

Maintaining Accurate Voter Registration Rolls: The Need to Rehabilitate the ERIC Program or Form an Alternative

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KEY TAKEAWAYS

ERIC's stated mission is to help states improve the accuracy of America's voter rolls and increase access to voter registration for all eligible citizens.

Several states have withdrawn from ERIC over credible claims of bias, lack of transparency, and questions about data sharing and usage, among other reasons.

ERIC must implement major changes to provide more accurate information to member states, attract the participation of additional states, and prevent partisanship.

According to its annual report for 2017, “[t]he Electronic Registration Information Center (ERIC) is a non-profit organization with the sole mission of assisting states to improve the accuracy of America’s voter rolls and increase access to voter registration for all eligible citizens.”¹ These are laudable and important goals, but credible claims of bias, lack of transparency, and misplaced focus in the organization’s administration, as well as questions about how the organization uses and shares its data and whether some of its requirements violate federal law, are just some of the reasons why several states recently withdrew from membership in ERIC.

These questions, claims, and withdrawals point to the need for major changes in ERIC’s governance and bylaws so that it can improve its ability to carry out the important work it was designed to do. Such changes would ensure that ERIC provides

This paper, in its entirety, can be found at <http://report.heritage.org/lm328>

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more accurate information to member states, attracts the participation of additional states, bolsters participating states' confidence in its work, eliminates unlawful actions, prevents partisanship—real or perceived—in its operation, and functions at the highest level for the benefit of election integrity in future elections. If ERIC's executive board and staff refuse to make those changes, states may have to consider developing an alternative program, despite the difficulties and expense involved in such an undertaking.

Importance of Voter Registration List Maintenance

In 2012, the Pew Center on the States issued a report on the country's voter registration system. The report found that “[a]pproximately 24 million—one of every eight—voter registrations” in the U.S. are “no longer valid or are significantly inaccurate.” Pew reported that more than 1.8 million registered voters were deceased and that 2.75 million individuals were registered “in more than one state.”²

In 2020, the Public Interest Legal Foundation (PILF) issued a similar report.³ The PILF obtained voter registration and voting history data for the 2016 and 2018 elections from 42 states, supplemented those data through commercial sources (such as credit agencies) and other government databases (such as Social Security Administration death records), and then compared the data. The Foundation's findings were disturbing:

- 14,608 registered voters were credited by state election officials with voting in the 2016 and 2018 elections after they had died;
- 81,649 voters who were registered twice at the same address voted twice in the 2016 and 2018 elections;
- 8,360 voters who were registered in two different states voted in both states in the 2018 election;
- 5,500 voters who were registered twice in the same state but at different addresses voted twice in the 2018 election; and
- 34,000 voters who were registered at nonresidential addresses, including casinos, gas stations, and restaurants, cast ballots in the 2018 election.⁴

As outlined in The Heritage Foundation’s Election Integrity Scorecard,⁵ there is a series of best practices that can enable state election officials to maintain the accuracy of their statewide voter registration lists to find voters who have moved, have died, have become ineligible due to felony convictions, are registered more than once in the state, are not U.S. citizens, or are falsely registered somewhere in the state where they do not reside or no longer actually reside. These measures include comparing updated driver’s license records maintained by a state’s department of motor vehicles (DMV); death records in the state’s vital records office; felony conviction records from the state’s department of corrections; jury information from state and federal courts; and records on recipients of government benefits from state public assistance and welfare offices.

Since state vital records offices record only deaths occurring within the state, election officials should be checking the cumulative Social Security Master Death File to find individuals registered in the state who may have died outside of the state. However, the Social Security Administration warns that although it collects death reports from many sources, its “records are not a comprehensive record of all deaths in the country.”⁶

States should regularly obtain information from the U.S. Postal Service’s National Change of Address (NCOA) system, which is used by individuals to notify the Postal Service that they are moving so that mail sent to their former address will be forwarded to their new address.⁷ The NCOA is, however, of limited use since not all individuals who move use the NCOA process, and the database does not contain any voter registration information. As the Supreme Court of the United States noted in 2018 in *Husted v. A. Philip Randolph Institute*, as many as “40 percent of people who move do not inform the Postal Service.”⁸ Another complication is the fact that many who change their address using the NCOA system (for example, individuals who spend the summer at a vacation home or are studying overseas for a single semester) are changing their address only temporarily.

