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From: John Conklin, Director of Public Information
Tom Connolly, Deputy Director of Public Information

Re: Review of Interstate Exchanges of Voter Registration Information

Date: April 30, 2014

As requested of the Public Information Unit by the commissioners at the March 11, 2014 Board Meeting, the following is a report reviewing the two interstate exchanges of voter registration information mentioned in the recent report by the Presidential Commission on Election Administration.

Introduction

One of the biggest challenges faced by election administrators today is ensuring that accurate voter registration data is maintained in an effective and timely manner. Human error when inputting information from paper forms and delays in receiving information on felon and deceased voters can lead to ineligible voters being left on the rolls. Another important factor is the increasing mobility of American voters. 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. For example, census and other data indicate that as many as one in four young Americans moves in a given year. The challenges of a highly mobile society are compounded by the mistaken belief among 1 in 3 Americans that elections officials or the USPS are automatically updating voter registration information when a person moves.

The State Board does currently provide county boards with information for list maintenance purposes. Information on potential felon and adjudicated incompetent voters from the Office of Court Administration, deceased voters from the State and New York City Departments of Health, duplicate voters and in-state movers as found within the state database is presently provided through the NYSVoter interface. In addition, the State Board does provide each county with information from the National Change of Address (NCOA) dataset on an annual basis. With regard to voters who have moved out of state, we do forward any notices received from other jurisdictions to the appropriate county board for list maintenance consideration.

In January of this year, the Presidential Commission on Election Administration submitted its Report and Recommendations to the President. 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.” Two existing projects are emblematic of these efforts.

The two projects to which the Commission referred are the **Interstate Voter Registration Crosscheck Program (IVRC)** and the **Electronic Registration Information Center (ERIC)**. Both projects allow states to share information with one another for the purposes of list maintenance. This memorandum serves to provide more detailed information as to what is entailed in participation in both projects and how the information garnered from participation in such projects could be applied in New York State.

Interstate Voter Registration Crosscheck Program

Overview

The Interstate Voter Registration Crosscheck Program, was initiated in 2005 when Kansas, Nebraska, Iowa, and Missouri agreed to share voter registration data. There are currently 28 participating states who exchange and compare voting data on an annual basis, most often to determine if there are potential matches for voters between states or if a possibility exists that an individual has voted in more than one state for a single election.

The following states presently participate in Crosscheck.

- Alaska
- Arizona
- Arkansas
- Colorado*
- Georgia
- Idaho
- Illinois
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Massachusetts
- Michigan
- Mississippi
- Missouri
- Nebraska
- Nevada*
- North Carolina
- Ohio
- Oklahoma
- Pennsylvania
- South Carolina
- South Dakota
- Tennessee
- Virginia*
- Washington*
- West Virginia

* Indicates states which also participate in ERIC.

Oregon and Florida had previously been participating in the project, but have recently decided to no longer do so.

Costs & Requirements

Participation in Crosscheck is free and begins with a Memorandum of Understanding to be signed by the Chief State Election Official. That state’s staff is then required to participate in an annual conference call, pull voter registration data every January, upload the data to the secure FTP site (hosted by the State of Arkansas), receive the Crosschecked data and process according to each State’s procedures. To ensure privacy, the project deletes all participating states’ data shortly after running the Crosscheck. There is no cost to a participating state outside of the time incurred by staff in undertaking the tasks described above.

The table below shows the information that each participating state would need to provide in the file uploaded annually.

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...
County		Allen
Date_of_Registration	YYYY/MM/DD	1970/01/01
Voted_in_2010	Y=did vote; N=did not vote	Y

Crosscheck generates a match based on the last name, first name, and date of birth. Without additional criteria, such as the last four digits of a voter's Social Security Number being required in order to generate a match, there are more chances for this approach to produce data which, if used improperly, could lead states to remove otherwise valid voters. This has been one of the more common criticisms made against Crosscheck by voting-rights advocates and election experts. Additionally, the program's own guide for states indicates that a significant number of apparent double votes are false positives and not double votes. Many are the result of errors - voters sign the wrong line in the poll book, election clerks scan the wrong line with a barcode scanner, or there is confusion over the father/son voters (Sr. and Jr.). Therefore, the need for county boards of elections to rigorously perform their list maintenance evaluation of the data resulting from the Crosscheck process is imperative.

