



ROBIN CARNAHAN
SECRETARY OF STATE
STATE OF MISSOURI

STATE CAPITOL
ROOM 208
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

October 27, 2006

The Honorable Catherine Hanaway
United States Attorney
Thomas Eagleton U.S. Courthouse
111 S. 10th Street, 20th Floor
St. Louis, MO 63102

Dear Ms. Hanaway:

On October 26, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

A friend of our family's went last Friday to early vote in Maplewood at Sunnen Park. He voted for Claire McCaskill, but each time he, the election worker, and the election supervisor pressed the screen for Claire, the screen said he had voted for Jim Talent.

I have the name and number of the guy this happened to if you are interested. You would need to talk with him before Monday.

Our office contacted the Mr. Mayer Levy, Jr., the voter referenced in the e-mail. Attached is the letter to the St. Louis County Elections Board.

This issue is being referred to your office for any appropriate action as you deem necessary. If you have any questions, please contact me at 573/751-2418.

Sincerely,

Barbara Wood
General Counsel

c: Mayer Levy, Jr.
John Bodenhausen, United States Attorney's Office
Judge Joseph A. Goeke III, St. Louis County Board of Elections
Judy Taylor, St. Louis County Board of Elections
Steve Garrett, Attorney, St. Louis County Board of Elections
Jeremiah W. "Jay" Nixon, Attorney General
Robert P. McCulloch, St. Louis County Prosecuting Attorney's Office



ROBIN CARNAHAN
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

October 30, 2006

Scott Leiendecker, Director
Mary Wheeler-Jones, Director
300 N. Tucker Blvd.
St. Louis, MO 63101

Dear Scott and Mary,

The Secretary of State's office received a copy of the letter your office sent to voter registration mail-in applicants whose voter registration applications were submitted to your office by a representative of ACORN sometime between July 31, 2006, and October 11, 2006.

Your letter requires that each applicant contact the Election Board so that their voter registration information is confirmed prior to completing the registration process. In addition, the letter is not clear as to whether the applicant must also sign and return the letter with his or her telephone number in order to complete the registration process.

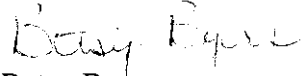
These steps as outlined in your letter are additional registration requirements in violation of Missouri law. See Missouri Constitution Article VIII, Section 2 and Sections 115.133, RSMo.


Furthermore, Section 115.155.4, RSMo, specifically provides that if your office determines that an applicant is not entitled to register your office must, within seven business days after receiving the application, notify the applicant by mail and state the reason the applicant is not qualified to register to vote.

These additional requirements may also be in violation of federal election laws. See National Voter Registration Act, 42 U.S.C. §1973gg-6(a)1 and 6(a)2 and the Voting Rights Act, 42 U.S.C. §1971(a)(2)(B).

As a result, your office should process these voter registration applications pursuant to state and federal law. For your reference, we have enclosed another copy of the memo we sent to you regarding driver's license and last four digits of the Social Security numbers on voter registration forms.

Respectfully yours,


Betsy Byers
Co-Director of Elections


Kay Dinolfo
Co-Director of Elections

BOARD OF ELECTION COMMISSIONERS

For The City Of St. Louis
(314) 622-4336 Fax (314) 622-3587

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October 24, 2006

TO: VOTER REGISTRATION MAIL-IN APPLICANTS

RE: VOTER REGISTRATION MAIL-IN APPLICATION

Dear Voter Registration Applicant:

This letter will acknowledge receipt of a Voter Registration Application that was submitted to our office on your behalf by a representative of ACORN sometime between July 31, 2006, and October 11, 2006.

