



ANDRÉ JACQUE

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

(608) 266-9870
Fax: (608) 282-3602
Toll-Free: (888) 534-0002
Rep.Jacque@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

TO: Members of the Assembly Committee on Campaigns and Elections
FROM: Representative André Jacque
DATE: May 19, 2015
RE: Assembly Bill 189

Chairwoman Bernier and Committee Members,

Thank you for holding this hearing on Assembly Bill 189, which will authorize Wisconsin's entrance into the Interstate Voter Registration Data Crosscheck (IVRC) program in order to improve the accuracy of Wisconsin's voter list. The IVRC compact is presently comprised of 28 states (including Michigan, Iowa, Indiana and Illinois) in which the participants agree to share voter registration information for the purpose of cross checking and identifying duplicate registrations and instances of multiple votes by the same individuals. There is no membership cost for states to participate in the IVRC program.

Ensuring that accurate voter registration data is maintained in an effective and timely manner is one of the biggest challenges faced by election administrators today. According to the U.S. Census Bureau, one in eight Americans moved during the 2008 and 2010 election years. Some Americans—including those serving in the military and young people—are even more transient, and census and other data indicate that as many as one in four young Americans moves in a given year.

In January of last year, the bi-partisan Presidential Commission on Election Administration submitted its Report and Recommendations to the President, and it concluded that the millions of voters who move between states each year often appear on more than one state's registration list. As part of that report, they stated:

Every effort needs to be made to facilitate coordination among the states in the development of accurate and up-to-date registration lists. States should also take advantage of other publicly available databases that indicate which voters have moved or died. All these efforts must, of course, remain compliant with NVRA rules concerning voter notification and removal from rolls. Protecting the privacy of voter data must also be a top priority. However, data-matching tools have advanced to the point where seemingly intractable registration problems can be addressed by simple coordination between the states using publicly available databases concerning "who" lives "where." The report specifically referred to the IVRC as one of two programs emblematic of these efforts, and noted "Thus far, programs of this kind have shown the ability to safeguard any voter information they receive."

If a person maintains more than one voter registration within Wisconsin, it already shows up in our records. However, for voters who maintain multiple registrations in one or more additional

states, Wisconsin elections clerks remain unaware of these additional registrations unless a cancellation of prior registration is sent by the voter, something which frequently does not happen. When I was a college student at UW-Madison, I was aware of classmates who were pressured to double vote on campus after having already voted absentee. This legislation will help to clean up voter rolls to prevent that from occurring. I learned about the IVRC late last year shortly after being named the chair of the Interstate Affairs Committee, and immediately began researching and drafting this legislation.

Under the IVRC, each state pulls their voter registration data on January 15 each year using the prescribed data format and uploads the data to a secure FTP site. The Kansas state IT department then pulls its voter data, runs a comparison, and uploads the results to the FTP site, where each state can then download their specific crosschecked list and process it according to each state's laws and regulations. Kansas then deletes all other states' data. I have checked with the Kansas Secretary of State's Office and received affirmation that this legislation will accomplish the intent of adding Wisconsin to the IVRC.

Again thank you for the opportunity to testify on AB 189.

Interstate Voter Registration Crosscheck Program

National Association of
State Election Directors

January 26, 2013



Kris W. Kobach

National Voter Registration Act of 1993

- **Section 2 Findings and Purposes**
- (b) Purposes
 - (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
 - (2) to make it possible for Federal, State, and local governments to implement this subchapter in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
 - (3) to protect the integrity of the electoral process; and
 - **(4) to ensure that accurate and current voter registration rolls are maintained.**

