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June 18, 2010

Via Email (askDOJ@USDOJ.gov)

The Honorable Eric Holder, Jr.
Attorney General of the United States
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Re: Investigation of Electronic Voting Machines/Election for U.S. Senate in
South Carolina Democratic Primary, June 8, 2010

Dear Attorney General Holder:

We write to request that you investigate the election results of the South Carolina Democratic primary for U.S. Senate held on June 8, 2010. As has been reported in the press, there is a substantial disparity between the results of the absentee vote count and the primary day vote count. That disparity may be attributable to the use by voters of paperless touchscreen voting machines on primary day, whereas most absentee voters marked their votes on paper ballots that were thereafter tabulated by optical scanner equipment.

Yesterday, Victor Rawl, who reportedly lost the South Carolina Democratic primary for the U.S. Senate to Alvin Greene, submitted hours of evidence, including the testimony of experts, taking issue with the vote count from the electronic touchscreen voting machines. Rebecca Abrahams, "South Carolina Democratic Party Denies Rawl's Protest," *Huffington Post* (June 18, 2010); www.wltx.com/news/story.aspx?storyid+88697, both attached at Tab A. The voting machines at issue are Election Systems and Software (ES&S) iVotronics, which have been involved in prior anomalous election results, including the 18,000 undervotes registered in a close congressional election between Christine Jennings and Vern Buchanan in November 2006 in Sarasota Florida. Bob Mahlburg and Maurice Tamman, "Dist. 13 voting analysis shows broad problem," *HeraldTribune.com* (Nov. 9, 2006), attached at Tab B. As the nation's chief law enforcement officer, and protector of voting rights in the United States, you must be concerned by the possibility that electronic voting machines could, by error or malfeasance, change the outcome of an election.

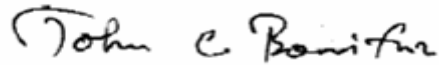
An initial step to protect your ability to conduct a full investigation of the South Carolina Democratic primary for the U.S. Senate is to ensure that the records of this election are being preserved, as required by Section 301 of the Civil Rights Act of 1960, 42 U.S.C. § 1974. In this regard, a *pro se* litigant has sought federal court protection for the preservation of these election records. *Burse v. South Carolina State Election Commission*. CA No. 3:10-1545 (DCSC June 16, 2010), a copy of his complaint and the docket sheet as of June 18th are attached at Tab C. In addition, we are requesting from the South Carolina State Election Commission (1) compliance with Section 1974,

and (2) access to the records of this election under the South Carolina Freedom of Information Act.

It is particularly important to address immediately the preservation of election records on the electronic voting machines because the Republican gubernatorial run-off primary in South Carolina is scheduled for Tuesday, June 22, 2010, and the use of these same machines for that run-off election threatens to erase critical election data from the June 8, 2010 primary.

We urge you to act now upon our request for an investigation into whether the electronic voting machines used in the 2010 Democratic primary in South Carolina were faulty or corrupt.

Sincerely,

A handwritten signature in black ink that reads "John C. Bonifaz". The signature is written in a cursive style with a large initial "J" and "B".

John C. Bonifaz,
Legal Director, Voter Action

Encls.

cc: Thomas Perez, Assistant Attorney General for Civil Rights
Spencer Overton, Principal Deputy Assistant Attorney General
Christopher Herren, Chief, Voting Rights Division
South Carolina State Election Commission