



Testimony in Opposition to House Bill 3422, Relating to Participation by the State of Texas in the Interstate Voter Registration Crosscheck Program
Texas House Committee on Elections

Monday, April 10, 2017

Thank you for the opportunity to submit testimony on this important voter registration issue. Project Vote is a nonpartisan, nonprofit organization dedicated to realizing the promise of American democracy so that every eligible citizen can register to vote and cast a ballot that counts. Project Vote has particular expertise on issues related to voter registration. We are concerned that HB 3422 would allow the secretary of state to disclose voter information in order to participate in the Interstate Crosscheck program. While reasonable list maintenance is important, this bill paves the way for participation in an unreliable program, despite the availability of a superior interstate data sharing program.

Our research and independent evidence has shown that the Crosscheck program routinely misidentifies voters as having moved to another state. The standard procedure for identifying a match in Crosscheck compares only first name, last name, and date of birth. Statistical research demonstrates that many individuals share these data points, which increases the difficulty of precise list matching procedures. One prominent example that illustrates the difficulty of relying upon a match of too few categories is the purging of Florida Governor Rick Scott from the voter rolls in 2006 due to a mistaken belief that he was dead. Another Rick Scott with the same date of birth died, resulting in a “match” of death records to Governor Scott’s voter record.¹

Interstate matching programs in recent years have shown that, as a result of these minimum standards and problems inherent to state-to-state matching, the inclusion of a voter on the Crosscheck “match” list is not conclusive evidence of a change in the voter’s residence. Numerous states have had large numbers of voters who were incorrectly purged from their rolls following a “match” from Crosscheck. For example, Ada County, Idaho had to reinstate more than 750 voters due to a faulty match using only name and birthdate through the Crosscheck program.² In addition, Chesterfield County, Virginia, found a 17 percent error rate among active voters on their matches from the Crosscheck program.³

¹ Lloyd Dunkelberger, *Elections Officials Told Rick Scott he was Dead and Couldn’t Vote*, Herald-Tribune (June 14, 2012), <http://politics.heraldtribune.com/2012/06/14/scott-mistakenly-declared-dead-on-voting-rolls/>.

² Cynthia Sewell, *Ada County Mistakenly Revokes 765 Voter Registrations*, Idaho Statesman (Aug. 29, 2014), http://www.idahostatesman.com/2014/08/29/3346833_ada-mistakenly-revokes-765-voter.html?rh=1.

³ Jim Nolan, *Chesterfield Registrar Delays Purge of Voter Rolls*, Richmond Times-Dispatch (Oct. 9, 2013), http://www.richmond.com/news/local/chesterfield/article_162e36b5-0be7-5dc8-a9f-48876a167b43.html.

As a result of the mounting evidence that Crosscheck does not provide reliable information for voters who should be flagged for removal, numerous states have opted *not* to utilize the data for list maintenance, such as Georgia, or have ended their participation in the program. Florida, Oregon, and Washington have all recently left Crosscheck, with a spokesperson for the Oregon Secretary of State's office stating, "We left because the data we received was unreliable."⁴

Careful examination of voter rolls to ensure accurate lists is a necessary and admirable goal, but it must be completed in a careful and thorough process to ensure the rights of voters are protected. Texas should instead consider participation in a program like the Electronic Registration Information Center (ERIC), which provides more rigorous data matching and security. In light of evidence showing the faulty nature of data from Crosscheck, Project Vote would not recommend its use.

Thank you for the opportunity to provide this testimony on behalf of Project Vote. Should you wish to contact me regarding this bill, please contact Marissa Liebling, Legislative Director, at 202-556-5651 or email mliebling@projectvote.org.

⁴ John Greenberg and Amy Sherman, *Florida No Longer Part of Controversial National Voter Data Project*, Miami Herald (April 11, 2014), <http://miamiherald.typepad.com/nakedpolitics/2014/04/florida-no-longer-part-of-controversial-national-voter-data-project.html>.