

June 20th, 2010

To the State Board of Elections and the Local Board of Elections for the State of Virginia and County of Montgomery, Virginia,

My name is Carol Lindstrom. I am the individual who requested and received what I believe to be the first set of copies of candidate petitions for the 2010 Town of Christiansburg elections. This is not the first time that I have done this. In 2008, I did the exact same thing.

During the 2008 Town of Christiansburg campaign, I requested and received copies of candidate petitions and financial statements. Although I had noted many of the same issues reported in the 2010 campaign, I only notified the Registrar's Office of one particular feature. I reported an incorrect email address for a candidate. Apparently, that issue was addressed and shortly thereafter, that candidate chose to drop out of the race. A few weeks after that, I was named in a lawsuit for a blog article written by someone else. I had no affiliation with the blog or the article. Eventually, after thousands of dollars in legal fees, I was dropped from that lawsuit. Coincidence? Possibly, but given the other issues that I noted, it is also possible that the lawsuit was done for no other reason than to halt my endeavors to continue submitting FOIA requests and posting public documents online.

It should be noted at this point that while I have posted every other item I have received via FOIA request on my website for public access, I did not do so with the 2008 or the 2010 campaign information because of the visibility of the last 4 digits of individual signers' social security numbers. I should have reported this in 2008 but didn't because I assumed the Registrar's Office was simply in a hurry and made an error. The recurrence of these issues in the 2010 forms points towards habitual behavior rather than a one-time error.

What a wealth of opportunity exists with these documents for those prone to using this information for identity theft. You have a written name, a signature, and at least the last 4 digits of social security numbers. I believe this is specifically why State Code says: "§ 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection." notes that: ... "No election record containing an individual's social security number, or any part thereof, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers or any parts thereof." The release of such information is not in the best interest of the public.

To my knowledge, there has been no attempt to undermine an election. Instead, it is my understanding that the report that was generated was to notify the Board of Elections of problems in hopes that steps would be taken to prevent those types of errors from occurring. I say 'my understanding' because I was not involved in the further review of the documents or in the production of said report. In fact, beyond gathering a few signatures, I was not directly involved in ANYONE's campaign. I chose to remain unaffiliated because I wanted the freedom to request documents, post documents, and write articles on my blog freely without being accused of being in support of any particular candidate.

What Mr. Wertz has done through his email is to send a message to anyone making a FOIA request of these types of documents that you can be publicly attacked for asserting your rights. These false accusations, displayed in such a public manner, do not serve to foster confidence or trust in the Registrar's Office because they are an attempt to redirect people from seeing the bigger issue. That issue is that EVERYONE has a right to request these documents and to report any irregularities that

they may find. Under FOIA, no person is required to submit a reason for their request, and for a representative of the Registrar's Office to make assumptions and imply that there are ulterior motives for this is unconscionable.

A good faith reporting of issues is the right of citizens and, citizens have a right to expect issues to be addressed without such personal attacks by appointed officials as Mr. Wertz did in his email. Mistakes were made. What the law may say about those mistakes is the role of the Local and State Board of Elections to determine. What I, as a citizen, want is to make sure of is that behaviors, such as Mr. Wertz's email, that are likely to have a negative impact on citizens utilizing their rights are stopped. No elected or appointed official should be doing anything that discourages citizens from using FOIA and for making note of issues found. It is this threat to the rights of citizens that I believe constitutes a willful action that is NOT in the public interest.

Attached to this letter are:

1. several excerpts from the State Board of Elections's Candidacy Requirements for City and Town Offices Elected in May 2010, and the relevant State Codes. Including the one whereby I will am, hereby, submitting a FOIA request for the "§ 24.2-109.1. Performance review of general registrars. "
2. a copy of the email that was sent by Randy Wertz, Registrar Montgomery County, VA
3. a statement by me concerning the events of the 2010 campaign process and the FOIA request for documents.
4. FOI request to the Local Electoral Board for Annual Performance Reviews for the Montgomery County, VA General Registrar.
5. FOI request to the State Electoral Board for Annual Performance Reviews for the Montgomery County, VA General Registrar.

I thank you for your time and attention to this matter.

Sincerely,

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