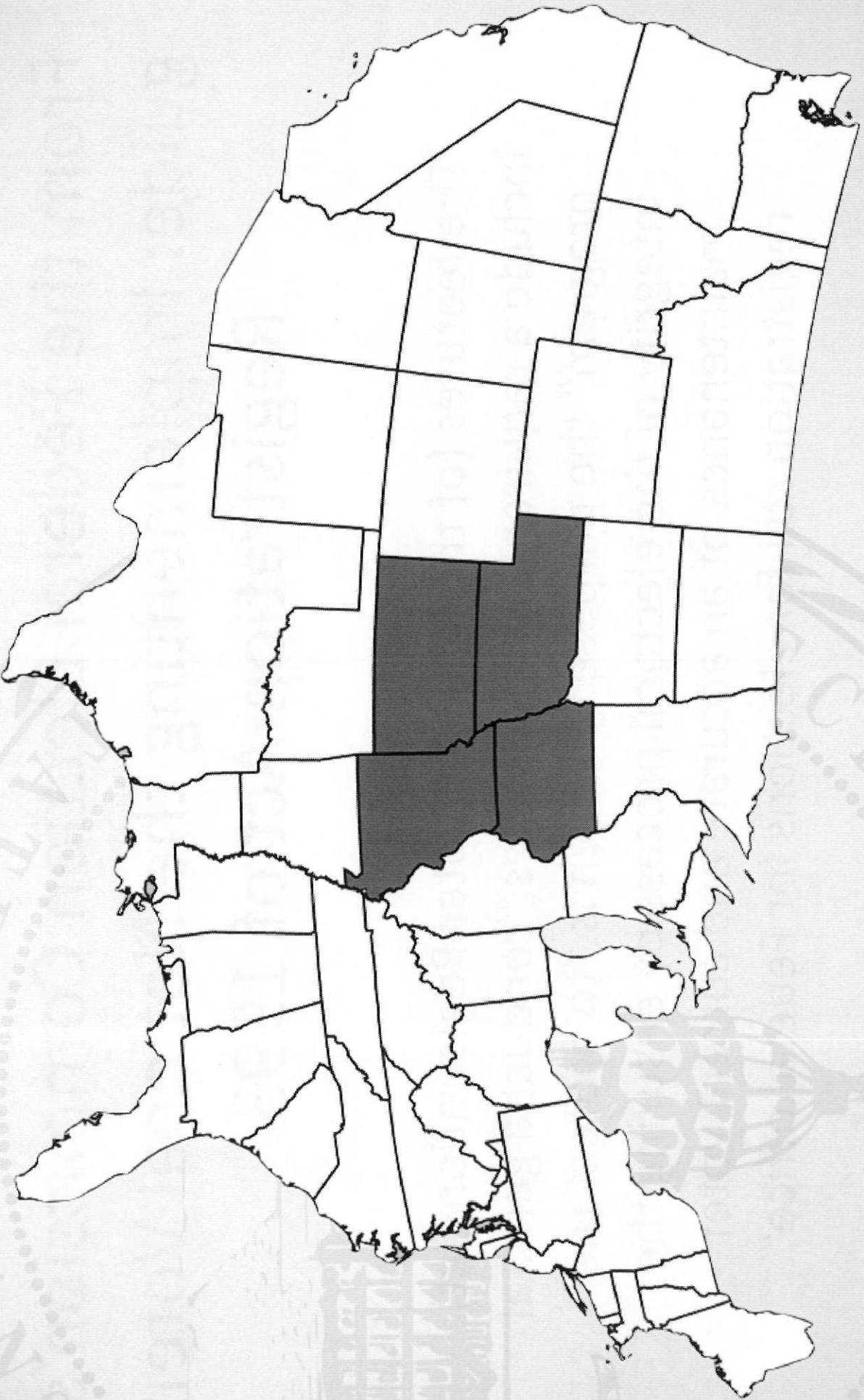


From the Federal Election Commission's guide: Implementing the National Voter

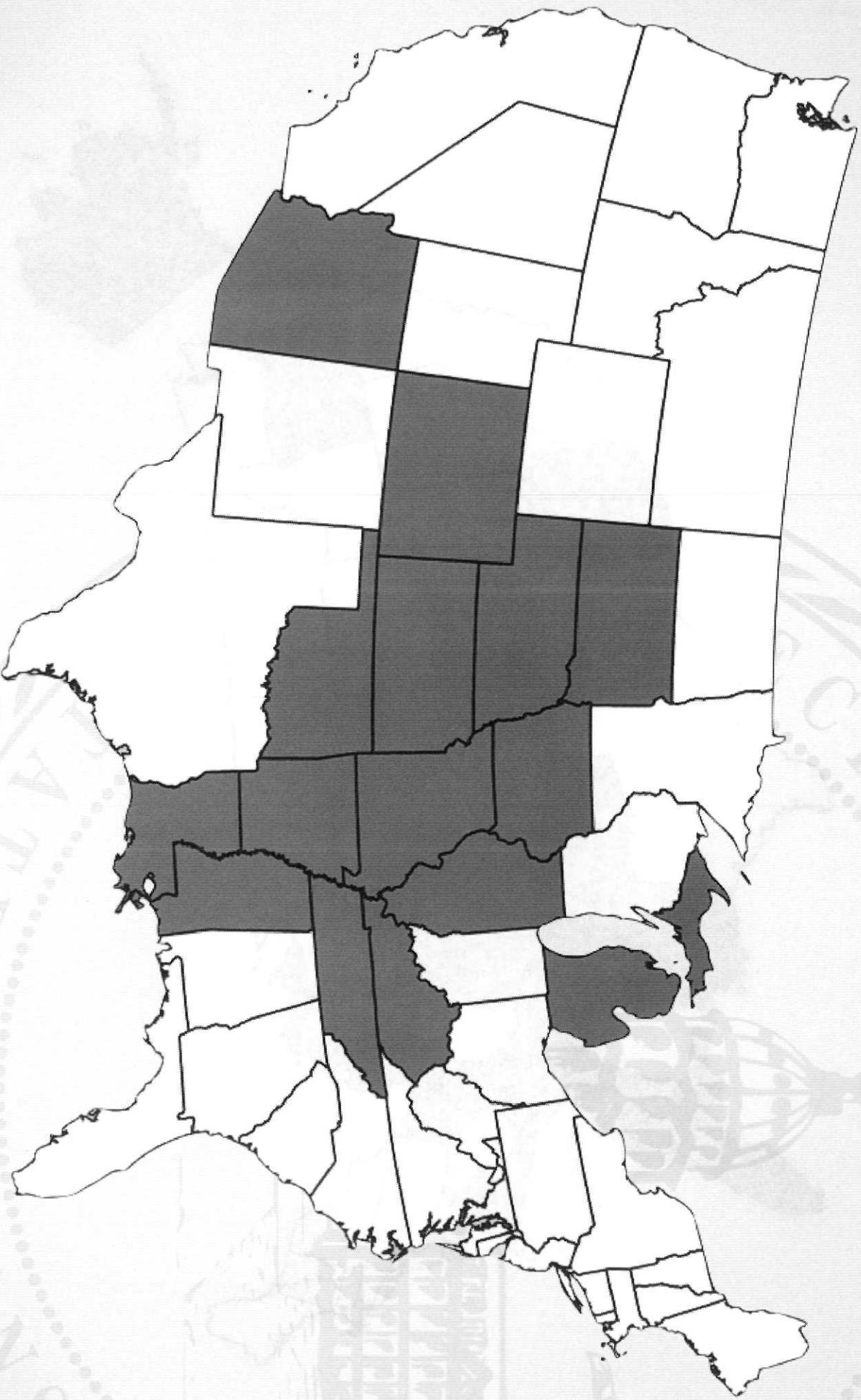
Registration Act of 1993:

