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October 13, 2010

BY FACSIMILE (312) 603-4708

Honorable Anita M. Alvarez
Cook County State's Attorney
69 W. Washington Street
Chicago, Illinois 60602

Dear State's Attorney Alvarez,

This firm represents Alexi for Illinois, the principal campaign committee of Alexi Giannoulis, the Democratic candidate for United States Senator in the election to be held on November 2, 2010. Recent media reports have confirmed that Congressman Mark Kirk, the Republican candidate, has organized a so-called election day "voter integrity program," that includes dispatching a team of lawyers solely into communities that have high African American and/or low income populations.

Mr. Kirk was recorded making the following statement to Republican party officials: "I have now funded the largest voter integrity program in 15 years for the state of Illinois. These are lawyers and other people that will be deployed in key vulnerable precincts. For example, south and west side of Chicago, Rockford, Metro-East, where the other side might be tempted to jiggle the numbers somewhat." A copy of the St. Louis Post Dispatch' reprint of the statement is attached. The actual recording can be heard on:

http://chicagoist.com/2010/10/13/mark_kirk_to_deploy_voter_integrity.php.

The areas in which Mark Kirk intends to send his squads are indeed "vulnerable", but not as Mr. Kirk intends. The south and west sides of Chicago, Metro East, and Rockford have substantial minority and low income populations, which have historically been the victims of voter intimidation efforts. As the nonpartisan nonprofit organization, Project Vote, reported in its February 2010 publication *Voter Intimidation and Caging*, "Most commonly, voter intimidation efforts have attempted to suppress the voices of low-income and minority voters."

It is vital that everyone who wants to vote be able to do so without fear of intimidation or suppression. Project Vote has identified numerous examples of Republicans targeting minority

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communities and areas of higher African American turn-out throughout the country with unnecessary challenges and scare tactics. Examples found by Project Vote and other sources are attached to this letter for your information. These tactics violate both state and federal voter protection laws. They have no place in Illinois.

Dirty tricks by Republican operatives to affect Illinois elections are not new. Karl Rove, the Republicans' leading strategist, has acknowledged committing campaign fraud against former Illinois United States Senator Alan Dixon. Now Rove's American Crossroads organization has targeted Alexi Giannoulias with blatantly false television advertising. While Rove now calls his actions against Dixon a "youthful prank", Project Vote is more accurate in describing these tactics: "While it is common to dismiss intimidation schemes as theatrical 'dirty tricks', they have profound impacts on the most vulnerable voters."

On behalf of Alexi for Illinois, as well as the tens of thousands of voters whose constitutional rights are threatened, I am asking you and your office to investigate this voter suppression program that Congressman Kirk and Republican party officials have planned. I also request that, in the areas Congressman Kirk is targeting, your office provide additional legal and law enforcement personnel in order to ensure that every vote is cast and counted legally.

I would be pleased to provide any additional information. Thank you for your consideration and we are hopeful that this issue will be investigated and addressed swiftly.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Dorf", written over a horizontal line.

Michael C. Dorf
General Counsel
Alexi for Illinois

www.STLtoday.com

GOP Senate candidate in Illinois plans anti-fraud effort

BY KEVIN McDERMOTT • Post-Dispatch Springfield Bureau kmcdermott@post-dispatch.com > 217-782-4912 | Posted: Saturday, October 9, 2010 12:00 am

SPRINGFIELD, Ill. • Republican U.S. Senate nominee Mark Kirk recently told party officials in a private conversation that he's funding anti-voter-fraud activities in "key, vulnerable precincts" for the Nov. 2 election and specified four areas of Illinois that have significant African-American voting blocks, including the Metro East.

A state Democratic Party spokesman said the comment suggests plans for racially driven "voter suppression." Kirk's campaign denied that allegation.

"I have now funded the largest voter integrity program in 15 years for the state of Illinois," Kirk says in an audio recording of a private phone conversation with other GOP officials. "These are lawyers and other people that will be deployed in key, vulnerable precincts. For example, south and west side of Chicago, Rockford, Metro East, where the other side might be tempted to jiggle the numbers somewhat."

Kirk's comment was first revealed by the liberal blog ArchPundit, which posted a 24-second audio file of it Thursday. The recording was made this week from a conference call in which Kirk, a congressman from the Chicago area, is talking to other party officials about strategy.

Kirk's campaign said it was recorded without his knowledge. It was unclear Friday who made the recording or why.

Kirk told ABC 7 Chicago television in a story aired Friday evening that his comments weren't racially motivated. "I'm actually offended that they would say that," he said. "I think that every vote should be counted and that we need to make sure it's a free and clean election."

Kirk spokeswoman Kirsten Kukowski on Friday confirmed the validity of the audio, but she strongly denied there was a racial component to it. She noted that only the two Chicago neighborhoods Kirk referenced are majority black.

