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September 11, 2012

The Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Holder:

I am writing to request that the Department of Justice (DOJ) investigate the Shelby County Election Commission (the Commission) to ensure that it can properly administer the upcoming election this November. Unfortunately, the Commission's competence has been seriously called into question over the last several years and I am concerned that it will not be able to adequately perform its role without federal oversight.

As I have noted in previous letters to your Department, the Commission has made several significant errors over the last few years, particularly with respect to its data and record-keeping, which have already disenfranchised thousands of voters. For example, during the August 5, 2010 elections, thousands of voters were mistakenly turned away from the polls because the voter rolls contained inaccurate data. Instead of using the early voting information from that election, the rolls contained information from the May 4, 2010 elections. Consequently, thousands of people who had voted early in the May elections but had not yet voted in the August elections were erroneously turned away from the polls on August 5th.

My office also discovered numerous errors in the Commission's records in late 2011 when preparing a district-wide mailing to my constituents. The Commission presented us with a list of 61,787 voters from the August 2010 election even though other public records indicated that 102,214 people had voted in that election. After bringing this discrepancy to the Commission's attention, I was assured that the errors were identified, corrected and procedures put into place to prevent future mistakes. However, in May of this year, it was discovered that the voting histories of hundreds of voters were missing in the publicly available database maintained by the Commission. Although the Commission has stated that the underlying data was accurate and that no voters were affected by the errors in this database, the integrity of their records must be called into question.

In addition, the August 2, 2012 primary election was rife with problems. In particular, the Commission printed many ballots based on outdated information, causing voters to cast ballots for their former districts instead of the new ones created by the decennial redistricting process.

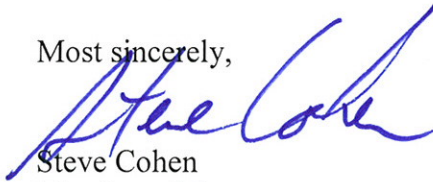
By some estimates, more than 5% of the voters who participated were adversely affected. We cannot afford to have another election riddled with such errors.

In all likelihood, the errors we have seen are due to sloppy record-keeping and incompetence, not malfeasance. However, voting is too important to be left in the hands of people with such a poor track record. The Commission has demonstrated that it is simply not capable of administering an election without committing serious mistakes and I am concerned that my constituents will be negatively affected, particularly in this upcoming presidential election when turnout is expected to be heavy. Therefore, I am requesting federal oversight of the Commission to ensure that the rights of voters in Shelby County are protected.

The integrity of elections is critical to our democracy and I appreciate all the work DOJ has done to protect the rights of voters throughout the country. I would appreciate your assistance in ensuring that the voters in Shelby County can be confident that their votes will count in this important election. Thank you for your attention to this matter.

As always, I remain,

Most sincerely,



Steve Cohen
Member of Congress