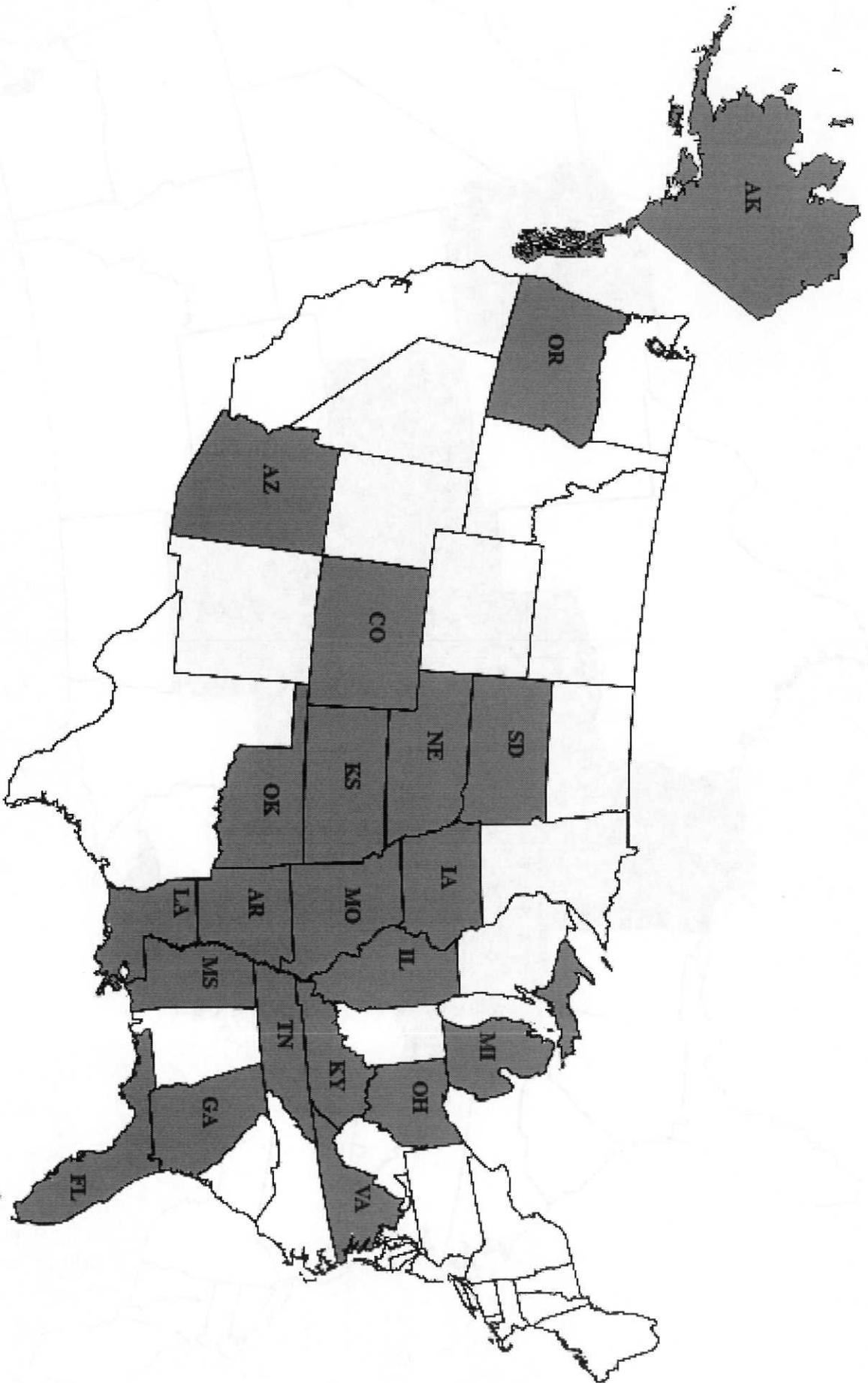
The features (of the National Voter Registration Act) include a requirement that states “conduct a general program” the purpose of which is “to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office”

Participants in 2005



Participants in 2012





2013 Interstate Crosscheck

Participating states as of Jan. 10, 2013

2012 Crosscheck Program—Number of Records Compared

Arizona	3,545,891	Michigan	7,337,846
Arkansas	1,528,458	Mississippi	2,002,406
Colorado	3,375,891	Missouri	4,069,576
Illinois	8,248,736	Nebraska	1,129,943
Iowa	2,113,199	Oklahoma	2,000,767
Kansas	1,702,495	South Dakota	560,147
Kentucky	1,303,684	Tennessee	3,468,503
Louisiana	2,860,281		

Total Records: 45,247,823

Interstate Crosscheck Data Format

Field	Format	Example
Status	A=Active; I=Inactive	A
Date_Generated	YYYY/MM/DD	2010/01/01
First_Name		Bob
Middle_Name		Alan
Last_Name		Jones
Suffix Name		Jr
Date_of_Birth	YYYY/MM/DD	1940/06/16
Voter_ID_Number		123456
Last_4_SSN		7890
Mailing Address	Line 1 Line 2 City State Zip	123 Anywhere St...
Country		Allen
Date_of_Registration	YYYY/MM/DD	1970/01/01
Voted_in_2010	Y=did vote; N=did not vote	Y



Kris W. Kobach

How does it work?

