EXHIBIT D
-----Original Message-----
From: David Sullivan [mailto:DSullivan@ohiodems.org]
Sent: Friday, October 08, 2004 2:30 PM
To: Keith Scott
Subject: Additional voter registration issue

Keith,

I am writing to bring to your attention a voter registration issue that we hope to work out with your office soon, without the need for public discussion or litigation.

The attached memo (dated December 2003), from a Secretary of State staff member to all Boards of Elections, came to our attention yesterday. In the answer to "FAQ #3", it takes the position that if a registrant leaves box 10 (driver's license number or last-4 SSN digits) blank, the voter registration application must be rejected (unless the registrant writes "none"). The answer to "FAQ #2" creates an exception: if the form was mailed, the omission can be rectified at the polls. We do not object to the latter advice (#2) for voters voting in their first federal election, but the former position (#3) creates the unreasonable result that forms completed in person are treated less favorably than those mailed in. Answer #3 purports to be an interpretation of HAVA, but it seems totally without basis in the statute. We are informed that many Boards of Elections are following this advice, and that they may reject several thousand voter registration applications statewide as a result (for voters who do not supply the missing information).

We believe that answer #3 violates HAVA, because Ohio has a waiver from section 303(a) (computerized statewide voter registration list) for the 2004 election, and thus the only purpose of the "Box 10" information is to avoid the need for first-time mail registrants to present identification on election day. We believe that this position also violates 42 U.S.C. sec. 1971(a)(2)(B), which says: "No person acting under color of law shall . . . deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election". We hope that your office will promptly agree with us about this. If you wish to discuss this further, Kerry-Edwards State Counsel Daniel Hoffheimer and I are prepared to meet on short notice with you or anyone else in your office (including the Secretary) today, over the weekend, or Tuesday at the latest.

I look forward to hearing from you soon. Thank you for your assistance with this.

David Sullivan
Voter Protection Coordinator
Ohio Democratic Coordinated Campaign
614-221-6563 x159 (please try first)
614-361-6228 (cell)
DSullivan@Ohiodems.org