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## **MEMORANDUM**

TO: Florida Supervisors of Elections

FROM: Ronald A. Labasky

DATE: July 11, 2012

RE: Department of State Non-Citizen List

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The Department of State has indicated that it will be releasing a list that it has developed of possible non-citizens beyond the list previously distributed to the Supervisors of Elections. This release is pursuant to public records requests and is, to my understanding, not a distribution to the Supervisors of Elections for the purpose of list maintenance or similar actions. At the hearing before Judge Hinkle on June 27, 2012, the Department indicated that it would not be distributing any further information or lists to the Supervisors concerning its programs on non-citizens pending its ability to access the Homeland Security SAVE Database.

There has not been an indication of when this list will be provided to the requesting parties. The Department of State has recognized and acknowledged flaws which existed with the first list that was distributed and these new names didn't make that list. Therefore, these are subject to even greater questions as to their credibility. My advice is that unless the Department of State indicates otherwise, no action with respect to anyone on that list should be taken. In the event that someone presents themselves and demonstrates that they are a citizen, upon confirming that status, contact with the Department of State should be undertaken to confirm that person's citizenship.

Again, the distribution does not appear to be for legal processing and apparently will be of no legal consequence under Chapter 98, F.S. In the event that other parties attempt to use this list, those issues will need to be further examined and I and the Executive Committee and/or the Board will try to provide recommendations concerning those possible issues.