- Each state pulls data on January 15 each year using prescribed data format
- Upload data to secure FTP site (hosted by Arkansas)
- Kansas IT department pulls data, runs comparison, uploads results to FTP site
- Each state downloads results from FTP site, processes them according to state laws & regulations
- Kansas deletes all other states' data



First: John

Middle: Q.

Last: Public

DOB: 01/01/1975

SSN: 1234

State: Kansas

First: John

Middle:

Last: Public

DOB: 01/01/1975

SSN: 1234

State: Colorado

Positive Identity Match

**Grid of Potential Duplicate Voters Within States
by DOB Last Name First Name**

2012	AZ	AR	CO	IL	IA	KS	KY	LA	MI	MS	MO	NE	OK	SD	TN
AZ		2,829	24,863	16,014	7,153	3,687	688	2,062	27,617	2,220	7,569	3,306	4,006	2,449	3,614
AR	2,829		4,557	6,950	2,430	2,686	691	5,957	5,085	6,477	11,049	995	7,403	433	7,180
CO	24,863	4,557		19,902	10,850	10,035	1,054	17,086	17,086	3,309	12,498	8,927	8,306	3,937	6,153
IL	16,014	6,950	19,902		31,882	6,311	2,467	49,260	10,766	39,658		3,803	4,834	1,500	12,469
IA	7,153	2,430	10,850	31,882		4,706	526	7,019	1,797	11,563	10,850	2,031		4,865	2,806
KS	3,687	2,686	10,035	6,311	4,706		401	1,369	4,461	1,397	31,082	4,196	6,575	905	2,205
KY	688	691	1,054	2,467	526	401		873	2,267	1,085	1,195	233		117	1,905
LA	2,062	5,957	5,065	5,207	1,558	1,369	873		6,851	4,461	6,851	810	2,829	277	4,422
MI	27,617	5,085	17,086	49,260	7,019	4,461	2,267	6,851		1,397	17,744	2,416	6,851	7,527	21,661
MS	2,220	6,477	3,309	10,766	1,797	1,397	1,085	7,527	7,527		5,607	780	5,607	305	21,661
MO	7,569	11,049	12,498	39,658	11,563	31,082	1,195	5,254	12,960	5,607		4,244	7,539	1,300	7,804
NE	3,306	995	8,927	3,803	10,954	4,196	233	810	2,416	780	4,244		1,126	2,608	1,108
OK	4,006	7,403	8,306	4,834	2,031	6,575	576	2,829	4,067	2,364	7,539	1,126		402	2,858
SD	2,449	433	3,937	1,500	4,865	905	117	277	1,265	305	1,300	2,608	402		537
TN	3,614	7,180	6,153	12,469	2,806	2,205	1,905	4,422	21,661	7,804	1,108	2,858	537		91,678
Totals	108,077	64,722	136,542	211,023	100,140	80,016	14,078	60,278	164,837	83,039	159,322	45,506	54,916	20,900	91,678

Success in Kansas

**Double Votes from 2008 and 2010 Referred to Prosecution
Discovered through Interstate Crosscheck Program**

2008	2010
Kansas - Kentucky	Kansas – Arkansas (2)
Kansas - Colorado	Kansas – Colorado (5)
Kansas - Kansas	Kansas – Iowa
	Kansas – Louisiana
	Kansas – Nebraska
	Kansas - Oklahoma



Success in other states - Colorado

- Four individuals indicted for voting in Colorado and Arizona in first year of participation
- Six additional cases of double voting referred to FBI in 2012



Kris W. Kobach

STATE OF COLORADO
Department of State
1700 Broadway
Suite 250
Denver, CO 80290

FOR IMMEDIATE RELEASE
January 23, 2012



News Release

Scott Gessler
Secretary of State
William A. Hobbs
Deputy Secretary of State

MEDIA CONTACTS: Rich Coolidge
RICHARD.COOLIDGE@SOS.STATE.CO.US
Andrew Cole
ANDREW.COLE@SOS.STATE.CO.US
(303) 860-6903

Cross-state voter comparison identifies double voters CO and KS identify individuals who voted twice in 2010 election

Denver, Colorado - Secretary of State Scott Gessler today announced his office referred information to the FBI regarding individuals suspected of voting twice during the 2010 election. Voter fraud undermines our electoral system. These state crosschecks are an important component in ensuring the integrity of our election process. Since 2008, Colorado has shared voter records with a consortium of states to monitor and undertake these kinds of anti-fraud measures. These state crosschecks are an important component in ensuring the integrity of our election process. Since 2008, Colorado has shared voter records with a consortium of states to monitor and undertake these kinds of anti-fraud measures. These state crosschecks are an important component in ensuring the integrity of our election process. Since 2008, Colorado has shared voter records with a consortium of states to monitor and undertake these kinds of anti-fraud measures. These state crosschecks are an important component in ensuring the integrity of our election process.

The Colorado Secretary of State's office turned over information to the FBI that matched individual voter records including date of birth and signature on ballots cast in both Colorado and Arizona. Now, following the 2010 election, the investigation has resulted in six cases of individuals who voted both in Colorado and Kansas. Persons convicted of voter fraud in Colorado can be sentenced to three years in prison and fines in excess of \$1,000

###

What does it cost to participate?

\$0



Kris W. Kobach

How Can a State Join the Crosscheck?

