

Norfolk Registrar Ordered to Release Denial Letters

By Matthew Jones, The Virginian-Pilot, Norfolk, Va.

Jun. 20--NORFOLK -- A Circuit Court judge has allowed a lawyer access to the letters the city sent rejected voters last fall, but denied his request to view the denied voter registration forms themselves.

This decision ends the latest round in months of wrangling between the city's general registrar, Elisa J. Long , and an attorney with the Advancement Project, a Washington-based civil rights group.

Andrew A. Rivera sued Long for what his group called the city's "unduly restrictive and unlawful registration procedures."

Of particular interest was the city's initial rejection of more than 6,000 voter applications before the November gubernatorial election, a significantly higher number than neighboring cities.

A General District judge denied Rivera's initial request to inspect the registration forms the day before the fall election. Circuit Court Judge Everett A. Martin, Jr. heard the appeal two weeks ago and issued his opinion last week. Rivera's attorneys received it Monday.

Martin agreed with Long that the voter registration forms -- which contain social security numbers, criminal history and mental competency questions -- should be considered private under Virginia election law and not released.

However, Martin saw no reason to deny Rivera's request for the form letters Long's office sent to rejected potential voters, since these documents do not contain the same sensitive information. Long had refused to provide these, based on her interpretation of state law.

Rivera became interested after learning that 55 percent of Norfolk's new voting applications last year couldn't immediately be processed, according to the registrar. Fewer than 1,000 of those 6,064 applications were outright denials, Long said at the time. The rest were either incomplete or ambiguous, and applicants were given a chance to re-register.

Long said at the time that part of the problem lay with Project Vote, a nonprofit group targeting low-income and minority voters. The group submitted about 5,000 applications to Long's office before the election.

Project Vote officials countered that Long's procedures were overly exacting and placed extra registration hurdles on military, student and homeless voters.

Both sides appealed to the State Board of Elections in Richmond to intervene. The board cleared Long's office of any wrongdoing in late October, after reviewing a 480-application sample.

Neither Long nor Rivera could be reached for comment on the court decision Monday afternoon, but one of Rivera's attorneys said he was pleased.

"If there were ever a case where the public interest was best served, this is it," said Kevin E. Martingayle.

He said the letters would be the starting point for Rivera's investigation.

"Maybe the Norfolk registrar is neutral and fair and happens to be pickier than the other registrars," he said. "We won't know until we're able to get into the records that show the stated reasons for the rejection."

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