What is clear, though, is that states can obtain a great deal of the information they need to maintain the accuracy of their voter rolls by using these various in-state and federal databases, especially if they also use commercial databases such as those maintained by credit bureaus. The one thing states *cannot* obtain on their own from any of these databases is information on whether an individual registered in their state is also registered and voting in another state. That information can be obtained only through an agreement with other states to share their voter registration and voter history data.

Legal Requirements for Accurate Voter Rolls

In addition to state laws that require election officials to maintain accurate voter registration lists, federal law imposes such a requirement. Under the National Voter Registration Act of 1993 (NVRA), states must “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official [registration] list” due to their death or change of residence.⁹

The Help America Vote Act of 2002, which required states to implement a “single, uniform, official, centralized, interactive computerized statewide voter registration list,” also mandates that a state’s election system “include provisions to ensure that voter registration records in the State are accurate and are updated regularly.”¹⁰

ERIC’s Formation and History

Currently, ERIC is the only program in the country in which member states can share their statewide voter registration lists in order to find individuals who are registered and potentially voting in multiple states, although ERIC also provides information on deceased registrants. Seven states (Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington)¹¹ joined ERIC in its first year of operation in 2012, and ERIC had as many as 32 states and the District of Columbia as members until the recent withdrawal of seven states.

A second program to compare state voter registration lists, the Interstate Voter Registration Crosscheck (IVRC) program, was started in 2005 in a bipartisan effort by a number of secretaries of state, including then-Kansas Secretary of State Ron Thornburg (R) and then-Missouri Secretary of State Robin Carnahan (D). By 2016, 30 states were members of IVRC, comparing over 110 million registrations and voting records.¹² IVRC’s operations were carried out by the office of the Kansas Secretary of State.

However, the IVRC program was criticized for its error rate and for security breaches. It also became a target of left-wing advocacy groups after Kris Kobach became Kansas Secretary of State in 2011 and began to propose election reforms that were opposed by such groups, such as requiring individuals registering to vote to provide proof of citizenship and requiring individuals to provide a photo identification in order to vote. The IVRC program ceased operating in 2017 and was permanently shut down in 2019 as a result of the settlement of a class action lawsuit filed by the American Civil Liberties Union on behalf of some voters whose Social

Security numbers had been partially disclosed through an open records request in Florida.¹³

ERIC was started as a project of the Pew Charitable Trusts. According to research conducted by the Capital Research Center, funding was also provided by “two grants to Pew in 2011 totaling \$725,000” from George Soros’s Foundation to Promote Open Society.¹⁴ The key Pew staffer behind the formation of ERIC was David Becker, “a former Justice Department trial attorney who earned a reputation as a ‘hardcore leftist’ who ‘couldn’t stand conservatives.’”¹⁵ Becker formerly worked for People for the American Way, an organization that opposes voter identification requirements and other commonsense election reforms.¹⁶

States themselves funded ERIC after the organization’s inception, paying a \$25,000 fee to join in addition to annual dues using a formula that includes the size of the state’s citizen voting-age population. In 2022–2023, that annual fee ranged from “about \$26,000 to about \$116,000,” resulting in an annual budget for that period of a little over \$1.5 million.¹⁷

