Exhibit 3

Judicial Watch®
Because no one is above the law!

December 11, 2019

VIA USPS CERTIFIED MAIL AND EMAIL

Honorable John P. McBlain
Chairman, Delaware County Council
201 West Front Street
Government Center Building
Media, Pennsylvania 19063

Honorable Carmen P. Belefonte
Chair, Delaware County Board of Elections
201 West Front Street
Government Center Building
Media, Pennsylvania 19063

Honorable Kathy Boockvar
Secretary of the Commonwealth of Pennsylvania
401 North Street
Harrisburg, Pennsylvania 17120

Re: Statutory Notice of Violations of 52 U.S.C. § 20507 in Delaware County

Dear Mr. McBlain, Ms. Belefonte, and Secretary Boockvar:

I write as legal counsel for Judicial Watch, Inc. ("Judicial Watch"). This letter is to bring to your attention violations of Section 8 of the National Voter Registration Act ("NVRA") committed in Delaware County (the "County"). Mr. McBlain is receiving this letter because he and the other members of the Council have responsibilities under State law to maintain accurate and current voter lists.[1] Secretary Boockvar is receiving this letter because, as the chief state elections official of Pennsylvania ("the State"), she is charged with coordinating State responsibilities under the NVRA.[2]

This letter serves as official statutory notice under 52 U.S.C. § 20510(b)(1) & (2) that Judicial Watch will bring a lawsuit against you if these violations are not corrected within 90 days. Section 8(a)(4) of the NVRA requires states to "conduct a general program that makes a reasonable effort to remove the names of ineligible voters" by reason of death or change of address. 52 U.S.C.

[1] Pa. Cons. Stat. §§ 1203, 1204, 1501-1514.

[2] *See* 52 U.S.C. § 20509; *PILF v. Boockvar*, 370 F. Supp. 3d 449, 457 (M.D. Pa. 2019).

§ 20507(a)(4). In order to ensure that states and counties are complying with these requirements, Congress provided a public inspection provision, which requires all records concerning the accuracy and currency of the voter registration list to be disclosed. 52 U.S.C. § 20507(i).

The following explains how we determined that Section 8 has been violated and the remedial steps that must be taken to comply with federal law.

Judicial Watch examines a number of metrics in order to assess whether a jurisdiction is conducting a general program that makes a reasonable effort to remove ineligible registrants from its voter rolls. To begin with, Judicial Watch determines each jurisdiction's registration rate. States must report detailed registration data every other year to the U.S. Election Assistance Commission (EAC).[3] Judicial Watch hires experts to compare this data to the citizen voting-age population in each state and county where data is available.[4] An unusually high registration rate suggests that a jurisdiction is not removing voters who have died or who have moved elsewhere, as required by 52 U.S.C. § 20507(a)(4). Federal courts adjudicating NVRA claims have acknowledged the significance of high registration rates. *See Am. Civ. Rights Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 793 (W.D. Tex. 2015); *Voter Integrity Project NC, Inc. v. Wake Cnty. Bd. of Elections*, 301 F. Supp. 3d 612, 618 (E.D.N.C. 2017).

Judicial Watch also considers how many registrations were ultimately removed from the voter rolls because a registrant failed to respond to an address confirmation notice and then failed to vote during the NVRA's statutory waiting period. If few or no voters were removed by means of this process, the jurisdiction is obviously failing to comply with Section 8(d) of the NVRA. 52 U.S.C. § 20507(d)(1). States must report the number of such removals to the EAC.[5]

Our analysis of the data regarding Delaware County showed the following:

- The County reported removing only *four* voter registrations in the last two-year reporting period on the grounds that the registrants failed to respond to an address confirmation notice and failed to vote in two consecutive federal elections. This is an absurdly low figure for a county of this size. If this figure is accurate, it establishes beyond any dispute that the County is not complying with the NVRA.

- The County has a high registration rate of about 97%.

[3] 11 C.F.R. § 9428.7.

[4] EAC registration data is available publicly at https://www.eac.gov/research-and-data/election-administration-voting-survey/. For the latest American Community Survey population and demographic data, *see* https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml

[5] 11 C.F.R. § 9428.7(b)(5); U.S. Election Assistance Commission, ELECTION ADMINISTRATION AND VOTING SURVEY: 2018 COMPREHENSIVE REPORT at 197 (survey question A9e), available at https://www.eac.gov/assets/1/6/2018_EAVS_Report.pdf.

These facts establish clear violations of Section 8(a)(4) of the NVRA.

