

October 3, 2005

E. Bruce Curry
District Attorney
700 Main Street
County Courthouse
Kerrville, TX 787028-5323

Dear District Attorney Curry:

I am a registered voter in Kerr County, Texas and I have recently learned that presidential adviser Karl Rove may have violated Texas law by illegally registering as a voter in Kerr County, Texas. I respectfully request that the District Attorney's office investigate this matter and, if appropriate, prosecute Mr. Rove.

A government watchdog organization in Washington, D.C., Citizens for Responsibility and Ethics in Washington ("CREW"), filed a complaint regarding this matter with the Elections Division of the Secretary of State's office on September 6, 2005. On September 8, 2005, however, the *Ft. Worth Star-Telegram* reported that Scott Haywood, a spokesperson for the Secretary of State's office, stated that the Secretary of State does not have jurisdiction over this matter and that it must be investigated by county officials. *Associated Press, State can't investigate complaint on Rove's voting in Texas, The Ft. Worth Star-Telegram*, September 8, 2005 (attached as Exhibit A). Mr. Haywood also said that CREW does not have jurisdiction to file a complaint, only a Kerr County registered voter can file such a complaint. Therefore, as a Kerr County registered voter, I am filing this complaint with your office.

According to a recent news report, Mr. Rove and his wife, Darby, registered to vote in Kerr County in 2003 after they sold their Austin, Texas home, where they were previously registered to vote. Lori Montgomery, Rove Not Entitled to D.C. Homestead Exemption, *The Washington Post*, A02, September 3, 2005 (attached as Exhibit B). County property records show that Mr. Rove and his wife have owned two tiny rental cottages since 1997, the largest of which is only 814 feet and valued by the county at \$25,000. *Id.* In contrast, the Roves' Washington, D.C. home is valued at over \$1.1 million. *Id.*

Despite the Roves' voter registration, local Kerr County residents have claimed that the Roves have never actually lived in either of the two rental cottages. Montgomery, *The Washington Post*. Greg Shrader, the editor and publisher of the *Kerrville Daily Times*, stated that he had lived in the area for 10 years, but had never seen Rove. *Id.* Similarly, Charles Ratliff, secretary of the Kerr County Democratic Party, stated that he has never even heard mention of anyone sighting Mr. Rove in the area. *Id.* I have personally lived and voted in Kerr County for 15 years and have never seen either Mr. or Ms. Rove.

Texas election law provides that to be eligible to vote, a person must: "(1) be a qualified voter as defined by §11.002 on the day the person offers to vote; (2) be a resident of the territory covered by the election for the office or measure on which the person desires to vote; and (3) satisfy all other requirements for voting prescribed by law for the particular election." Texas District Attorney Curry

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Election Code §11.001. One of the requirements to be considered a "qualified voter" is that the person be a resident of Texas. Texas Election Code §11.002. The law further states that to be eligible for registration as a voter in Texas, a person must be a resident of the county in which application for registration is made. Texas Election Code §13.001(5).

The application for registration must be executed and submitted to an election officer and must include a statement that the voter satisfies the applicable residence requirements and the voter's residence address. Texas Election Code §63.0011(c).

A person commits an offense if he or she knowingly makes a false statement or requests, commands, or attempts to induce another person to make a false statement on a registration application. Texas Election Code §13.007(a). An offense under this section is a Class B misdemeanor and is considered to be perjury, but may be prosecuted only under this section. §13.007(b) – (c).

As it appears that both Mr. and Mrs. Rove violated Texas law by claiming residence in a county in which they apparently did not reside, it is appropriate for the District Attorney's office to investigate and prosecute this matter.

I look forward to your response.

Sincerely,

A handwritten signature in cursive script that reads "Frances Lovett".

Frances Lovett