1. Chief State Election Official signs the Memorandum of Understanding (MOU)
2. CSEO assigns two staff members:
 - one election administration person
 - one IT person
3. Staff members will:
 - participate in annual conference call and email
 - pull VR data in January
 - receive cross check results and process
 - instruct local elections officials (respond to requests for addresses, signatures on poll books, etc.)



Contact

Brad Bryant

State Election Director

Kansas Secretary of State's Office

brad.bryant@sos.ks.gov

785-296-4561



Kris W. Kobach

States join forces to scrub dubious voters from rolls

By Mike Baker | ASSOCIATED PRESS OCTOBER 11, 2013

SEATTLE — More than half of states are now working in broad alliances to scrub voter rolls of millions of questionable registrations, identifying people registered in multiple states and tens of thousands of dead voters on election lists.

Poll managers, who are looking for more states to get involved, say the efforts are necessary because outdated voter registration systems are unable to keep up with a society in which people move frequently. While many of the registration problems are innocent, some officials fear the disorder in the system invites trouble.

CONTINUE READING BELOW ▼

“It creates an environment where there could be more problems,” said Scott Gessler, Colorado’s secretary of state. “It’s a precursor to potential fraud, no doubt about it.”

Half of all states have now joined a consortium anchored by the state of Kansas, compiling their voter registration lists at the end of every year to assess for duplicates. That program has grown rapidly since beginning in 2005.

Meanwhile, seven states are coordinating on another project that makes those assessments more frequently with advanced algorithms, while also checking for deceased voters.

The efforts are already finding massive numbers of outdated or problematic registrations. This year, the Kansas project identified some 5 million records that were questionable in 22 states and identified some people who voted in multiple states.

The newer project identified hundreds of thousands of other registrations that need updating, including 23,000 people who were dead.

Both data-matching programs are bipartisan. That's different than just before the 2012 election, when Republicans predominantly led efforts they portrayed as issues of election integrity, including the purge of possible noncitizens from rolls and the passage of voter ID laws. Democrats and voter advocacy groups had raised concerns about those efforts, fearing they could prevent legitimate voters from casting a ballot.

Get Today's Headlines from the Globe in your inbox:

Enter your email address

SIGN UP

[Privacy Policy](#)

SHOW 1 COMMENT

© 2015 BOSTON GLOBE MEDIA PARTNERS, LLC

**Testimony of Michael Haas
Elections Division Administrator
Wisconsin Government Accountability Board**

Assembly Committee on Campaigns and Elections

May 19, 2015

**Room 300 Northeast, State Capitol
Public Hearing**

Assembly Bill 189

Chairperson Bernier and Committee Members:

Thank you for the opportunity to comment on the bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. The Government Accountability Board has not taken a position on this legislation but has directed staff to convey its concerns as it understands the proposal.

2015 Assembly Bill 189

This bill requires the chief election officer to enter into the Interstate Voter Registration Data Crosscheck Program. The program is an agreement with a group of states to share data and information related to the registration and voting of electors in this state and the other participating states. The program began in 2005 with four states – Kansas, Missouri, Nebraska and Iowa. By 2012, 15 states, primarily in the Midwest and south-central areas of the country were members. According to a presentation for the National Association of State Elections Directors (NASED) in January 2013, the number of participating states had grown to 20 states.

http://www.nased.org/NASED_Winter_2013_PP_Presentations/KANSAS.pdf

Each state pulls voting data from its statewide voter registration system on January 15 of each year. The data pulled consists of 13 fields including first, middle, last name and suffix if applicable, the voter's date of birth, last four digits of the voter's social security number if available, the voter's mailing address, county and registration status (active or inactive) and whether the voter voted in the most recent general election.

The states' information is loaded onto a secure FTP website hosted by the Arkansas Secretary of State. The Kansas Secretary of State IT department pulls the data, runs a comparison and uploads the results to the FTP site. Each state downloads results from

the FTP site and processes them according to state laws and regulations. Kansas then deletes the data.

The program costs nothing to join and the upfront costs consist of generating the state report, uploading the data and downloading the results. However, the state and local election officials then have the work of investigating any matches that are returned. This can be quite time consuming and in many cases inconclusive because of the limited match on key identifying data that would confirm or distinguish individual matches.

In 2012, Missouri had 159,322 matches with the other 14 states. Tennessee had 91,678 voter matches. Both states have populations comparable to Wisconsin. In neighboring states, Iowa and Illinois had 31,882 voter matches while Illinois and Michigan had 49,260 matches. *Source: Kansas Secretary of State Office presentation, January 26, 2013.* That is a lot of matches requiring follow up by state and local election officials.

In 2008, Kansas referred three double voters for prosecution and 11 in 2010. No numbers were provided for the initial number of matches in those years. In 2012, Kansas had 80,016 matches.

The Government Accountability Board was briefed on the Interstate Voter Registration Data Crosscheck Program at its April 29, 2015 meeting. Board Members expressed strong reservations about the efficacy of the program because the current resources of local election officials and staff are already stretched to the breaking point. Follow up on the returned matches would require a significant investment of time, primarily by Wisconsin's 1,853 municipal clerks and their staff. Changes may also need to be made to G.A.B. IT systems to give clerks tools to track the follow-up and outcomes of these matches, which would require staff time and financial resources from the G.A.B.

As written, this legislation requires the chief election officer to annually enter into a memorandum of understanding to participate in the Interstate Voter Registration Data Crosscheck Program. There is no option.

