

Phillip J. Strach  
T: 919.329.3812  
phil.strach@nelsonmullins.com

301 Hillsborough Street, Suite 1400  
Raleigh, NC 27603  
T: 919.329.3800 F: 919.329.3799  
nelsonmullins.com

June 24, 2024

Karen Brinson Bell  
North Carolina State Board of Elections  
PO Box 27255  
Raleigh, NC 27611-7255

**Re: Complaint**

Dear Ms. Bell:

This is a complaint against the Voter Participation Center (“VPC”), the Center for Voter Information (“CVI”), and Rock the Vote (collectively, “Respondents”) for unlawfully collecting and retaining personally identifiable information (“PII”) from voter registration applications. Specifically, Respondents purport to be operating according to privacy policies under which they retain dates of birth collected for the purpose of completing voter registration applications. Retaining this information violates Section 163-274(16) of North Carolina’s General Statutes. Complainant respectfully requests that the North Carolina State Board of Elections (“NCSBE”) investigate this unlawful activity, order Respondents to immediately cease and desist from such activity, and take any other actions it deems appropriate.

Complainant Restoring Integrity and Trust in Elections (“RITE”) is a non-profit organization with the mission of protecting the rule of law in elections. RITE seeks to promote enforcement of duly enacted state laws that protect and promote the integrity of our elections.

Respondent VPC is a 501(c)(3), Washington, D.C., based nonprofit organization whose mission is to “increase civic engagement among the under-represented members of the new American majority (unmarried women, people of color, young people, and persons who share a goal of increasing civic engagement of such segments of the U.S. population.)”<sup>1</sup> To this end, VPC engages in an array of election-related activities in conjunction with its sister organization, CVI, a 501(c)(4), Washington, D.C., based nonprofit organization.<sup>2</sup> Respondents achieve their mission through get-out-the-vote activities, including mailing millions of voter registration and absentee ballot applications

---

<sup>1</sup> Voter Participation Center, 2022 Form 990, at \*2. <https://www.voterparticipation.org/wp-content/uploads/2023/11/VPC-2022-Form-990-PD.pdf>.

<sup>2</sup> Center for Voter Information, 2022 Form 990, at \*2. <https://www.centerforvoterinformation.org/wp-content/uploads/2023/11/CVI-2022-Form-990-PD.pdf>.

to their target audience. Although the organizations are nominally “nonpartisan,” “they were founded by a former Democratic [Party] operative” and CVI has made outlays in support of Democratic candidates.<sup>3</sup>

VPC and CVI are well known to election officials nationwide, including in North Carolina. Respondents’ activities have “buried their offices in unnecessary paperwork and swamped them with calls from voters.”<sup>4</sup> In recent election cycles VPC and CVI have sent out nearly 600,000 absentee ballot applications with incorrect return addresses in Virginia,<sup>5</sup> ignored North Carolina’s own ban on pre-filled absentee voting applications by mailing over 80,000 invalid forms to voters,<sup>6</sup> and VPC’s specialty: mailed pre-filled voter registration applications to deceased pets.<sup>7</sup>

Respondent Rock the Vote is a 501(c)(3), Washington, D.C., based nonprofit organization that seeks to “build[] the political power of young people.”<sup>8</sup> To this end, Rock the Vote engages in an array of election-related activities, like the online hosting of what it calls “Civil Tech Tools,” which includes an Online Voter Registration (“OVR”) portal. Applicants can access the OVR portal from Rock the Vote’s own website, or partner organizations like VPC and CVI can embed it on their own websites.

VPC and CVI are currently engaged in large-scale voter registration drives and data farming operations in many states, including North Carolina.<sup>9</sup> A primary means by which these organizations operate is through mass mailings of voter registration applications to individuals they believe are unregistered or have outdated registrations.<sup>10</sup> Correspondence between VPC/CVI and NCSBE indicates that, as of March of this year,

---

<sup>3</sup> Joshua Eaton, et. al. *A Nonprofit with Ties to Democrats Is Sending Out Millions of Ballot Applications. Election Officials Wish It Would Stop*, PROPUBLICA (Oct. 23, 2020, 5:00 a.m.), <https://www.propublica.org/article/a-nonprofit-with-ties-to-democrats-is-sending-out-millions-of-ballot-applications-election-officials-wish-it-would-stop>

<sup>4</sup> *Id.*

<sup>5</sup> Graham Moomaw, *Nonprofit Mails 587,638 Erroneous Absentee Ballot Applications to Virginia Voters*, VIRGINIA MERCURY (Aug. 6, 2020, 6:10 PM), <https://virginiamercury.com/2020/08/06/nonprofit-mails-587638-erroneous-absentee-ballot-applications-to-virginia-voters/>.

<sup>6</sup> Press Release, North Carolina State Board of Elections, *Advocacy Group Sends Invalid Absentee Ballot Request Forms to 80,000 Voters* (June 11, 2020), <https://www.ncsbe.gov/news/press-releases/2020/06/11/advocacy-group-sends-invalid-absentee-ballot-request-forms-80000>. This led NCSBE Executive Director Karen Brinson Bell to state “The State and County Boards of Elections encourage third-party groups to consider the overwhelming toll that misleading or confusing mailings and other outreach efforts take on elections resources and the damage they cause to voters’ confidence in elections,” Diane Wilson, *Confusing Absentee Ballot Requests Showing Up in Your Mailbox? Here’s What You Need to Know*, ABC NEWS 11 (Aug. 27, 2020), <https://abc11.com/absentee-ballot-request-mail-in-center-for-voter-participation/6359564/>.

