



Congress of the United States
House of Representatives

October 24, 2008

The Honorable George W. Bush
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

In light of recent litigation concerning the failure of several states to comply fully with Section 303 of the *Help America Vote Act* (HAVA), I respectfully request that you use your authority to direct Attorney General Michael Mukasey and the U.S. Department of Justice to investigate these actions and direct the appropriate authorities in each state to comply with the Section 303 requirements of HAVA.

As you are aware, on October 17, 2008, the United States Supreme Court vacated, on procedural grounds, a temporary restraining order directing the Ohio Secretary of State to comply with Section 303. In short, the Supreme Court's decision indicates that under HAVA, only the Department of Justice may enforce its provisions. Similarly, in Wisconsin, a state court dismissed a suit filed by the Wisconsin Attorney General seeking to compel the state's Government Accountability Board (GAB) to comply with applicable state and federal election laws, including HAVA.

These recent decisions make clear the importance of the Department's HAVA enforcement authority. It is imperative that, where necessary, the Department exercise its authority in order to assure uniform compliance with the provisions of the law. Unless action is taken by the Department immediately, thousands, if not tens or hundreds of thousands, of names whose information has not been verified through the HAVA procedures mandated by Congress will remain on voter rolls during the November 4, 2008 election; and there is a significant risk – if not a certainty, that unlawful votes will be cast and counted.

Given that Election Day is less than two weeks away, immediate action by the Department is not only warranted, but also crucial. Accordingly, I strongly urge you to direct Attorney General Mukasey and the Department of Justice to act. I thank you for your attention to this request.

Sincerely,

A handwritten signature in blue ink that reads "John Boehner".

John Boehner
Republican Leader