In my opinion it would be better to authorize participation in the program, which would allow the agency staff to gather information and let the Government Accountability Board decide whether to participate. The Board is in the best position to determine if this would be the best use of election officials' limited resources to improve the integrity of the list as well as identify individuals who may have voted in the same election in different states. By changing the proposed language from a requirement to an authorization, the agency has the flexibility to evaluate the efficacy of the program. This also allows Wisconsin to adjust if changes occur to the Interstate Cross Check program in the event it is discontinued or if Kansas begins charging a fee to participate.

There are some additional limitations on how this would work in Wisconsin. The voter data is submitted on January 15th of each year. There is very little reason to submit data in even-numbered years since Wisconsin does not have a statewide election in the fall of odd-numbered years and the voter participation in the spring elections is relatively low (20 percent) compared to even-numbered general elections (50-75 percent depending on whether it is a presidential election or a gubernatorial election).

There is also a concern that some local election officials may not follow up on the information because of the limited time and resources available and given other more pressing demands on their time.

There is no question that the collection of more voter information across states would be helpful. The quality of the screening and how the matching results are handled is what can make a difference. As we observe with any matching program, additional investigation and attention regarding individual cases is required before we can draw definite conclusions as to whether or how many individuals register or vote in more than one state. Additional investigation is also required before any action can be taken that would affect an individual's eligibility to vote.

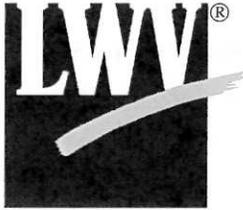
Conclusion

Thank you for the opportunity to share my thoughts with you. I hope you will give serious consideration to changing the directive from a mandate to an authorization. I hope this testimony will help inform the Legislature's consideration of this bill. As always, we are available to answer questions and work with you in developing proposed legislation.

Respectfully submitted,

Michael Haas
Elections Division Administrator
Wisconsin Government Accountability Board

608-266-8005
Michael.Haas@wi.gov



LEAGUE OF WOMEN VOTERS® OF
WISCONSIN

612 W. Main Street, #200
Madison, WI 53703-4714

(608) 256-0827
<http://www.lwvwi.org>

May 19, 2015

To: Assembly Committee on Campaigns and Elections

Re: Opposition to AB 189

The League of Women Voters applauds efforts to use technology to make voter registration more accessible and/or improve the accuracy of our statewide voter registration system (SVRS), which is the best tool for reducing errors and increasing election integrity. However, we have to oppose this bill as it is currently written.

Multi-state database checking to identify the names of people who have moved or died and need to be removed from the database is one way to improve the accuracy of our voter rolls. However, the League believes that any purging of voter rolls needs to be done in a manner that is transparent, accurate and legal. The Interstate Voter Registration Crosscheck program fails to meet all of those standards.

There are a couple of multi-state database checking services currently in use. The League of Women Voters has found that one of these is far more reliable than the other – and that can make the difference between a service that improves our poll books and one that disenfranchises qualified voters and wastes local government funds.

Some 28 states have joined the Interstate Voter Registration Crosscheck Program run by Kansas Secretary of State Kris Kobach, but some including Florida and Oregon, have discontinued use of this program because they have found it did not meet their needs. There are a number of problems with the approach Crosscheck uses for data matching. It relies primarily on the voter's first and last names and birthdate. You would be surprised how many "false positives" that formula can generate!

While it does not cost states anything to join Crosscheck, the program is quite labor intensive for election officials. With any program there will be costs related to mailing letters to people who appear to be registered in more than one state. With Crosscheck, there will be many more such letters than with a more precise matching program.

And there is a significant cost to those eligible voters who are incorrectly targeted by this program, and who then have to prove they are qualified to vote.

Another service, the Election Registration Information System (ERIC), is facilitated by PEW Charitable Trusts, but is owned by about a dozen participating states. This data-matching exchange interfaces with records held by the DMV, U.S. Postal Service (change of address records) and Social Security Administration to identify voters who have moved or died. It is more technologically advanced and accurate than Crosscheck, as well as more transparent in its process.

There is a cost to join ERIC, but according to a GAB staff memo, member states benefit from a more efficient and effective data matching and cleaner voter rolls. Local governments don't have to waste time and money dealing with thousands of false positives.

Best of all, ERIC has identified millions of potential new voters who are not yet registered, and participating states have invited them to do so. About 5 percent of those contacted have registered and now have a voice in the future of their states and nation.

If Wisconsin is going to join a multi-state data-matching exchange, it should be a reliable, transparent program that ensures accuracy and helps the state engage more qualified citizens as voters.

If you want to pass legislation that requires Wisconsin to enter a multi-state voter database matching program, we recommend that you not tie the state down to one particular program. Certainly don't require the state to join a program that is known to generate many false positives, which could result in a large number of provisional ballots and even disenfranchise some voters.

We oppose this legislation as it is currently written and urge you to do the same.

Thank you.



COUNTY OF MANITOWOC

COUNTY CLERK

1010 South 8th St., Ste. 115
Manitowoc, WI 54220

Jamie J. Aulik
Manitowoc County Clerk

Telephone: (920) 683-4004
Email: jamieaulik@co.manitowoc.wi.us

Date: May 19, 2015
To: Members of the Assembly Committee on Campaigns and Elections
From: Jamie J. Aulik, Manitowoc County Clerk
Re: Testimony on AB-189

Dear members of the Assembly Committee on Campaigns and Elections:

Clerks have duties outside of elections, such as permits and licenses, secretarial duties, and we provide an array of services to the public and other units of government. **Our office workload is at full capacity**, and I'm sure many of my colleagues feel the same way. I support preventing and prosecuting voter fraud as much as anyone, but I worry that if we are going down the road of crosschecking other state's databases, if we *only* go with the Interstate Voter Registration Data Crosscheck Program, local election officials are going to *waste* a lot of time tracking down false positive name "matches."

