



# Duckworth: Trump Commission's Request for Information on IL Voters Violates Federal Law

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– U.S. Senator Tammy Duckworth (D-IL) wrote to the Illinois State Board of Elections (IL SBE) today urging them to ignore a burdensome and unlawful request from President Trump's voter suppression commission seeking sensitive personally-identifiable information on every Illinois voter. Duckworth pointed out that the commission's request was not only intrusive but also a violation of federal law, specifically the Paperwork Reduction Act that protects state and local governments from unnecessarily burdensome information requests from the federal government.

**“Rather than focusing on the serious threat to our nation’s democracy and security posed by known foreign attacks on our election infrastructure, this Commission appears to be part of a broader partisan effort to manufacture false evidence of massive voter fraud to justify outrageous voter suppression efforts,”** Duckworth wrote, pointing out that federal law protects the Board of Elections from being penalized for failing to comply with requests that violate the Paperwork Reduction Act.

**“Complying with this unlawful request would improperly reward the Commission for flagrantly breaking a longstanding Federal statute,”**Duckworth added. **“I strongly urge the IL SBE to exercise its legal right under the PRA (Paperwork Reduction Act) and ignore the Commission’s unlawful information collection request.”**

The Paperwork Reduction Act requires information requests sent to 10 or more people be reviewed and approved by the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA). The law requires OIRA to review the justification for the request and estimate the time and cost it would take to respond in order to protect state and local governments from unnecessarily burdensome information requests.

The Trump commission requested a variety of private information on every voter from 50 states and the District of Columbia last week, including voters' names, residences, birth dates, political affiliations, voting histories, felony convictions, military records, and the last 4 digits of their Social Security numbers. 44 states have so far reportedly refused to fully comply with the request while the Illinois State Board of Elections has said it will consider the request when it next meets on August 22<sup>nd</sup>. IL SBE has also said that turning over the last four digits of Social Security numbers would violate Illinois law.

July 6, 2017

**VIA ELECTRONIC DELIVERY**

Mr. William J. Cadigan

Chairman

Illinois State Board of Elections

2329 S MacArthur Blvd

Springfield, IL 62704-4503

Dear Chairman Cadigan:

I am writing to request that the Illinois State Board of Elections (IL SBE) ignore the onerous, intrusive and unlawful information collection request made by President Donald Trump's Presidential Advisory Commission on Election Integrity (Commission).

Unfortunately, rather than focusing on the serious threat to our nation's democracy and security posed by known foreign attacks on our election infrastructure, this Commission appears to be part of a broader partisan effort to manufacture false evidence of massive voter fraud to justify outrageous voter suppression efforts.

At a time when American voter turnout lags behind that of many other developed nation-states, public servants should be doing everything in our power to make it easier to vote. Taxpayer dollars should not be wasted on a sham commission that will likely endorse voter suppression initiatives that restrict voting rights and weaken our democracy.

However, my reasons for strongly urging the IL SBE ignore the Commission's information collection request extend beyond motives, and concern respect for the basic rule of law.

**The Commission's request violates the Paperwork Reduction Act (PRA) of 1980 and complying with this unlawful request would improperly reward the Commission for flagrantly breaking a longstanding Federal statute that protects States and local governments from unnecessarily burdensome Federal information requests.**

Congress passed the PRA to make the Federal Government more responsible and accountable for reducing the burden of Federal paperwork on the public, including State and local governments. As an establishment in the executive branch of the Government, the PRA's legal requirements clearly apply to the Commission.

Under this 37-year-old law, "any executive department, military department, Government corporation, Government controlled corporation, **or other establishment in the executive branch of the Government (including the Executive Office of the President)**, or any independent regulatory agency " are legally required to seek approval from the Office of Management and Budget (OMB) before sending identical questions seeking information to 10 or more persons.

If the Commission complied with the law, it would have submitted an Information Collection Request (ICR) to OMB that included a description of the information to be collected, the reason the information is needed and the estimated time and cost for the recipient to answer the request. Then OMB's Office of Information and Regulatory Affairs (OIRA) would have reviewed the Commission's ICR. If approved, OIRA would have issued the Commission a valid OMB approval or control number to certify that the information collection complied with the PRA and this number would have been printed on the Commission's letter.

**The Commission's failure to secure OIRA's approval of its information collection request violated Federal law and triggers the PRA's public protection provision :**

*"...no person shall be subject to any penalty for failing to comply with a collection of information that is subject to this subchapter if (1) the collection of information does not display a valid control number assigned by the Director in accordance with this subchapter; or (2) the agency fails to inform the person who is to respond to the collection of information that such person is not required to respond to the collection of information unless it displays a valid control number"*

The Commission's failure to display a valid OMB control number and failure to inform the Illinois SBE that it is not required to respond to a collection of information request when there is no valid OMB control number, were a brazen attempt to flout the law in issuing what was effectively an unlawful information collection request.

I strongly urge the IL SBE to exercise its legal right under the PRA and ignore the Commission's unlawful information collection request. Thank you in advance for reviewing my request and I look forward to your prompt reply.

Sincerely,

Tammy Duckworth

United States Senator