* * * * * * *

Pursuant to 52 U.S.C. § 20510(b)(2), if the foregoing violations are not corrected within 90 days of your receiving this letter, Judicial Watch and those on whose behalf it has sent this letter may commence an action against you in federal court. Please contact us about your plans for correcting these violations. In particular, please set forth in such communication:

- Whether you agree that the EAC accurately quoted data it received from you regarding the number of registrations you removed under the process set forth in Section 8(d) of the NVRA during the last two-year reporting period. If you believe the data reported was not accurate, please let us know your own estimates regarding these numbers.

- Your explanation regarding the County's registration rate discussed above.

- A description of the State's and the County's programs for sending address confirmation notices described in 52 U.S.C. § 20507(d)(2) to those who are believed to have moved, and for placing voters in an "inactive" status prior to their removal.

- A description of the State's and the County's programs for complying with the other voter list maintenance requirements of the NVRA, including all requirements to remove the registrations of those who have died or have otherwise become ineligible to register or vote.

- A description of your plan to remedy any noncompliance with the voter list maintenance requirements of the NVRA, including 52 U.S.C. § 20507(a)(4) and (d).

* * * * * * *

Section 8(i)(1) of the NVRA requires that "[e]ach state shall maintain for at least 2 years and shall make available for public inspection . . . all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). That provision goes on to specifically provide that "[t]he records maintained . . . shall include lists of the names and addresses of all persons to whom [address confirmation] notices . . . are sent, and information concerning whether or not each such person has responded to the notice." *Id.*, § 20507(i)(2).

Pursuant to that section, please provide the following categories of records to Judicial Watch within two weeks of the date of this letter. If you fail to do so, we will deem it an independent violation of the NVRA. Specifically, please provide the following records insofar as they were generated by, or concern, the County:

1. Copies of the most recent voter registration database, or copies of the most recent voter registration lists drawn from the voter registration database, including fields indicating each

registered voters' name, full date of birth, home address, most recent voter activity, and active or inactive status.

2. The names and addresses of all persons to whom notices described in 52 U.S.C. § 20507(d)(2) were sent, and information concerning whether or not each person responded to the notice.

3. All documents and communications concerning the questions contained in Section A of the most recent Election Administration & Voting Survey ("EAVS"). This request includes, but is not limited to:

a. Your written responses to the EAVS, along with any documents you provided along with your responses.

b. Any internal or external communications about the EAVS.

4. All documents concerning any internal or external audit, evaluation, assessment, review, analysis, critique, or request for or response to any of the foregoing, relating to the accuracy and currency of official lists of eligible voters. This request includes, but is not limited to any of the foregoing documents relating to:

a. Registered voters who were sent notices described in 52 U.S.C. § 20507(d)(2).

b. Registered voters who have died.

c. Registered voters who are noncitizens.

5. All documents concerning any instance(s) of voter fraud, including, but not limited to, impersonation fraud, double voting, registration fraud, absentee ballot fraud, mail-in ballot fraud, registration or voting by noncitizens, unlawful assistance, or aiding, abetting, or conspiring to commit any of the foregoing.

6. All manuals, training materials, protocols, written standards, and official guidance concerning efforts to ensure the accuracy and currency of your official list of eligible voters.

7. All contracts with the U.S. Postal Service or any other federal agency to provide change-of-address information concerning registered voters.

8. Copies of all documents and communications concerning the following:

a. The Systematic Alien Verification for Entitlements ("SAVE") database.

b. The Interstate Voter Registration Cross-Check Program.

c. The Electronic Registration Information Center ("ERIC").

* * * * * * *

I hope the concerns identified in this letter can be resolved amicably. We have a track record of resolving NVRA claims on reasonable terms. However, if you do not contact us about correcting or otherwise resolving the above-identified problems within 90 days, a federal lawsuit

seeking declaratory and injunctive relief against both of you in your official capacities may be necessary. In such a lawsuit we would seek, in addition to injunctive relief, a judgment awarding reasonable attorney fees, expenses, and costs. *See* 52 U.S.C. § 20510(c). For the reasons set forth above, we believe that such a lawsuit would be very likely to succeed.

We look forward to receiving your prompt response.

Sincerely,

JUDICIAL WATCH, INC.

s/ Robert D. Popper

Robert D. Popper
Attorney, Judicial Watch, Inc.

425 Third St. SW, Suite 800, Washington, DC 20024 • Tel: (202) 646-5172 or 1-888-593-8442
FAX: (202) 646-5199 • Email: rpopper@JudicialWatch.org • www.JudicialWatch.org