<sup>7</sup> *Nonprofit Voter Participation Center Sends Election Registration Docs to Dogs, Dead People*, CBS NEWS (July 13, 2012, 8:10 AM), <https://www.cbsnews.com/news/nonprofit-voter-participation-center-sends-election-registration-docs-to-dogs-dead-people/>.

<sup>8</sup> *About Rock the Vote*, ROCK THE VOTE, <https://www.rockthevote.org/about-rock-the-vote/> (last accessed June 13, 2024).

<sup>9</sup> *First of Three Large-Scale Voter Registration Mailings In NC*, North Carolina Election Integrity Teams (June 2, 2024), <https://www.nceit.org/post/first-of-three-large-scale-voter-registration-mailings-in-nc-502-000-cumberland-durham-forsyth>.

<sup>10</sup> *Id.*

the organizations had already mailed nearly 500,000 voter registration applications to people in North Carolina.<sup>11</sup> These same exchanges suggest two more similar mass mailings will be completed before the yeard of the year.<sup>12</sup> The mailings contain Quick Response (“QR”) codes that, when scanned, direct mail recipients to Rock the Vote’s OVR portal embedded on VPC’s and CVI’s websites. At this portal, individuals are invited to identify their state of residence and complete a voter registration application for that state. North Carolina is one of the state options the portal offers.

North Carolina regulates voter registration operations within its territory, including third-party data collection and retention practices. With respect to data retention, North Carolina law is clear. Under Section 163-274(16) of the General Statutes, it is a Class 2 misdemeanor for “any person who is not an elections official or who is not otherwise authorized by law to retain a registrant’s signature, full or partial Social Security number, *date of birth*, or the identity of the public agency at which the registrant registered under G.S. 163-82.20, any electronic mail address submitted under Article 7A of this Chapter, or drivers license number from any form described in G.S. 163-82.3 after submission of the form to the county board of elections or elections official.” In addition to being in North Carolina’s statute books, this prohibition is also prominently displayed on the NCSBE website, which provides guidance to entities like Respondents who organize and conduct registration drives.<sup>13</sup>

There is no doubt that Respondents’ conduct is subject to the retention prohibitions set forth in Section 163-274(16). They each operate or make use of the OVR portal.<sup>14</sup> Their websites acknowledge that they collect PII, including dates of birth, through the OVR portal.<sup>15</sup> And this information is collected from “a form described in G.S. 163-82.3,” specifically the “interstate registration form designed by the Federal Election Commission.” In fact, the OVR portal transcribes the dates of birth it collects directly onto this interstate registration form no differently than if applicants had written this information directly onto the forms themselves.

There is also strong reason to believe Respondents are retaining PII—specifically dates of birth—in violation of Section 163-274(16). First, they are not “elections official[s].” And there is no indication that they are “otherwise authorized by law” to retain PII. Second, their privacy policies strongly suggest that they are retaining dates of birth for purposes

---

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Hosting Voter Registration Drives*, NORTH CAROLINA STATE BOARD OF ELECTIONS, <https://www.ncsbe.gov/registering/hosting-voter-registration-drives> (last accessed June 14, 2024).

<sup>14</sup> *Register to Vote*, CENTER FOR VOTER INFORMATION, <https://www.centerforvoterinformation.org/register/> (last accessed June 18, 2024); *Register to Vote*, VOTER PARTICIPATION CENTER, <https://www.voterparticipation.org/register-to-vote/> (last accessed June 18, 2024); *Register to Vote*, ROCK THE VOTE, <https://www.rockthevote.org/how-to-vote/register-to-vote/?source=rtv.org-topnav> (last accessed June 18, 2024).

<sup>15</sup> Privacy Policy, THE VOTER PARTICIPATION CENTER, <https://www.voterparticipation.org/privacy-policy/> (last accessed June 13, 2024); Privacy Policy, CENTER FOR VOTER INFORMATION, <https://www.centerforvoterinformation.org/about-us/privacy-policy/> (last accessed June 14, 2024); *Privacy Policy*, ROCK THE VOTE, <https://www.rockthevote.org/about-rock-the-vote/privacy-policy/> (last accessed June 13, 2024).

Karen Brinson Bell  
June 24, 2024  
Page 4

other than facilitating voter registration. Those policies identify certain categories of information that Respondents retain for only so long as necessary to facilitate an applicant's registration, including government identification and Social Security numbers.<sup>16</sup> But dates of birth are not so identified, strongly indicating that Respondents are retaining dates for birth for periods longer than necessary to facilitate voter registration. Such retention would violate North Carolina law.

In light of the foregoing, RITE respectfully requests that the NCSBE, in accordance with its "duty" under Section 163-278(a) of the General Statutes, investigate this issue, order Respondents to immediately cease and desist from retaining any PII in violation of North Carolina law, and take any other actions it deems appropriate.

Sincerely,



Phillip J. Strach

---

<sup>16</sup> *Id.*