There is no requirement for participating states to take any action based on the information received from the crosscheck process. Some states may choose to focus on the potential duplicate voter aspect of the data. Others may concentrate their focus on reviewing the data for any evidence of double voting, and others still may look at both possible uses of the data.

Considerations for Participation

If New York were to consider participating in the Interstate Voter Registration Crosscheck program, our Information Technology Unit would need to assist in extraction of the data from the statewide voter database into the format required by the program. They would also need to oversee and execute both the transmission of New York's data to the program's servers as well as acquiring the Crosschecked data once the exchange has been completed.

Once the Crosschecked data has been received, a process by which it could be sorted and subsequently provided to the appropriate county board for evaluation would have to be developed. Whether or not this information could be furnished to county boards through the existing NYSVoter system (as it is currently for felons, deceased and duplicate voters) or if it would need to be provided separately (as with the annual NCOA data), would again require the assistance of the State Board's ITU.

As there are no costs for participating in the program beyond staff time to execute the tasks described herein, and no requirements for further action once the Crosschecked data is received, the State Board could consider participating in the program starting with the January 2015 upload for the purposes of evaluating the overall utility of the program. Further, a pilot program could also be considered with a number of counties to identify what additional effort and/or training might be required in providing the Crosscheck data

as well as instructions for pilot counties to follow when processing the information they receive as a result of the data exchange.

Electronic Registration Information Center

Overview

The Electronic Registration Information Center, or “ERIC,” was originally created through a partnership between the Pew Charitable Trusts and IBM, and launched with the participation of seven states - Colorado, Washington, Nevada, Utah, Virginia, Maryland, and Delaware. Since then, the number of members has grown to ten with the addition of Oregon, Washington D.C. and most recently Connecticut. Additionally, the governance of the project has now been taken over by a board comprised of officials from the participating jurisdictions. There are also currently two full-time employees of the project – an Executive Director and a Systems Engineer.

States that participate in ERIC are able to check their voter registration lists against data gathered from other states and several nationally available lists, such as those maintained by the U.S. Postal Service or the Social Security Administration. ERIC provides information to participating states as to which voters may have moved (either between states or within them), which voters may have died, which may have changed their names, and which eligible voters might not be registered. It protects the privacy of voter data by anonymizing each voter’s data before that data leaves a state’s control, so that no birthdates or like information gets revealed in the process.

The interstate data that ERIC provides to participating states allows those states to account for ongoing changes in voters’ names, addresses, and registration statuses and to prepare for upcoming elections. For the 2012 election, for example, ERIC identified more than 750,000 records of voters who appeared to have moved within a state participating in ERIC. It also identified more than 90,000 records of voters who appeared to have moved from one ERIC state to another, and more than 23,000 records of deceased individuals still on the rolls. Moreover, it identified 5.7 million potentially eligible but unregistered voters in the participating states.

In December 2013, the Pew Charitable Trusts commissioned the Research Triangle Institute (RTI) to evaluate the first year of the ERIC program, specifically the functionality using state voter files and motor vehicle records to identify and contact eligible, but unregistered citizens with clear instructions on the most efficient way to register. The second phase, covering list maintenance duties of updating inaccurate and no longer valid records, will be evaluated in 2014. The following is a summary of the report’s findings.

- **Total voter registration:** The 7 ERIC states showed an increase in registration of 0.02 percentage points while the 42 non-ERIC states surveyed showed a decline of 1.27 percent.
- **New voter registration:** ERIC states showed an increase of 1.14 percent while non-ERIC states increased by 0.27 percent.
- **Voter turnout:** While voter turnout decreased across the country in 2012 compared to 2008, ERIC states saw a more mild decrease of 1.17 points, compared to a 3.53 point decrease in non-ERIC states.
- **Provisional ballots:** ERIC states showed a smaller increase (0.10 percent) in the use of provisional ballots than non-ERIC states (0.36 percent). ERIC states also showed less growth (0.91 percent) in the rejection of provisional ballots than non-ERIC states (4.05 percent).
- **Not registering:** ERIC states showed improvements over non-ERIC states in numbers of residents who did not register to vote because they missed deadlines register (ERIC states had a decrease of 2.37 percent vs non-ERIC states' increase of 0.3 percent) or did not know where or how to register (ERIC states' increase of 0.53 percent vs non-ERIC states' increase of 0.79 percent).
- **Not voting:** ERIC states (decrease of 3.39 percent) and non-ERIC states (decrease of 0.57 percent) showed improvement in the percentage of people not voting due to registration problems.
- **Voter file errors:** Although anecdotal, state officials are finding that the data ERIC makes available enable them to make valuable corrections in voter files.
- **Automation:** ERIC state officials are optimistic about automating uploads and reports to reduce the cost of voter outreach and list maintenance.

