

Petition for Rulemaking

Voter Lookup

The below Petition for Rulemaking (“Petition”) is submitted pursuant to G.S. § 150B-20 as implemented by 08 NCAC 15 .0101 and arranged in numbered sections, as prescribed therein:

1
Petitioner Joshua Leo Lloyd Lawson (“Petitioner”) in my personal capacity only as a voter in Wake County (NCID BL383965) residing at 5071 Langley Circle in the City of Raleigh, and reachable at josh@lawson.legal for purposes relevant to this Petition.

2
Citation The Petition is for an addition to Chapter 21 of Title 8 of the N.C. Administrative Code (“Departmental Rules”), or where the Board otherwise sees fit.

3
Proposal The Executive Director shall ensure the residential address is omitted from any online tool maintained by the State Board of Elections that is capable of querying the official voter registration list or a derivative list, and that is available to the public generally.

With [statutory](#) and [element](#) annotations:

The Executive Director [[“Executive Director” GS § 163-26](#)] shall ensure the residential address [[“residential address” GS § 163-82.10\(c\)\(2\)](#)] is omitted from any [\[element 1\]](#) online tool [\[element 2\]](#) maintained by the State Board of Elections that is [\[element 3\]](#) capable of querying the official voter registration list [[“official voter registration list” GS § 163-82.11\(a\)](#)] or a derivative list, and that is [\[element 4\]](#) available to the public generally.

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Explanation
and Effect

Jurisdiction

The General Assembly has enacted statutes requiring the Executive Director to perform duties assigned by this Board,¹ and granting the Board authority to adopt rules governing the use of its statewide voter registration system.² Such rules fall squarely within the State Board’s supervisory preview³ and affect voters profoundly. This Petition is properly submitted by a “person” under 08 NCAC 15.0101, and the Board should proceed to consider rulemaking in an area governed by the Board, but which lacks a formal rule.

¹ GS 163-26

² GS 163-82.11(d)

³ GS 163-22

(Continued)

North Carolina stands alone in hosting an online tool that allows any person worldwide to enter a voter's name and find where she sleeps.⁴ No other state's election authority does this — ours should not either. The current practice is not required by law, it was never directed by Board members,⁵ and the practice should change.

Petitioner asks the Board to better steward the home location of our voters by directing its Executive Director to ensure the current online voter lookup tool ("Voter Lookup") and any future iteration is maintained in a manner that both protects voters and complies with state public records laws. The proposed rule (Sec. 3) affirms that — while a voter's home address must be provided "upon request"⁶ — nowhere has the General Assembly directed that the agency host an automated system accessible to any foreign or domestic user interested in tracking our citizens.

Current agency practice is not sustainable and imposes undue risk for voters. For the reasons provided below, Petitioner asks this Board to modify its Voter Lookup.

Residential addresses are requestable. The General Assembly has enacted statutes requiring production of a voter's home address as a *public record*,⁷ upon request.⁸ However regrettably, in our state, registration means public exposure with one exception: if a judge enters a restraining order in a domestic violence or similar proceeding (G.S. 50B-3), and then the impacted voter submits that order to the Attorney General as the basis for enrollment in the Address Confidentiality Program, and then the voter brings proof of her successful enrollment to her county board of elections office, where she must request designation as a "confidential voter." G.S. § 163-82.10. The exception is a red tape jungle. For all other voters, a residential address must be requestable under current law.

But requestable and advertised aren't the same thing. Most documents and much data are rightly *public records* as a matter of law, and must be produced timely, upon request. However, this Board is under no obligation preemptively to upload, for example, all internal emails, text messages, and memos that may be subject to some future request. The same holds for a voter's home address: statutes may entitle

⁴ Petitioner has found no other state election agency that offers an online voter search that include home address without submitting verification information or attesting to identity and permitted uses.

⁵ Petitioner has located no record of the Board having considered and directed the inclusion of residential information or the tooling the agency hosts.

⁶ GS § 163-82.10(c)

⁷ Within the meaning of Chapter 132 of the General Statutes.

⁸ GS § 163-82.10(c)

an inmate to her judge's home address, upon request, but this Agency need not place it one click away.

The various items displayed in today's Voter Lookup are entirely a matter of Agency discretion. The Board should consider that the General Assembly has enacted a system of requests and production that protects voters better than the Agency's Voter Lookup. A bad actor who today stumbles upon the all-too-googleable Voter Lookup might have otherwise succumbed to laziness or fear that this Agency would record his requests (which it does) and think better of submitting a request.

What's the risk? In both public and private life, Petitioner observed instances in which federal judges, elected officials, journalists and voters have raised serious safety concerns triggered by the Agency's exposure of their residential address. Petitioner is aware of voters who have moved or de-registered for safety reasons after a dangerous individual located them using Voter Lookup. Petitioner has seen the difficulty one voter faced when she fled an abuser, only to find her predator tracked them through Voter Lookup, after which the voter had to move again — this time securing a court order and jumping through many hoops before daring re-registration. Good and decent people face real danger, and one can't find any fault with them that a first instinct isn't to initiate a three-part, multi-agency process to mask the location where they sleep. And that's just the danger an average citizen may face, much less public servants, officials and journalists who face heightened risk of doxing and worse in today's political climate.

Our practice doesn't scale. Increasing web literacy will likely mean more and more people, including dangerous ones, will become aware of the Voter Lookup. Any legislative shift towards "automatic registration" will feasibly balloon the rolls to include any person appearing in any government database — making Voter Lookup the go-to source to extract information about any citizen receiving government services, frequent- or never-voter alike. And one can forecast the dangers and frauds that will accompany North Carolina's growth, as notable figures from industry and entertainment migrate to our state or emerge within it. There is good reason one cannot imagine any sister agency — from Martha's Vineyard to Malibu, Nashville to New York — enabling open season on its high-profile residents. But this Petition isn't about those who can afford protection; it's about those who can't.

Let's keep the best parts. Election staff understandably prefer to avoid fielding requests for voter information. Legislative staff enjoy a frictionless means to confirm constituent information. Journalists arrange drop-ins using Voter Lookup. All fair enough. But the Board should ask why the primary use-cases for including residential

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information in Voter Lookup have so little to do with the voter herself.⁹ Other information in Voter Lookup, for example, *does* help a voter locate her precinct, confirm registration updates, and view sample ballots. Fully consistent with this Petition, a modified Voter Lookup could still allow a voter to locate her assigned voting location, ballot, and district information. It could still permit legislators and the press to query affiliation and voter history information. In short, the Voter Lookup could provide the voter with virtually all the utility it does today, without exposing her location.

If the members of the General Assembly or of our Congressional Delegation need residential addresses, nothing in this Petition would limit the Board's ability to create a special-access web database that requires credentials or an internet protocol allow-list, as this Petition covers tools "*available to the public generally,*" and only those tools. It is true that journalists may need to request residential address information directly or to parse the FTP voter file, but I have faith they'd succeed.

Petitioner urges this Board to exercise its rulemaking and supervisory authority to ensure a voter is not made to forfeit privacy for the franchise, at least not to a greater extent than the law requires.

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Any Other
Information

Petitioner submits the above for review and decision in the manner and timeframe prescribed by 08 NCAC 15.0101. Petitioner does not request an opportunity to be heard, unless the Board desires. Petitioner expressly invites the Board to consider alternative formulations that better achieve the objectives described herein.

Respectfully submitted on the
26th day of March 2021,



Joshua Leo Lloyd Lawson

⁹ The narrow scenario in which full residential address would aide a voter is when she changes residences within a small geographic area and wishes to confirm only that her registration has been updated.