Becker led ERIC until 2016 when he left to start “a new ‘reform’ group, the Center for Election Innovation and Research,” which distributed tens of millions of dollars in grants to election officials and offices in battleground states in 2020. After relinquishing an operational role in ERIC, however, Becker continued to be involved in an ex-officio nonvoting capacity on the ERIC governing board. A sizeable majority of the funds from the Center for Election Innovation and Research went to large urban areas, which are traditional Democrat Party strongholds, to pressure election offices into mounting registration and get-out-the-vote efforts intended to benefit the Democrat Party.¹⁸

Recent reports indicate that ERIC member data are being shared with Becker’s Center for Election Innovation and Research. Emails obtained through litigation and public records requests reveal that ERIC data from Rhode Island were provided to the organization, as well as from Georgia.¹⁹ Of course, voter rolls are public records under federal law, so this information sharing in the end could prove to be entirely benign. On the other hand, however, it also could prove to encompass activities that would cause one to question the organization’s impartiality.

Several hundred million additional dollars were also distributed to Democrat Party strongholds in 2020 by another nonprofit, the Center for Technology and Civic Life, using large contributions from Mark Zuckerberg.²⁰ Numerous states were sufficiently concerned about this type of private funding, which could be (and seemingly was) used by partisan political donors to manipulate the actions of local and state election

officials, that they passed legislation in 2021 and 2022 banning such grants and donations.²¹

In 2021, testifying before Congress, Becker “dismissed election integrity concerns as ‘a scam’” that “delegitimizes democracy.”²² He claimed that the laws being passed by states to reform their elections actually “make elections less secure.”²³

Seven states have recently left ERIC: Alabama, Florida, Iowa, Louisiana, Missouri, Ohio, and West Virginia. Louisiana cited concerns about “questionable funding sources and that possible partisan actors may have access to ERIC network data for political purposes, potentially undermining voter confidence” in ERIC’s operations.²⁴ Newly elected Alabama Secretary of State Wes Allen cited his apprehension over a private organization’s having access to the private data of Alabama citizens, including their driver’s licenses, contact information, and partial Social Security numbers of minors.²⁵

Missouri, Florida, and West Virginia announced that they were leaving ERIC on March 6, 2023, citing various concerns about ERIC’s operations and the refusal of the ERIC board to implement any of the reforms that these states had proposed at a meeting in February.²⁶ Missouri Secretary of State Jay Ashcroft listed the following reasons, among others, for his state’s withdrawal in a letter to ERIC’s executive director:

- ERIC refuses to require member states to participate in addressing multistate voter fraud.
- ERIC focuses on adding names to voter rolls by requiring a solicitation to individuals who already had an opportunity to register to vote and made the conscious decision not to be registered.
- ERIC allows for a hyperpartisan individual to be an ex-officio nonvoting member on its governing board.
- ERIC unnecessarily restricts how Missouri utilizes data reports.
- ERIC’s benefits to Missouri are limited as only three of the eight states that border Missouri are members.²⁷

West Virginia Secretary of State Mac Warner said there was “no defensible justification to any opportunity for partisanship in voter registration and list maintenance.”²⁸ Florida Secretary of State Cord Byrd also cited

ERIC's refusal to agree to reforms that would increase security for data and eliminate ERIC's "partisan tendencies," which include having "ex-officio partisan members" of the ERIC board who "are not representatives of specific states and have undue influence over the organization and its decisions."²⁹

Iowa Secretary of State Paul Pate expressed his disappointment in the failure of the ERIC board on March 17 to "vote to amend the membership agreement" because that agreement, as currently drafted, "doesn't allow each member to do what's best for their respective state,"³⁰ a seeming reference to proposals that would allow member states to select ERIC services in à la carte fashion without having mandates imposed upon them. Ohio Secretary of State Frank LaRose similarly criticized this failure, saying he could no longer "justify the use of Ohio's tax dollars for an organization that seems intent on rejecting meaningful accountability." Instead, he added, ERIC has "chosen to double-down on poor strategic decisions, which have only resulted in the transformation of a previously bipartisan organization to one that appears to favor only the interests of one political party."³¹