Costs & Requirements

Becoming a member of ERIC involves an initial membership fee of \$25,000 and annual dues to cover operating costs spread equitably between the member jurisdictions. The annual dues are calculated using a formula in which half of ERIC's operating costs are split evenly amongst the members and the other half of is divided up based on each member's voting age population. The projected annual dues for New York, should it decide to participate,

was estimated to be approximately \$75,000. That number would decrease as additional states join the program, but only to a limited degree due to New York's size.

As part of the membership agreement, each participating jurisdiction must have the capacity to upload both their voter list and their driver license/non-driver identification records every 60 days (6 times per year). The table below shows the Voter Registration and DMV data fields to be submitted.

Data required to be provided
All name fields
All address fields
Driver's license or state ID number
Last four digits of Social Security number
Date of birth
Activity dates as defined by the Board of Directors

Data to be provided as available
Current record status
Affirmative documentation of citizenship
The title/type of affirmative documentation of citizenship presented
Phone number
E-mail address or other electronic contact method

A participating jurisdiction may then request at any time a report for one of the following list maintenance categories: Cross-state Movers, Deceased, In-state Movers and In-state Duplicates. When such a report is received and the participating jurisdiction finds credible data indicating that information in an existing voter's record is deemed to be inaccurate or out-of-date, the member jurisdiction is required, under the membership agreement, to initiate contact with that voter in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record. Each member jurisdiction has until 90 days after the data was sent to initiate contact with at least 95% of the voters on whom data indicating a record was inaccurate or out-of-date was provided.

Aside from list maintenance reports, ERIC also provides data regarding eligible or possibly-eligible citizens who are not registered to vote. When a participating jurisdiction receives this information from ERIC, they are again required by the membership agreement to initiate contact with each and every eligible or possibly-eligible citizen and inform them of steps on how to register to vote. This outreach must occur not later than September 15th of

the each Federal General Election year and must again cover at least 95% of the eligible or potentially-eligible citizens for whom data was sent and address validation was performed.

Participating jurisdictions are not required to initiate contact with eligible or possibly-eligible voters more than once at the same address, nor are they required to contact any individual who has affirmatively confirmed their desire not to be contacted for purposes of voter registration or is otherwise ineligible to vote in the participating jurisdiction.

Although there is no required means of contact (e.g. mail, phone, email, etc.), all current members of ERIC use postal mail for the required outreach, and most often through the use of postcards. The initial contact for each category would incur the largest cost, as subsequent outreach would likely not include those previously contacted. The cost estimates for New York’s first-time mailings as provided below are based on averages calculated using the data from existing ERIC members.

Type of Mailing	Projected # of Individuals to Contact	Projected Cost of Mailing
Cross-state Movers	32,098	\$6,419.60
Deceased	7,606	\$1,521.20
In-state Duplicates	5,217	\$1,043.40
In-state Movers	214,735	\$42,947.00
Eligible, but Unregistered	4,022,741	\$804,548.00

In addition to the outreach requirements, performance data must be reported within 30 days of initial sign up and every 180 days thereafter. The specific data points for reporting are given below:

1. Total number of registered voters, both Active and Inactive ***(We currently collect this data)***
2. Number of voter registration applications new to the Member’s jurisdiction submitted by the voter on a paper form ***(We currently collect the number of new registrations and paper forms submitted, but not the number of new registrations as a result of paper forms)***
3. Number of new voter registration applications new to the Member’s jurisdiction submitted by the voter electronically ***(If myDMV transactions are to be considered “submitted by the voter electronically” we would have to inquire with DMV to see if this data can be collected, and if new registrations can be identified)***
4. Number of updates to a voter’s existing voter registration submitted by the voter on a paper form ***(As with new registrations, these data points are tracked separately but not in conjunction)***