Due to concerns about a number of the Applications submitted by ACORN, as reported recently in the St. Louis Post-Dispatch, we are asking that you contact the Election Board so that we can confirm your voter registration information and complete the registration process. Please call the Registration Department at 622-4336 promptly upon receipt of this letter, but no later than November 1, 2006, to insure that your Application is complete and you are eligible to vote on November 7. Our office is open Monday through Friday from 8:00 A.M. to 5:00 P.M. The call will only take a few minutes. Please, too, sign the bottom of this letter and return it to us in the enclosed, postage paid envelope, together with your telephone number, so that we can follow up with you if we have additional questions.

Part of the mission of the Election Board is to "insure that every eligible resident of the City of St. Louis is encouraged and provided ample opportunity to register to vote." Your timely response to this letter will help us to carry out that mission.

Very truly yours,


Scott Leisendorfer
Republican Director

Enc.


Mary Wheeler-Jones
Democrat Director

Applicant Signature

Applicant Telephone Number

300 NORTH TUCKER BOULEVARD

ST. LOUIS, MISSOURI 63101-1914



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October 31, 2006

The Honorable Catherine Hanaway
United States Attorney
Thomas Eagleton U.S. Courthouse
111 S. 10th Street, 20th Floor
St. Louis, MO 63102

Dear Ms. Hanaway:

On October 27, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

Greg Speno contacted the campaign office to report that when he went to vote absentee in St. Louis County and voted for Claire McCaskill on the touchscreen, it highlighted and recorded a vote for Jim Talent. He spoiled his ballot and was eventually able to cast the vote he wanted. I have not interviewed Greg myself. His phone number is 314-234-8493.

Our office contacted Mr. Greg Speno, the voter referenced in the e-mail. Attached is the letter to the St. Louis County Elections Board.

This issue is being referred to your office for any appropriate action as you deem necessary. If you have any questions, please contact me at 573/751-2418.

Sincerely,

Barbara Wood
General Counsel

Attachment

c: Greg Speno
John Bodenhausen, United States Attorney's Office
Judge Joseph A. Goeke III, St. Louis County Board of Elections
Judy Taylor, St. Louis County Board of Elections
Steve Garrett, Attorney, St. Louis County Board of Elections
Jeremiah W. "Jay" Nixon, Attorney General
Robert P. McCulloch, St. Louis County Prosecuting Attorney's Office



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JAMES C. KIRKPATRICK
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ELECTIONS DIVISION
(573) 751-2301

October 31, 2006

Judge Joseph A. Goeke, III, Director
Judy Taylor, Director
St. Louis County Board of Elections
12 Sunnen Dr., Suite 126
Maplewood, MO 63143

Dear Judge and Judy,

On October 27, 2006, the Secretary of State's office received an e-mail regarding the voting equipment used by St. Louis County for in-person absentee voting. The e-mail specifically stated:

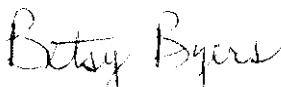
Greg Speno contacted the campaign office to report that when he went to vote absentee in St. Louis County and voted for Claire McCaskill on the touchscreen, it highlighted and recorded a vote for Jim Talent. He spoiled his ballot and was eventually able to cast the vote he wanted. I have not interviewed Greg myself. His phone number is 314-234-8493.

Our office contacted Mr. Greg Speno, the voter referenced in the e-mail. Mr. Speno stated that he touched the screen in an attempt to vote for Claire McCaskill. The screen indicated that he had voted for Jim Talent. Mr. Speno was able to correct his ballot and ultimately confirm and cast his vote for Claire McCaskill.

Our office informed the voter that we would refer this information to your office for proper resolution. Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,


Betsy Byers
Co-Director of Elections


Kay Dinolfo
Co-Director of Elections



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ROBIN CARNAHAN
SECRETARY OF STATE
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November 1, 2006

Judge Joseph A. Goeke, III, Director
Judy Taylor, Director
St. Louis County Board of Elections
12 Sunnen Dr., Suite 126
Maplewood, MO 63143

Dear Judge and Judy,

On October 30, 2006, the Secretary of State's office received an e-mail regarding St. Louis County's process and voting equipment used for in-person absentee voting.