ERIC's Internal Structure

ERIC is overseen by a board of directors consisting of 36 members, two of whom are nonvoting members. One of those nonvoting positions was held by David Becker, ERIC's former executive director, who announced on March 14, 2023, that he was leaving that position. The other nonvoting position is also vacant.³²

The organization has a set of bylaws that govern its administration, and each state must sign a membership agreement outlining the state's obligations and the services that ERIC will provide.³³ ERIC also has a Research Advisory Board, as well as a Privacy and Technology Advisory Board, but only three employees: an executive director, a systems and data specialist, and a systems engineer and technical liaison, making it most likely that ERIC is subcontracting the complex data analysis it does for the states to another entity. A tax form that ERIC filed with the IRS for the 2020 tax year showed that it paid \$432,950 to an independent contractor, Alpine Consulting, for "IT Services," raising serious questions about who—besides the states—has been given access to this valuable voter information.³⁴

Each member state submits both its voter registration list and its driver's license data from the state department of motor vehicles. Thus, ERIC is receiving the names, addresses, dates of birth, driver's license serial numbers, and the last four digits of the Social Security numbers of individuals.³⁵

There have been some recent claims that the release of DMV information to a private entity such as ERIC violates the Drivers Privacy Protection Act of 1994, which protects the privacy of personal information in state DMV records.³⁶ However, that statute specifically allows the release of such data to “any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.”³⁷ Since state election officials have a duty under both state and federal law to remove ineligible individuals from their voter registration lists, ERIC fits within this exception when it is acting on behalf of state officials to provide information needed for states to carry out that duty.

The original ERIC operating agreement specifically prohibited member states from disclosing to the public any list maintenance records produced by ERIC. The membership agreement was recently amended to delete some of the provisions that violated federal law, but it still retains some unacceptable confidentiality provisions.³⁸ Section 8 of the NVRA makes all list maintenance records subject to public inspection under federal law.³⁹ The Public Interest Legal Foundation filed lawsuits against four defendants in Alaska, Louisiana, Colorado, and the District of Columbia based on the Supremacy Clause of the Constitution alleging that the ERIC operating contract is void because it violates the NVRA by prohibiting states from disclosing ERIC list maintenance records.⁴⁰

Correcting ERIC’s Defects

The only acceptable purpose for an agreement between states to share voter registration and voting history information is to find individuals who are ineligible to vote in a particular state because they are deceased or no longer live in the state, are registered and unlawfully voting in multiple states, or are illegally registered because they are felons or are not U.S. citizens. In order to correct the problems that have led states to terminate their membership in ERIC, as well as other problems including the organization’s lack of transparency, both ERIC’s bylaws and its membership agreement need to be changed.

The following actions should be taken by ERIC’s governing board to accomplish those objectives.⁴¹

Transparency. The bylaws should be amended to require annual public disclosure by ERIC, and specifically the executive director, of all individuals and organizations outside of ERIC (other than member states), including all independent contractors, that are provided any of the data received from member states; any data, reports, or other documents and information

produced by ERIC; and any individual or entity given any access to ERIC data, its computer system and software, and any of its processes used in its analysis and production of reports for member states. The use of any outside vendors or disclosure of information to any third party other than member states by ERIC should require the knowing and specific approval of a majority of the members of the ERIC board.

The annual disclosure should also provide a complete listing of all databases accessed by ERIC in preparing its analysis of the data provided by member states as well as disclosure to all member states of the algorithm and comparison procedures used to analyze the data provided by member states. Only by knowing which government and commercial databases are being used by ERIC will states and the public be able to gauge whether ERIC is using all of the available databases that it should be using to access relevant information. Transparency in its algorithm and comparison procedures is vital to judging how effective ERIC is in finding problematic voter registrations and ensuring that it does not provide inaccurate data.

