



July 5, 2017

The Honorable Rolando Pablos
Texas Secretary of State
P.O. Box 12887
Austin, Texas 78711-2887

Dear Secretary Pablos:

The League of Women Voters of Texas has grave concerns about the release of voter information [as requested](#) by the Elections Integrity Commission (EIC). **We urge you to decline the request for the Texas voter file.**

We agree with you and many of your national peers that there is little to no evidence of voter impersonation. **Further, Texas law does not permit the release of social security numbers. Dates of birth of members of the public are also generally protected under common-law privacy,** according to the Texas Attorney General's 2016 "[Public Information Handbook](#)." Scholars such as Justin Levitt (Loyola University Law School) also say that disclosure of party affiliation violates the federal Privacy Act of 1974 -- and party affiliation serves no valid purpose for the EIC.

Because the EIC is formed under the Federal Advisory Committee Act (FACA), any documents that are submitted to the EIC must be made available for public inspection. Texas requires the recipient of any voter information to swear the information "will not be used to advertise or promote commercial products or services." Given the FACA requirement that all the information would be made public to everyone, **how can you ensure that these limitations on use of the data are preserved by the EIC?**

We believe you when you say your "office will continue to exercise the utmost care whenever sensitive voter information is required to be released by state or federal law." But, this is NOT a request based on state or federal law. Even if it were based on federal law, there is no evidence that the EIC offers a secure platform for the exchange or maintenance of the information.

The request from Mr. Kobach, states that the voter information will be used "in order for the Commission to fully analyze vulnerabilities and issues related to voter registration and voting." This mimics the Kansas Interstate Crosscheck Program initiated by Kobach in 2005. It has not been successful. Instead, it has been accused of not protecting data well nor filtering information adequately. That system works primarily by matching voters' names and dates of birth. If the same name and date of birth show up for voters in two different states, the system flags them as possible double registrations. Researchers have found that Crosscheck's matching algorithms are highly inaccurate, and the program itself acknowledges that there are a significant number of apparent false positive matches.

I have attached a comparison of Crosscheck with the more accurate and secure system for comparing voter files by the member-state-controlled Electronic Registration Information Center (ERIC). Keith Ingram in your office is knowledgeable about the benefits of the ERIC system that now has 21 participating states. Some states have left the Kansas program – notably Florida.

A broader use of the more accurate and secure ERIC system would undoubtedly better fulfill the stated purpose than the EIC's sloppy request for voter files. Texas is prevented from full participation in ERIC without legislative approval; however, ERIC participation would assure that any shared data would be protected. We stand ready to continue to advocate for Texas to participate in ERIC. While the Kansas system appears to be "free," it not only doesn't produce quality results, but also has hidden costs because of its inadequacy.

We do not believe the Commission is genuinely seeking to preserve and promote voter participation and election integrity but rather is unjustifiably and inappropriately collecting information about voters in order to suppress voter participation and to promote a false narrative about voter fraud. **This request represents an inappropriate and ill-conceived federal overreach into state sovereignty.** Since we already have evidence regarding the vulnerability to cyber-attacks of state and federal governments, the formation of a massive voter registration database at the federal level is most certainly ill-advised from a security perspective.

We believe that the states, which already have this responsibility, are the best guardians of voter information. Concern for the security of voters' personal information is not a partisan issue. Many of your counterparts have denied this request on principle, as does our national president, Chris Carson. She expresses our belief that "There is no justification for this giant fishing expedition. The Commission itself is a distraction from the real issue of voter suppression, and that efforts to 'investigate voter fraud' threaten our most fundamental voting rights."

The Commission also requested you "contribute your views and recommendations throughout this process." Please take this opportunity to offer your best suggestions.

We recommend that among your views and recommendations you include:

- Oppose the termination of the bipartisan Election Assistance Commission
- Provide federal funds to replace outdated election equipment
- In person voter fraud is nearly non-existent in Texas. Texas has laws to prevent mail-in ballot problems including an innovative new law to assist voting in nursing homes.
- Texas has no evidence of significant problems with voter registration fraud. Further, Texas has no evidence that improperly registered people actually vote.

The League of Women Voters of Texas urges you to join with election officials in Mississippi, Arizona, Kentucky, and many others, in refusing to share this sensitive information!

Sincerely,



Elaine M. Wiant
President

cc: Deputy Secretary Coby Shorter, III
Keith Ingram, Elections Divisions Director