

POLITICS & GOVERNMENT

ICE demands 'exhaustive' voting records from North Carolina

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President Donald Trump signs an executive order on immigration, at the Pentagon in Arlington, Va., Jan. 27, 2017. STEPHEN CROWLEY *NYT*

WASHINGTON

Immigration authorities want North Carolina elections officials to turn over nearly a decade's worth of voting records by the end of the month.

The U.S. Attorney's Office for the Eastern District of North Carolina subpoenaed records Friday from the state board of elections and 44 county elections boards in the eastern part of the state. A meeting notice from the board says the subpoena came at the request of Immigration and Customs Enforcement.

Among the state records from Jan. 1, 2010 through Aug. 30, 2018 that were requested: all voter registration applications, federal write-in absentee ballots, federal post card applications, early-voting application forms, provisional voting forms, absentee ballot request forms, all "admission or denial of non-citizen return forms," and all voter registration cancellation or revocation forms.

North Carolina has nearly 7 million registered voters, [according to the State Board of Elections and Ethics Enforcement](#). The board said it has more than 15 million documents and images stored within the state's voter registration database.

Wake County, one of the 44 counties in the Eastern District's jurisdiction, received its subpoena Friday via fax. Documents requested from the county are: "Any and all poll books, e-poll books, voting records, and/or voter authorization documents, and executed official ballots (including absentee official ballots), that were submitted to, filed by, received by, and/or maintained by the Wake County Board of Elections from August 30, 2013 through August 30, 2018."

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The state board said the request for "executed official ballots" for the 44 counties includes more than 2.2 million ballots that are traceable to the voters who cast them. These are ballots that were cast by mail or at early voting, according to the board. Those ballots have an identifying number on them. The request includes more than 3.3 million ballots that cannot be traced to individuals who voted on Election Day.

Wake County has more than 556,094 traceable ballots.

The office of the Eastern District of North Carolina said it had no comment on the subpoenas.

Gary Sims, the director of Wake County's board of elections, said his staff has not begun to gather the data requested nor has it responded to the subpoena. The state and counties must appear in court with the documents in Wilmington on Sept. 25 at 8 a.m.

“We’re going to see what information we receive from the state board meeting this Friday,” Sims said.

The state board plans to meet Friday at 10 a.m. The state board is “deeply concerned” by the request, it said in an email sent to the boards of elections in each of the 44 counties.

“We are deeply concerned by the administrative drain on county boards of elections in order to comply with the extensive subpoenas immediately prior to a federal election, including the necessary reproduction of millions of documents (all ballots, etc.). The subpoenas faxed to county boards are the most exhaustive on record,” wrote Josh Lawson, general counsel for the state board.

“In our view, compliance with the subpoena as-written will materially affect the ability of county administrators to perform time-critical tasks ahead of absentee voting and early voting.”

“The timing and scope of these subpoenas from ICE raise very troubling questions about the necessity and wisdom of federal interference with the pending statewide elections,” said Kareem Crayton, interim executive director of the Southern Coalition for Social Justice, a Durham-based nonprofit providing assistance to social justice causes. “With so many well-established threats to our election process from abroad, it is odd to see federal resources directed to this particular concern.”

In August, 19 people were charged with [voting illegally](#) because they weren’t U.S. citizens, The News & Observer reported. The people hailed from countries across the globe.

A federal grand jury in Wilmington handed up the indictments, which were

announced by Robert J. Higdon Jr., U.S. attorney for the eastern district.

A post-2016 audit using state and federal databases identified potential non-citizens who voted in North Carolina. The potential non-citizen voters were sent a letter, and 41 admitted to not being citizens. The 41 came from 28 different countries and all were legally in the country, including one who was in her 70s and had lived in the U.S. for more than 50 years. An additional 34 people identified by the audit were able to provide proof of citizenship. Another 61 people did not respond to the letter, according to the state board.

The district includes Raleigh, Elizabeth City, Fayetteville, Greenville, New Bern and Wilmington.

[Subpoena for voting records \(PDF\)](#)

[Subpoena for voting records \(Text\)](#)

The 44 counties are Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Tyrrell, Vance, Wake, Warren, Washington, Wayne and Wilson.

[Sample county subpoena \(PDF\)](#)

[Sample county subpoena \(Text\)](#)