We don't have the time, staff, or financial resources to chase ghosts. Either make sure we have high-quality data to work with that justifies us expending our precious time, or don't do it at all.

Thank you for your consideration. If you have any questions whatsoever, do not hesitate to ask.

I appreciate the opportunity to give my comments and to hear from others on the concept of Wisconsin becoming a party to a program of interstate crosschecking of voter registration data as proposed in AB 189.

Because Wisconsin offers "Same-Day Voter Registration", verification of those applications are not done until after Election Day. The applicant, however, is permitted to cast a ballot on Election Day. I have long felt Wisconsin's Election Day process required a timely method to enable verification of those registrations prior to that voter's ballot being counted. Verification of Same-day voter registrations is always done after the fact, sometimes weeks after the fact—that ballot, however is counted. That is not the topic of today but should be and, hopefully will be at a future hearing.

In 2006-07, when Wisconsin's taxpayers bought and paid for our Statewide Voter Registration System (SVRS) and entrusted the management of that system to the Government Accountability Board, it was with the understanding that the purpose of the SVRS was to "provide a single, uniform, **official**, centralized, interactive computerized statewide voter registration list defined, maintained and **administered at the state level** that contains the name and registration information of every **legally** registered voter in the state."

(Bold and underlining added for emphasis)

The GAB's job was to connect the SVRS to Wisconsin databases including the Department of Corrections to obtain information related to felons who had lost their right to vote; the Department of Health and Human Services to obtain information on death notices of voters; and the Department of Transportation for validation of driver license and social security numbers the most commonly used numbers as validation on voter registration applications. The recent legislative audit of the GAB, however, detailed its concerns about the GAB's use of those data bases to provide up-to-date and current voter registration validation.

AB 189 attempts to address the validation of current voter registrations to verify whether or not a voter has voted in more than one state during an election. This information will be helpful, but, again, is information obtained after the fact—after the election is over.

Interstate cross-checking of voter registration data was on the agenda of the April 29, 2015, GAB meeting. The discussion led to the majority of that Board agreeing that the staff could pursue joining the ERIC program. The Kansas Interstate Crosschecking program was dismissed by the staff due to reports of "bad data".

I did read the information on-line re the ERIC program which noted that 12% of voter registrations will contain flawed information. Neither of the above programs can promise that all data researched and reported will be correct.

It is very important for you, our elected legislators, to maintain control of Wisconsin's voter registration information. As members of a legislative election oversight committee, you must vote on whether or not to allow the GAB to outsource verification of the names, addresses, birthdates, driver license numbers and the social security numbers of all Wisconsin's registered voters to any entity. With the current reporting about the hacking of many highly secured electronic systems the threat of identity theft using voter registration data is real.

I strongly suggest that AB 189 be amended **to require** that the chief election officer of Wisconsin obtain the approval of you, our elected representatives, before involving our election systems and information with any out-of-state program. Wisconsin voters deserve to know who has access to and can be held accountable for any use or misuse of the information in our voter rolls.

The ERIC program is intrusive. It requires a membership fee to "join"; charges a yearly fee determined on an annual basis by the "Board" for services rendered (currently \$45,000-\$50.000 per year) ; requires "members" to update and submit their voter registration information every 60 days and requires member states to seek out non-registered voters on a specific schedule determined by the "Board" that controls this private organization. There are State costs to providing this required data and outreach. ERIC specifically states that no "member" may submit voter registration information to them that identifies whether or not the voter is a citizen. Citizenship is a statutory requirement to vote in Wisconsin and is a question on our voter registration application form.

The Kansas program is sponsored and run by the office of the elected Secretary of State of Kansas. It offers a crosschecking process involving more states, some of those states that are actually border states of Wisconsin. Unlike the ERIC program, Kansas requires no "membership" fee and no charge for the research and data processing, but does require that the states do their own follow-up work of investigating any potential "double voters". The election clerks of Wisconsin would remain in control of and responsible for the integrity of their municipal election rolls. Accountability remains at the local level where follow-up is the most productive.

Thank you for considering my views.

Mary Ann Hanson
3740 Mountain Drive
Brookfield, Wisconsin



May 19, 2015

To: Assembly Committee on Campaigns and Elections

Re: Opposition to AB 189

Interstate Voter Registration Data Crosscheck Program a Failed and Flawed System

Our Democracy 2020, a coalition of state organizations urges the Assembly and Senate to go back to the drawing board on AB 189, a bill that would implement the Interstate Voter Registration Data Crosscheck program. Under this program, individuals will be unnecessarily referred to clerks for committing voter fraud.

The Lawyer's Committee for Civic Rights Under Law issued a memo detailing the Interstate Voter Registration Data Crosschecks' failed and flawed system. They outline numerous issues including faulty matching criteria, hidden costs for election officials, and this system's potential non-compliance with the National Voter Registration Act (NVRA). Incomplete data is forwarded to local election officials, which only indicates that voters have the same first and last name, with other information like date of birth, middle initial, suffix, and other identifying information completely left off of the referral.

Three states (Florida, Oregon, and Washington) that were a part of the Crosscheck program have dropped out because the data was unreliable. Wisconsin should not invest in a faulty program that would make elections less fair and accessible.