5. Number of updates to a voter's existing voter registration submitted by the voter electronically ***(Same situation as described in number 3)***
6. Number of new voters to the Member's jurisdiction who registered and voted on the same day, where applicable ***(Not applicable to NY)***
7. Number of updates to a voter's existing registration submitted on the same day on which they voted, where applicable ***(Not applicable to NY)***
8. Number of individual voters cancelled from the voter file, by reason ***(Currently able to track through NYSVoter)***
9. Number of individual voters moved from active to inactive status, by reason, where applicable ***(Currently able to track through NYSVoter)***
10. Number of individual voters moved from inactive to active status, where applicable ***(Currently able to track through NYSVoter)***
11. Total number of provisional ballots cast, by reason ***(We currently do not collect this data)***
12. Total number of provisional ballots counted ***(We currently collect this data)***
13. Total number of provisional ballots uncounted, by reason (if available) ***(We currently collect this data)***
14. Number of individuals for whom contact was initiated and invited to register ***(This would be a new obligation, and data would have to be collected from whomever initiated the contact with the voter)***
15. Number of voter registration forms ordered, where applicable ***(We currently track this data)***

Considerations for Participation

As with the Crosscheck program, if New York were to consider participating in ERIC, our Information Technology Unit would need to evaluate the program's technical requirements in order to determine how best we could meet them on an ongoing basis and then oversee and execute that plan. This would apply to both the transmission of data to the ERIC system and the subsequent dissemination of the data to counties.

Since participation in the program also requires acquiring and providing data from the DMV on a regular basis, the State Board would need to discuss with DMV their ability and willingness to provide us with such data. Given that the driver license database of the DMV holds records for approximately 12 million individuals, the recurring transmission of this

data to the State Board would require the involvement of IT staff from both agencies to be accomplished.

The costs involved with membership in ERIC would be a significant factor in considering the potential for participation. Although the membership fee is a one-time cost, the agency would have to evaluate its ability to provide for annual dues. Participation in ERIC may fulfill the requirements for use of the NCOA dataset as set forth in NYS Election Law Section 5-708(5). If so, the cost savings gained would represent approximately 10% of the projected annual dues.

With regard to the required outreach as described in the previous section, the process by which it would be accomplished would need to be determined by the Board. With regard to list maintenance, NYS Election Law already provides for counties to contact voters whose information may have changed, or who may no longer be eligible to be registered in a particular jurisdiction. Additional State Board resources would likely be needed to process the additional data received from the ERIC system as well as gathering from each county board the data mandated for the biannual reporting as part of the ERIC membership agreement.

Outreach to eligible but unregistered individuals could potentially be handled within a county's existing voter registration action plan as described in Section 3-212(4)(b) of NYS Election Law, but there is no statutory requirement for counties to perform the outreach required by the ERIC membership agreement. The State Board would need to determine how the costs associated with this recurring outreach would be borne. The Pew Charitable Trusts has stated that they are exploring the possibility of making grant funding available to ERIC members to cover the cost of the first-time outreach which, as the initial outreach is expected to be larger and costlier than subsequent outreach efforts, could mitigate the projected costs as shown in the previous chart. Similar to the list maintenance outreach described in the previous paragraph, additional State Board resources would be required for the processing of data and tracking of outreach compliance.

It should be noted that participation in the ERIC program would create new obligations to collect new data from CBOE's at least twice a year and new responsibilities for either the SBOE or the counties to contact voters with inaccurate or out-of-date information and to contact eligible or potentially-eligible unregistered citizens. These actions would have to be accomplished within relatively short timeframes. Failure to successfully complete any one of these new responsibilities would result in our expulsion from the consortium and the forfeiture of our annual dues.

Although there is an opportunity to evaluate the ERIC system, it would require that the state make available to ERIC a complete data set – voter registration and motor vehicle data. In doing so, the prospective state would receive statistics as to the number of flagged records identified in each category described in the overview section above. It would not provide detailed data on individuals, nor would it require any action be taken. However, it should be understood that the data provided by the prospective state, even for this evaluation purpose, would be integrated into the system and used in providing potential matches to other member jurisdictions.