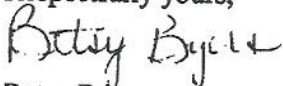
The e-mail specifically refers to the County requiring that the registered voter provide the last four digits of her social security number as part of the absentee ballot application process. See attached a copy of the e-mail received by our office. The requirements for absentee ballot application and envelopes are set forth in sections 115.279 and 115.283, RSMo. These provisions do not require that a registered voter provide the last four digits of his or her social security number in order to apply for or cast an absentee ballot.

The e-mail further provides that when the voter reviewed her ballot on the touch screen voting machine, she observed that her vote in the 24th Senate district was not for the candidate she had selected. The voter was able to return to that portion of her electronic ballot, correct it, and ultimately cast her ballot for the candidate she had originally chosen.

Our office is referring this information to your office for proper resolution. Please provide a written report to our office as to how this matter was resolved.

Our office is also referring this issue to the United States Attorney's office with a copy to the Missouri Attorney General's office and the St. Louis County Prosecuting Attorney's office.

Respectfully yours,



Betsy Byers
Co-Director of Elections



Kay Dinolfo
Co-Director of Elections

cc: Steve Garrett
Vivian Eveloff

----- Original Message -----

Subject:voting in 2006 general election

Date:Mon, 30 Oct 2006 18:20:32 -0800 (PST)

From:Vivian Eveloff

To:robin carnahan

On October 26, I went to the St. Louis County Election Board to vote absentee for the November 7, 2006 election. In filling out the paper request form, I supplied the usual name, address and birth date information and showed my MO driver's license to confirm my identity. The desk clerk then asked for the last 4 digits of my Social Security number.

I challenged this request, reminding her that this number is not to be used for identification purposes, only for the work of the Social Security Administration. She insisted that it was required to vote. I asked to speak to a supervisor and was told that they were in a meeting. Wanting to vote, I complied, but requested that a Supervisor meet with me afterward.

Only the touch screen machines were available, although optiscan ballots are mailed out to voters who make a mail request. When I reviewed my ballot before it was final, I was surprised to see that my vote in the 24th Senate district was not as I had cast it. I was able to go back to that portion of the ballot, correct it, and then cast my ballot.

After I finished, Election Director Goeke appeared to explain the social security number request. He stated that it was required by law, then said that it was an effort to prevent fraud, even though he agreed that he had no means of confirming the veracity of the numbers provided. We had a long conversation. but never came to a solid explanation for this request as part of absentee balloting. He did agree that it was not information required when voting on election day.

I have served as an election day staffer and a "watcher" and realize that the previous low-tech voting had many glitches, especially the unexplained absence of long time voters from their voting rolls. The new system seems certain to result in balloting errors that were not a frequent problem with the former system. The elimination of the "straight party" ballot compounds the likelihood of voting errors.

Vivian Eveloff
8318 Kingsbury Blvd.
St. Louis, MO 63105



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November 1, 2006

The Honorable Catherine Hanaway
United States Attorney
Thomas Eagleton U.S. Courthouse
111 S. 10th Street, 20th Floor
St. Louis, MO 63102

Dear Ms. Hanaway:

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The e-mail specifically stated that when the voter reviewed her ballot on the touch screen voting machine, she observed that her vote in the 24th Senate District was not for the candidate she had selected. The voter was able to return to that portion of her electronic ballot, correct it, and ultimately, cast her ballot for the candidate she had originally chosen. Attached is a copy of the letter to the St. Louis County Board of Elections.

This issue is being referred to your office for any appropriate action you deem necessary. If you have questions, please contact me at 573/751-2418.

Sincerely,

Barbara Wood
General Counsel

Attachment

c: Vivian Eveloff

John Bodenhausen, United States Attorney's Office
Judge Joseph A. Goeke III, St. Louis County Board of Elections
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