The coalition suggests following other states' lead, and ask the legislature to amend the bill so better programs are utilized in Wisconsin. A program called ERIC (Electronic Registration Information Center) has yet to falsely accuse an individual of committing voter fraud. Oregon have left the Crosscheck program and switched to using ERIC because the data was much more reliable.

"The GAB and clerks should not have to use this program, and should be able to use other programs, like ERIC instead," said Mike Wilder, coordinator of the Our Democracy 2020 coalition. "The program currently in the bill will only waste GAB and clerk time, and taxpayer money."

###

Concerns about Interstate Crosscheck

Overview of the Program

The Interstate Crosscheck Program (“Crosscheck”) is a multi-state compact intended to identify “duplicate registrations and instances of multiple votes by the same individuals.” Participating states share their voter files with Kansas on an annual basis and Kansas matches voter registration records in search of duplicate entries and voters who allegedly cast ballots in multiple states during the same election. Investigations have revealed a number of issues with the program, as described below.

Faulty Matching Criteria

- Interstate Crosscheck employs lax matching criteria that produce a substantial number of false positives.
 - o According to Interstate Crosscheck’s 2015 Participation Guide, the program flags apparent duplicate registrations when only three fields match: first name, last name, and date of birth.
 - Middle name, suffix, and social security number mismatches are effectively ignored. Those mismatches are forwarded to states and local elections officials for substantial cleaning and sorting. (See an example of raw Crosscheck data on the second page of this document).
- Crosscheck’s Participation Guide admits to the inaccuracy of its own data; “Experience in the crosscheck program indicates that a significant number of apparent double votes are false positives and not double votes.”
 - o To date, we know of no examples where a voter has been successfully prosecuted for double voting pursuant to Crosscheck data.

Hidden Costs

- The costs of implementing Crosscheck are significant. While Crosscheck’s Program Guide states that “[t]here is no cost,” the very next sentence makes it clear that processing the data “requires a commitment of time at the state and local levels” and suggests that given the effort required to process the information accurately, some states may not be “able to commit the resources to process the results in a given year.”
- Because states receive reams of false positives due to inaccurate data, local election officials must either wade through a large amount of incorrect information and handpick matches (which are often still incorrect due to the lax criteria); ignore Crosscheck data entirely; or simply cancel the entire batch of voters they receive. Election officials’ time is much better spent on more efficient list maintenance practices that ensure that no one is improperly removed from the rolls.

Several States Have Dropped Out of the Program

- Florida, Oregon, and Washington have ended participation in Interstate Crosscheck after concluding that the data was error-ridden. Florida, a state with a history of issues pertaining to election administration, decided that the program did not meet their standards for list maintenance. When Oregon dropped the program, a spokesperson for the Secretary of State stated that, “We left because the data we received was unreliable and we felt joining the ERIC (Electronic Registration Information Center) project would better meet our needs.”



Potential Non-Compliance with Federal Voting Rights Law

- There are also serious questions about whether Crosscheck complies with the National Voter Registration Act (“NVRA”). States and localities are unlikely to fulfill the requirement that all list maintenance be “uniform” and “non-discriminatory” given that localities have discretion in determining a voter’s registration status. Localities have markedly different interpretations of Crosscheck data and their approach to processing matches differs greatly from one jurisdiction to the next.
- Some localities improperly interpret a Crosscheck “match” to be a request by the registrant to be immediately removed from the rolls under the NVRA. Jurisdictions might automatically remove a voter when no such firsthand request to be removed has been made and the “match” at issue often flags two separate and distinct individuals.

Concerns Regarding the Sharing of Sensitive Personal Information

- As participating states are required to submit their entire voter files to the Kansas Secretary of State for matching on an annual basis, complete with social security information, privacy advocates are alarmed by the transmission of highly sensitive personal information of millions of citizens via a website that lacks proper protections.

Raw Crosscheck Data Speaks Volumes

- Examples of raw Crosscheck data sent by Kansas to Georgia are below. Note that the middle names do not match, registration dates are not included, there is no indication that dates of birth and social security numbers matched, and suffixes are ignored (voter registration numbers have been redacted). Note also that the entries are consecutive. This information was acquired via an Open Records Request to the Georgia Secretary of State.

Case	VoterState	First_Name	Middle_Name	Last_Name	Suffix Name	Address_Line_1	City	Zip	County
4329	Georgia	ROBERT	WENDELL	BROWN		1818 DEMERE RD	ST SIMONS ISLAND	31522	GLYNN
	Tennessee	ROBERT	B	BROWN		419 TANGLEWOOD TRAIL	ESTILL SPRINGS	37330	FRANKLIN
4330	Georgia	ROBERT	MARCUS	BROWN	JR	545 OLD BALLS FERRY RD	TOOMSBORO	31090	WILKINSON
	Tennessee	ROBERT	L	BROWN		627 HATCHIE AVE	BROWNSVILLE	38012	HAYWOOD
4331	Georgia	ROBERT	JAMES	BROWN		548 CHATEAU CIR	SAINT MARYS	31558	CAMDEN
	Tennessee	ROBERT	F	BROWN		400 INDEPENDENCE DR	JEFFERSON CITY	37760	JEFFERSON
4332	Georgia	ROBERT	F	BROWN		167 BEAR BRANCH RD	KATHLEEN	31047	HOUSTON
	Tennessee	ROBERT	WADE	BROWN		321 BUCHANAN DR	BLUFF CITY	37618	SULLIVAN