

# Justice Dept. Demand for North Carolina Voting Records Extended to D.M.V.

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ATLANTA — In a further sign of the sprawling nature of the Justice Department’s effort to collect voting records in North Carolina, prosecutors demanded eight years of information from the state’s Division of Motor Vehicles, according to a copy of the subpoena obtained by The New York Times.

The newly disclosed order, along with subpoenas sent to the state’s elections board and counties, appears linked to a federal inquiry into illegal voting by noncitizens.

Under federal law, residents seeking to obtain or renew a driver’s license must be offered a chance to register to vote. The demand from the government seeks voter-registration forms submitted to the North Carolina D.M.V. by an array of applicants since 2010. The applicants include those who are foreign-born, said they were not citizens, did not produce a driver’s license as proof of identification, or displayed nonimmigrant visas or other documents “that reflect the applicant was not a United States citizen.”

The order also asks for applications completed in a language other than English, and for applications that had been revoked, denied, deemed fraudulent, incorrectly filed or “found to have other irregularities.”

The Justice Department has not said why the records are needed. But the request appears related to an investigation of illegal voting by noncitizens that led last month to the indictment of 20 North Carolina residents, all but one of whom are foreign nationals, involving illegal ballots cast in 2016.

The subpoena to the state D.M.V., like those to the state and county elections boards, was issued on Aug. 31 and set a Sept. 25 deadline for the records. A department spokesperson, who previously denied that the agency had been subpoenaed, did not immediately respond to a request for comment on Friday.

*[Read: A federal judge ruled that Florida must provide Spanish-language election materials in 32 counties]*

The new subpoena surfaced as the State Board of Elections and Ethics Enforcement voted unanimously on Friday to resist the sweeping federal subpoena it received, calling the demand overly broad, a potential intrusion into voters’ privacy and, so far, unexplained.

The subpoena came from the United States attorney for the Eastern District of North Carolina and from Immigration and Customs Enforcement.

The chairman of the board, J. Anthony Penry, said the subpoena as originally written would require the board to produce more than 15 million documents by a Sept. 25 deadline. Counties have been asked to produce millions more, including actual ballots. After the subpoenas became public, federal authorities said they would allow the state to delay producing records until January so that responding would not hinder preparations for the November election.

“We have not been given a reason as to why ICE wants that information, and, candidly, I can’t think of any reason for it,” a plainly irritated Mr. Penry added. “But presumably, the United States attorney or ICE has some reason they can explain somewhat eventually.”

But in a letter to the board made public later, Robert J. Higdon, the United States attorney, stated that he was “confident in the appropriateness of the subpoenas” and reminded the board that it is barred from destroying any of the requested records before the fate of the subpoenas is decided.

“We don’t have any intention of destroying the documents,” Mr. Penry said, “and we don’t have any intention of putting our servers on a plane to Ecuador or some other place.”

Meeting by conference call, the elections board directed North Carolina’s attorney general to ask a federal judge to quash the subpoena.

Similar subpoenas were sent to all 44 counties in the state’s eastern district, demanding voting records, including actual ballots, dating to 2013.

The Friday morning decision capped a week of private scrambling and public outrage over the subpoenas, which landed in state and county elections offices that were gearing up for an Election Day barely two months away. State elections officials first learned of the subpoenas when a fax from the United States attorney’s office arrived just before the start of the Labor Day holiday weekend.

The Justice Department, Mr. Penry argued, was seeking documents that “would disclose very confidential information about the voters, including what their ballots actually looked like.” He added that state law barred their release without a court order.

Joshua Malcolm, the board’s vice chairman, said state officials stood ready to assist any appropriate inquiry into illegal activity. But the elections board would “not stand idly by and consent to an agency attempting to obtain records and documents that violate the principles of overreach by the federal government,” he said.