Moreover, it should be clear that ERIC is not interfacing with databases used by partisan interests and thus adding to the heft and utility of those other databases. Again, because ERIC has not been forthcoming even to member states about the extent of its dealings with third-party vendors, ambiguity reigns.

Aliens. It is a violation of federal law for an alien to register or vote in a federal election, and all states prohibit aliens from voting in state elections.⁴² Yet the ERIC membership agreement prohibits states from providing information on citizenship status. Section 2(b) of the membership agreement, which states that “[u]nder no circumstances shall the Member transmit an individual’s record where the record contains documentation or other information indicating that the individual is a non-citizen of the United States,” should be eliminated. ERIC reports should provide member states with any citizenship information that indicates an alien has illegally registered or voted so that any such alien can be removed from voter registration rolls and, if appropriate, prosecuted.

States’ Use of ERIC Data. Section 3(b)(ii) of the current membership agreement, which was revised on March 17, 2023, states that member states “shall not use, transmit, sell, or disclose any ERIC Reports, Member Data, Third-Party Data or ERIC Information for any purpose other than the administration of elections under state or federal law, supporting the operations of ERIC, and responding to Records Requests consistent with the terms of this Agreement.” Previous problematic language violating the NVRA that required a member to obtain a court order before responding to

a record request has been deleted. However, other problematic provisions such as the restriction on using ERIC data only for the “administration of elections” remain in effect.

Member states are paying ERIC to process their data, which includes information from DMV files and other non-voter registration databases such as the Social Security Master Death Index. Information provided by ERIC that shows, for example, that an individual is deceased or no longer eligible to vote in a member state because that individual has established residence in another state may also be relevant to other state requirements, such as their eligibility to obtain or retain a driver’s license or receive public assistance in the member state. It makes no sense to limit the use of this information, and it should be entirely up to the discretion of each member state to decide when and how the data received from ERIC are used.

The NVRA requires state election officials to make available for public inspection and photocopying “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters,” which is exactly what ERIC is supposed to be doing.⁴³

The NVRA exempts only two types of information from public disclosure: (1) a declination to register to vote and (2) the identity of a voter registration agency through which any particular voter is registered. All of the reports generated by ERIC and provided to the states clearly fall within the disclosure requirements of the NVRA. Any and all provisions in Section 3 that limit the ability of states to use and disclose ERIC information and reports should be deleted, including the provision contained in Section 3(e) requiring a state to “notify and confer with the ERIC Executive Director” before disclosing any data pursuant to a records request and all limitations on the use by states of ERIC data “for any purpose other than the administration of elections.”

Forced Voter Registration Activities. As previously noted, ERIC states that it has “the sole mission of assisting states to...increase access to voter registration for all eligible citizens.” Rather than *assisting* states, Section 4 of the membership agreement *forces* states to send out notices essentially yearly (every 425 days, to be precise) to at least 95 percent of the individuals in a state who are potentially eligible to vote but who have not registered “inform[ing] them how to register to vote.” States that fail to certify that they have met this requirement will be automatically removed from membership in ERIC.

States have already made it very easy for individuals to register to vote; in fact, it is probably easier today than at any other time since voter

registration requirements first started. Individuals can register to vote at a state DMV, public assistance office, and numerous other state offices, as well as by mail or online in many states.⁴⁴ But the central task of state governments is to *administer* the voter registration and voting system, not to engage in voter registration campaigns.

As a general matter, voter registration efforts are handled most appropriately by political parties, candidates, campaigns, and nonprofit associations, not the government, and it should be up to each member state to decide what efforts, if any, should be undertaken by government officials in that state to solicit unregistered residents to register to vote. While ERIC exists to assist member states should they choose to take steps to increase voter registration, it has taken it upon itself to force states to do so and to mandate how they should do so in ways that are unnecessary, duplicative, and expensive.

As Missouri Secretary of State Jay Ashcroft pointed out in his termination letter to ERIC, the voter registration mandate requires a “solicitation to individuals who already had an opportunity to register to vote and made the conscious decision to not be registered.”

