserweil.com&gt;

Wed 2/15/2023 6:48 PM

To: Robert Popper &lt;rpopper@JUDICIALWATCH.ORG&gt;; Anna Ferrari &lt;Anna.Ferrari@doj.ca.gov&gt;

Cc: Paul Stein &lt;Paul.Stein@doj.ca.gov&gt;

**[EXTERNAL EMAIL]**

Counsel,

Pursuant to Paragraphs 11 and 13 of the Settlement Agreement between and among the parties to *Judicial Watch, Inc., et al. v. Logan, et al.*, Case No. 17-cv-08948 (C.D. Cal.) (the "Settlement Agreement"), Secretary of State Shirley Weber and Los Angeles County Registrar-Recorder/County Clerk Dean Logan provide the following information for January 2023:

**Paragraph 11 – Summary Description of Compliance with List Maintenance Requirements of Section 8 of NVRA**

In accordance with Paragraph 11 of the Settlement Agreement, Secretary of State Shirley Weber and Los Angeles County Registrar-Recorder/County Clerk Dean Logan describe below Los Angeles County's existing programs, activities, and procedures for complying with the list maintenance requirements of Section 8 of the National Voter Registration Act of 1993 (NVRA), to the extent they are determined by state law, as follows:

**Change of Registrant's Residence**

The NVRA does not mandate any particular method of identifying registrants who have become ineligible to vote by reasons of a change in their residence as part of a general program to remove ineligible voters. (See 52 U.S.C. § 20507, subd. (a)(4).) Los Angeles County elections officials follow the procedures for confirming registrants' addresses set forth in California Elections Code sections 2220 through 2226. These procedures are described in detail in Chapter 4 of the 2019 California NVRA Manual, which is entitled "Voter Registration Applications and Voter List Maintenance," the most recent publication of which, dated January 2021, has been provided to you in accordance with Paragraph 13(f) of the Settlement Agreement. These procedures include:

- the sending of voter notification cards (Elec. Code, §§ 2155, 2155.3);
- the use of a preelection residency confirmation postcard (Elec. Code, § 2220) or an alternative procedure, such as
  - the use of national change of address data from the U.S. Postal Service (Elec. Code, § 2222);
  - the mailing of county voter information guides with address correction requests (Elec. Code, § 2223); or
  - obtaining change-of-address data from a consumer credit reporting agency (Elec. Code, § 2227);
- the sending of address confirmation notices in response to information indicating that a registrant has moved (Elec. Code, §§ 2155, 2225, 2226);
- the intra- or inter-county transfer of voter registrations, when appropriate (Elec. Code, § 2155);
- the placement of voter registration records on inactive status, when appropriate (Elec. Code, § 2221, 2225); and

- the cancellation of voter registrations when all requirements of Section 8(d)(2) of the NVRA (52 U.S.C. § 20507(d)(2)) have been satisfied (Elec. Code, §§ 2225, 2226).

### **Death of Registrant**

The NVRA does not mandate any particular method of identifying registrants who have become ineligible to vote by reason of their death as part of a general program to remove ineligible voters. (See 52 U.S.C. § 20507, subd. (a)(4).) Los Angeles County elections officials identify deceased registrants through (1) records provided by the Los Angeles County Department of Public Health, (2) records provided by the Los Angeles County Registrar-Recorder/County Clerk, and/or (3) records provided by the Department of Health Services, through the Secretary of State.

### **Registrant's Felony Conviction**

The NVRA does not mandate any particular method of identifying registrants who have become ineligible to vote by reason of a criminal conviction, as determined by state law. (See 52 U.S.C. § 20507, subd. (a)(3).) The NVRA also does not mandate that the general program to remove ineligible voters pursuant to Section 8(a)(4) of the NVRA encompasses those registrants who have become ineligible to vote by reason of a felony conviction. Los Angeles County elections officials identify registrants whose felony convictions and present imprisonment render them ineligible to vote by processing information provided from the California Department of Corrections and Rehabilitation through the California Secretary of State. (Prior to the approval of Proposition 17, which became effective on December 16, 2020, persons on parole for a prior felony conviction were also ineligible to vote in California. (Stats.2020, Res. c. 24 (A.C.A. 6), §§ 1–2).)

