

August 10, 2023

Registrar of Voters
County of Santa Clara
Attn.: Ms. Shannon Bushey
1555 Berger Drive, Bldg 2
San Jose, CA 95112
Mailing Address: P.O. Box 611360, San Jose, CA 95161-1360
Shannon.bushey@rov.sccgov.org

Dear Ms. Bushey:

Let me introduce myself to you again. I am Matthew J. Wendt, Esq., and I represent the Santa Clara County Republican Central Committee as Chair of our election integrity efforts.

This letter is in follow-up to Dr. Alexander Glew's letter dated July 7, 2020, who at that time requested the Registrar of Voters comply with the National Voter Registration Act by removing inactive voters from the registration rolls. See **Exhibit "A"**.

On August 8, 2020, your office responded to Dr. Glew's letter in which you claimed you were in partial compliance but anticipated being in full compliance "subsequent to the November 2022 federal general election" when the County anticipates that inactive voters who were sent the updated residency registration information (in December 2019) will begin be removed from the voter registration rolls. See **Exhibit "B."**

We therefore request you to confirm in writing and provide us sufficient evidence that you have removed all inactive voters as required by the law including those voters that received updated residency registration information in December 2019.

As you are aware from Dr. Glew's initial letter, Judicial Watch reached a settlement with the State of California to clean the voter rolls of inactive voters to comply with the National Voter Registration Act ("NVRA") of 1993. This matter was before the United States District Court for the Central District of California, Case Number 17-CV-08948 (the "Action").

I have reproduced a portion of the settlement in the Action below, the entirety of which is attached for your convenience. See **Exhibit "C"**.

"This settlement agreement ("Agreement") is made and entered into between Judicial Watch, Inc. ("Judicial Watch"), Election Integrity Project California, Inc., Wolfgang Kupka, Rhue Guyant, Jerry Griffin, and Delores M. Mars (collectively, "Plaintiffs"), Dean C. Logan in his official capacity as the Registrar Recorder/County Clerk of Los Angeles County ("Registrar Logan") and Alex Padilla, in his official capacity as the California Secretary of State ("Secretary Padilla"). Registrar Logan and Secretary Padilla may collectively be referred to as "Defendants" and all the parties to this agreement may collectively be referred to as "the Parties." WHEREAS, Plaintiffs and Defendants are the Parties to the Action entitled Judicial Watch, Inc., et al. v. Logan, et al., currently pending

before the United States District Court for the Central District of California, Case Number 17-CV-08948 (the "Action").

3. Registrar Logan shall make a reasonable effort to determine, by February 4, 2019, which of the registrations on Los Angeles County's inactive file of registered voters may be cancelled pursuant to each of the following provisions: (a) All registrations on Los Angeles County's inactive file of registered voters that are associated with registrants who were sent a Section 8(d)(2) Notice, who have not Page 2 of 3 responded to that Notice, and who have been on the inactive file for two general federal elections, shall be cancelled by February 18, 2019, unless prior to that time the registrant votes, appears to vote, corrects their voter record, or is otherwise able to confirm the registrant's eligibility to vote.

The Secretary of State agreed to execute this settlement in this Action, to modify its CA NVRA Manual, and advise all 58 counties in CA of the applicability of the key element of the Settlement Agreement to the counties.

8. The Office of the Secretary of State shall remove from its website a document titled "California NVRA Manual," updated August 2015. In any replacement for this manual, the Secretary of State shall alter the instructions provided in the Voter List Maintenance chapter (Chapter 5) of that manual to conform to the statement cited above from *Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833 (2018).

9. The Office of the Secretary of State shall send a written advisory to all County Clerks/Registrars of Voters in California stating that the cited language from *Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833 (2018) indicates that current federal law requires the cancellation of a registrant who has failed to respond to a Section 8(d)(2) Notice and who then fails to vote, offer to vote, correct the Registrar's record, or otherwise have their eligibility to vote confirmed for a period of time including the next two general federal elections.

In fact, the Secretary of State implemented the new 2019 CA NVRA Manual on March 23, 2019 and at chapter 4 of the Manual provided detailed instructions for Registrars of Voters to undertake compliance with the *Husted v. Phillip Randolph Inst.* case holding described in paragraph 9 of the Settlement Agreement cited above, requiring counties to send NVRA Section 8(d)(2) Notices to voters and to undertake required cancellation activities.

Just as Registrar Logan was ordered to make a reasonable effort to determine, by February 4, 2019, which of the registrations on Los Angeles County's inactive file of registered voters may be canceled pursuant to each of the subject provisions, we believe that this also applies to Santa Clara County as part of the Secretary of State's compliance with the agreement. To the extent that the date applicable to Los Angeles County does not apply, there is still no excuse for Santa Clara County to delay compliance now that it is August 2023, especially after making representations to us that you would be in full compliance subsequent to November 2022 in your prior letter to us.

At this time, we are still under the impression that Santa Clara County has not met the terms of this settlement and protected the integrity of the election process by cleaning the voter rolls before the upcoming election.

The Silicon Valley GOP demand that the Santa Clara County Registrar of voters comply with the settlement agreement immediately and in accordance with your own representation to us on August 8, 2020 that you would be in full compliance with the law.

Please appraise me by **August 25, 2023**, whether or not you are in full compliance with the settlement agreement and the law or when you anticipate you will be. As you are aware, this is urgent considering the upcoming primary election is just months away.

Very truly yours,

SANTA CLARA COUNTY REPUBLICAN PARTY

/s/ Matthew J. Wendt

MATTHEW J. WENDT

CC: Shane Patrick Connolly