Fraud and Unlawful Voting. The second paragraph of Section 5(a) of the membership agreement undermines what should be one of the chief reasons for ERIC’s existence: the sharing of pertinent voter information by member states. That provision states that ERIC will provide states “with data identifying voters who appear to have cast improper votes in a preceding election” only upon written request. “Improper votes” are defined as an individual voting more than once in the same state, in two different states, or in the name of a dead voter.

Since the entire purpose of the organization is to increase the accuracy of state voter registration lists, these data should automatically be included with the other data ERIC provides to member states. Apparently, those who drafted the ERIC membership agreement were more interested in registering voters than they were in actually ensuring the accuracy of voter registration lists or ensuring that law enforcement receives vital information on individuals who have violated election laws and engaged in fraudulent activities.

Ensuring Nonpartisanship in ERIC’s Operations. Under Section 2 of Article III of the bylaws, ERIC’s governing board is comprised of one representative from each member state who is chosen by each state’s chief election officer to serve as a voting member. While ERIC’s current membership appears at first glance to be divided between states with Republican and Democrat secretaries of state or the other chief state official responsible for elections in a particular state like the lieutenant governor in Alaska (or

their appointees), this structure does not take into consideration states like Wisconsin and Virginia where bipartisan election boards administer elections. Such states should have a bipartisan delegation of two representatives, although the two representatives of that state should still have only one vote.

Pursuant to Section 1 of Article IV of the bylaws, ERIC has an Executive Committee and other standing committees as created by the governing board. The bylaws should be amended to require that all such committees be bipartisan, with an equal number of members of the two major political parties, to ensure that the interests of both parties are represented in the conduct of ERIC's operations. There is currently no such requirement.

ERIC's full-time employees are supposed to execute their duties in a nonpartisan manner. The bylaws should be amended to bar such employees from making political contributions, participating directly or indirectly in political campaigns, or holding positions in other nonprofit organizations or advocacy groups. Moreover, the bylaws should be amended to require two co-executive directors--one from each political party--rather than one executive director who may have a strong, subjective political preference as to how ERIC should be operated. Such amendments would avoid potential conflicts of interest or an appearance of partiality, improve trust in ERIC, and help to ensure that it is and will be run in a bipartisan manner and is not being used for partisan political purposes.

Information Technology Audits. While ERIC does undergo regular audits by an independent auditing firm,⁴⁵ these are *financial* audits, not audits of its operations and information technology (IT) protocols and security procedures. Since ERIC is receiving sensitive data from states and engaging in database research and matching, it is imperative that it has oversight and accountability to ensure that it operates transparently, efficiently, and securely in the handling and analysis of those data.

This can be achieved by a mandatory and recurring IT audit that examines ERIC's "information technology infrastructure, applications, data use and management, policies, procedures and operational processes."⁴⁶ Such audits should include feedback from member states showing whether the data on voters provided by ERIC was accurate or not accurate.

Regular IT audits would also help to identify problems and inefficiencies within ERIC to improve its data acquisition, its algorithms, its internal processes, and the effectiveness of its research and systems. This would in turn improve the confidence of both member and nonmember states alike. ERIC's bylaws should be changed to require a yearly IT audit by an independent IT auditing firm chosen by a majority vote of the organization's governing board.

Missing Voter Registration and Voter History Information. ERIC currently does not receive information on registered voters who may have moved to nonmember states and is therefore unable to provide member states with all the information they need to clean up their voter rolls and prevent and detect fraud. This issue can be remedied by requiring ERIC to purchase these data from nonmember states. These data are generally available since that is how candidates and political parties obtain the voting information they utilize in the political process.

Obtaining these data would vastly improve the accuracy of the information ERIC can provide to member states. As Missouri Secretary of State Ashcroft pointed out in his termination letter, “ERIC’s benefits to Missouri are limited as only three of the eight states that border Missouri are members.”