"Congressman Kirk supports statewide efforts to combat machine politics and vote fraud that is well-known in Illinois," Kukowski said in an e-mailed statement. "Voter fraud dilutes votes and disenfranchises citizens."

The activities include posting observers in the precincts to watch for signs of fraud. Kukowski didn't answer when asked about how much the campaign has spent on the activities.

The south and west sides of Chicago are majority African-American areas. Rockford is more than 17 percent black, in a state with a total black population of about 15 percent, according to census figures. The Metro East area has a slightly higher African-American population than the state at large but also has one of the state's highest concentrations of black voters in East St. Louis.

A spokesman for Illinois Democratic Party Chairman Michael Madigan said Friday that Kirk's comment indicates plans of "voter suppression" in minority areas.

"He wants to go out and intimidate folks who are trying to vote. It's a sign of desperation," said the spokesman, Steve Brown. "Those are significantly African-American areas. Apparently he thinks that's the only place there's voter fraud. ... Why not Champaign County?"

Asked whether he thought the comment contained a racial component, Brown said, "If it walks like a duck and it talks like a duck, it's a duck."

Kirk and Democratic state Treasurer Alexi Giannoulias are vying for the U.S. Senate seat previously occupied by President Barack Obama. Giannoulias campaign manager Michael Rendina issued a statement calling on Kirk to "explain himself."

Here are just a few of the many examples of the tactics that the Republican Party has used to disenfranchise minority voters and interfere with elections:

Stealing the Presidential election in Florida: Shortly after the 2000 presidential election, the Palm Beach County Post found that Al Gore lost the presidency due to thousands of uncounted votes in Florida that came from areas with high concentrations of minority voters that overwhelmingly supported Gore. The election was stolen when the Republican Secretary of State refused to count all of the votes and certified George Bush as the winner, despite having received fewer votes than Al Gore. A New York Times investigation concluded that Secretary of State Katherine Harris, who was a co-chair of the Bush presidential campaign, acted under pressure from Republicans and may have seriously impacted the outcome of the election. [CNN <http://articles.cnn.com/2001-03-11/politics/palmbeach.recount_1_gore-buchanan-gore-and-reform-party-butterfly-ballot?s=PM:ALLPOLITICS> , 3/11/01; New York Times <http://www.nytimes.com/2001/07/18/us/official-defends-her-conduct-in-the-vote-counting-in-florida.html?ref=katherine_harris> , 7/18/01; New York Times <<http://www.nytimes.com/2001/07/15/politics/15BALL.html>> , 7/15/01]

Voter intimidation in Virginia and New Mexico: In 2006, Virginia legally qualified and registered voters received calls from people claiming to be working for the Board of Elections or Democratic U.S. Senate candidate Jim Webb's campaign telling them that they were ineligible to vote, their polling place had changed or giving incorrect dates for the election. [CNN, 11/7/06: <http://www.cnn.com/2006/POLITICS/11/07/deceptivecalls.va.>] In 2008 the New Mexico GOP sent private investigators to the homes of Hispanic voters to determine whether they were eligible to vote. [New Mexico Independent <<http://newmexicoindependent.com/6457/nm-gop-accused-of-voter-intimidation>> , 10/23/08]

Republicans sent to jail for phone jamming: In 2002, Republican Congressman John Sununu won the U.S. Senate race in New Hampshire by just a few points over Governor Jeanne Shaheen after the state GOP hired a Republican firm to jam the Democrats' GOTV phonebanking efforts on election day. The Republican culprits were ultimately caught and sent to jail, but John Sununu was still sworn in as Senator anyway. [Washington Post <<http://www.washingtonpost.com/wp-dyn/content/article/2006/05/16/AR2006051601712.html>> , 5/17/06]

Illegally purging qualified voters from the registration rolls: In 2004, in several states, most notably Ohio, the RNC orchestrated "voter caging," the proven unreliable practice of purging voters from the rolls after attempting to send mail to their residences and having it returned. Republicans used voter caging to challenge the eligibility of tens thousands of voters in urban, heavily Democratic areas. [Washington Post, 10/29/04; Brennan Center for Justice, 6/29/07] In 2008, Colorado Republican Secretary of State Mike Coffman was sued for purging 16,000 to 30,000 names off of the voter rolls for

reasons including confirmation mail being undeliverable. Many of the names were removed within the 90-day period protected by the National Voting Rights Act.

[Colorado Independent <<http://coloradoindependent.com/12872/voting-rights-group-sue-colorado-secretary-of-state-over-purges>> , 10/26/08] Also in 2008, Montana's lieutenant governor Republican John Bohlinger lashed out at the state GOP for a scheme to purge thousands of voters from Democratic-leaning counties, and called for the removal of the policies and the people responsible. Voters targeted for the purge even included decorated veterans, members of the law enforcement and senior citizens, just because they lived in blue counties. [John Bohlinger Op-Ed, Montana Standard <http://www.mtstandard.com/news/opinion/article_e0f53cc5-ddb4-5bc3-a42b-e82d567567e7.html>