### **Registrant's Mental Incapacity**

The NVRA does not mandate any particular method of identifying registrants who have become ineligible to vote by reason of mental incapacity. (See 52 U.S.C. § 20507, subd. (a)(3).) The NVRA also does not mandate that the general program to remove ineligible voters pursuant to Section 8(a)(4) of the NVRA encompasses those registrants who have become ineligible to vote by reason of mental incapacity. Los Angeles County elections officials follow the procedures for identifying registrants whose legally-established mental incapacity renders them ineligible to vote set forth in California Elections Code sections 2208 through 2211.

### **Paragraphs 13(a) – (e): Registration & Notice Data**

In accordance with Paragraphs 13(a) – (e) of the Settlement Agreement, Los Angeles County Registrar-Recorder/County Clerk Dean Logan provides the following data:

#### **Paragraph 13(a) – Number of Active Registrations in Los Angeles County**

5,625,145

#### **Paragraph 13(b) – Total Number of Registrations on Los Angeles County's Inactive File of Registered Voters**

526,609

#### **Paragraph 13(c) – Number of Registrations Placed on Los Angeles County's Inactive File in Past Year**

210,427

#### **Paragraph 13(d) – Number of Registrations Continuously on Los Angeles County's Inactive File (or Showing No Voting-Related Activity) for:**

(i) two consecutive general federal elections,

0

(ii) three consecutive general federal elections,

0

(iii) four consecutive general federal elections, and

0

(iv) five or more consecutive general federal elections.

0

**Paragraph 13(e) – Number of Section 8(d)(2) Notices that Los Angeles County, within the Past Year:**

(i) sent to registrants,

248,782

(ii) received back from voters confirming registration,

15,267

(iii) received back confirming registration should be invalidated,

13,723

(iv) received back as undeliverable, and

43,721

(v) sent but did not receive back.

176,071

**Paragraph 13(f) – All Updates to, or New, Manuals, Formal Guidance, Advisory Opinions, Training Materials, FAQs, and Administrative Regulations Governing or Concerning How Los Angeles County Is to Comply with the List Maintenance Requirements of Section 8 Of The NVRA, Including Programs Relating to Felons and Those Adjudicated Mentally Incompetent.**

In accordance with Paragraph 13(f) of the Settlement Agreement, Secretary of State Shirley Weber and Los Angeles County Registrar-Recorder/County Clerk Dean Logan provide the documents included in the following link: <https://www.dropbox.com/sh/05ngdoq0tiy9xcp/AACuBxwAgUUD8gDuk6cKPSdya?dl=0>

Andy

## Glaser Weil

**Andrew Baum**

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**From:** Robert Popper <[rpopper@JUDICIALWATCH.ORG](mailto:rpopper@JUDICIALWATCH.ORG)>

**Sent:** Monday, January 30, 2023 5:03 PM

**To:** Anna Ferrari <[Anna.Ferrari@doj.ca.gov](mailto:Anna.Ferrari@doj.ca.gov)>

**Cc:** Andrew Baum <[abaum@glaserweil.com](mailto:abaum@glaserweil.com)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>

**Subject:** Re: Judicial Watch v. Logan

Anna,

No problem, we'll look for the report on Feb. 15. I hope all is well with you.

Bob

Robert D. Popper  
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**From:** Anna Ferrari <[Anna.Ferrari@doj.ca.gov](mailto:Anna.Ferrari@doj.ca.gov)>  
**Sent:** Monday, January 30, 2023 6:40 PM  
**To:** Robert Popper <[rpopper@JUDICIALWATCH.ORG](mailto:rpopper@JUDICIALWATCH.ORG)>  
**Cc:** Andrew Baum <[abaum@glaserweil.com](mailto:abaum@glaserweil.com)>; Paul Stein <[Paul.Stein@doj.ca.gov](mailto:Paul.Stein@doj.ca.gov)>  
**Subject:** Judicial Watch v. Logan

[EXTERNAL EMAIL]

Bob,

We're writing to request a brief two-week extension of the January 31, 2023 deadline for defendants' annual reporting requirements under paragraphs 11 and 13 of the settlement agreement in *Judicial Watch v. Logan*. Due to unforeseen circumstances, it has taken longer than anticipated to prepare responses. We expect that we will be able to provide the report by February 15. Please let us know if you have any questions or concerns. Thanks, and we hope all is well.

Anna Ferrari | Deputy Attorney General | California Department of Justice  
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