In addition to voter registration and DMV driver’s license information, ERIC should obtain supplemental commercial data from credit agencies to provide more accurate and complete data to member states. Such data would help ERIC to identify people who have moved in or out of states more accurately and subsequently notify member states of these moves.

Such supplemental data would also assist member states in completing voter registration records that are missing necessary information. States commonly fail to capture dates of birth and other core biographical information maintained with credit bureaus. Such information gaps can hinder list maintenance efforts. Additionally, such supplemental information can reduce the rate of false positives that occur in database comparisons. False positives are errors in misidentifying two different individuals as the same person, which is usually caused by not having enough unique information on each individual.

Alternatives to ERIC. While some have presumed that the solution to ERIC’s problems is to stand up an organization that conducts the same sort of data analytics and services member states, such a solution is not so easy.

Implementing a system to detect cross-state registrants starts with the regular ongoing amalgamation of every state’s voter roll data. Amalgamation is not as simple as uploading the rolls into a spreadsheet. States organize their registration data differently. For example, differences can be as simple as whether full dates of birth fill a data column versus whether the state has separate columns for months of birth, day of birth, and year of birth. In this example, the data amalgamation process is complicated by the need to choose one method or the other, either three columns or one. If one column is chosen, the order and moments of demarcation between day, month, and year must be standardized. Once one method is chosen on

date-of-birth format, the process must convert nonconforming states into the chosen standard for the database.

This example describes the difficulty of amalgamating data regarding dates of birth, but the same difficulty manifests itself across the range of data needed to do a proper comparison: addresses, full names, and other personally identifying information. Getting all of these data from different states that use different formats and transforming them into a credible and complete single unit is a very difficult task. The Public Interest Legal Foundation undertook such a project successfully, but the costs are extraordinary—well into the millions of dollars to supply the system with the data it needs to operate and to maintain the system.

This problem is further complicated by the fact that this amalgamation must be done periodically with updated voter roll data. Some third parties have undertaken this effort, but as a practical matter, most do not have the resources, funding, or experience needed to ensure the accuracy required for this exercise in an ongoing operation.

Another problem impairing the amalgamation of data is the incomplete nature of many state data sets. State voter registration rolls are filled with placeholder data for missing information. Dates of birth containing all zeros or birth years of 1900 are all too common. Placeholder information further distorts state voter rolls, where for example, a series of x's may be used to fill in a missing portion of a voter's name. Blank cells with no information at all are just as common. Simply put, the completeness and hygiene of state voter rolls are poor in many instances, further driving up the complexities and expense of any third-party effort to organize a new data-comparison program for the states.

While member states may be able to provide their data without significant cost to a new entity, an effective operation will require purchasing voter registration and other data from nonmember states and commercial databases. Those costs along with development mean that a new entity will have to spend millions of dollars to create a database and find duplicate voter registrations across state lines in an effective and continuously operating fashion.

Third-party groups that do not have access to the full dates of birth and all of the other identifying personal information—and that do not have the resources to backfill these data with other databases—will produce so many false positives on potential duplicate registrants that the data will be rendered useless. Replacing ERIC will be a difficult and expensive task if states are to rely on the new entity's product for list maintenance.

Conclusion

As the withdrawal of seven states from ERIC demonstrates, ERIC's procedures and governing rules must be changed if the organization is to continue as a viable operation providing the one type of information that states cannot obtain on their own: the names of individuals who are registered in multiple states. These changes are also necessary to ensure that ERIC provides more accurate information to member states, attracts the participation of additional states, bolsters participating states' confidence in its work, eliminates unlawful actions, prevents partisanship in its operations, and functions according to the highest standard to ensure election integrity.

If these changes are not made, state election officials need to consider organizing an alternative to ERIC that accomplishes all of these objectives without the defects that ERIC currently has. But they need to realize that will require financial capital, development time, and a dedicated commitment from state officials.

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Endnotes

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