

Testimony of Catherine H. Engelbrecht

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**Before the State Government Committee for the Pennsylvania
House of Representatives**

Public Hearing on Election Integrity Issues/2016 Election

Presented on October 4, 2016

State Government Committee members and assembled guests: thank you very much for inviting me to submit testimony about the election integrity issues that will impact the 2016 Election and elections yet to come. This testimony seeks to raise awareness about the transparency challenges presented by Pennsylvania's participation in ERIC and the unintended consequences experienced by citizens of the Commonwealth as a byproduct of the participation.

Allow me to begin with a few words about my background. In 2010, I led a small collection of concerned citizens in the Houston, Texas area to found True the Vote. Our early focus was simple: identify as many polling locations within our shared neighborhoods that did not have adequate manpower in terms of election workers or observers – and personally fill those gaps. We witnessed a variety of irregularities and, in some cases, outright election fraud. Nearly six years later, True the Vote has grown into a national movement dedicated to educating and equipping voters to support election integrity in their communities.

True the Vote encourages states to adopt locally-tailored reforms proven to bolster election integrity, including: photo voter identification; citizenship verification in voter registration; and interstate compacts for the purpose of enhanced voter roll maintenance. Today, I will focus my comments on third reform mentioned, and offer two observations.

1. ERIC compels states to limit public visibility into the maintenance procedures used to manage voter records.

Earlier this year, True the Vote conducted a survey among the twenty states currently participating with ERIC, including the District of Columbia. Our survey was

intended to help gain a clearer understanding of the inner workings of the ERIC¹ partnership and begin to develop our own third-party assessment of its efficacy. Preliminary findings offer a glaring concern with respect to transparency. In August 2016, True the Vote requested a number of maintenance records from the 20 states participating with ERIC, including Pennsylvania. Due to Pennsylvania's still recent adoption of ERIC, few records were responsive at the time. However, other ERIC member jurisdictions' responses to our requests yielded a troubling pattern for any concerned citizen or legislator. State after state responding to our requests for "copies of list maintenance data reports received from ERIC" and "records and/or reports indicating the maintenance actions taken following the processing of ERIC reports" were generally met with the same rejection explaining that releasing such information would violate 18 U.S.C. § 2721 and similar state statutes, blocking the release of confidential *driver records*.

True the Vote's interests concern the accuracy of the voter files, not driver data. However, ERIC requires States' compliance in not disclosing even the most basic of data points used in its reconciliation processes, ostensibly because driver data could have been used. At a minimum, states should be able to report on the number of electors identified and removed from the voter files.

2. ERIC's requirement of member states to mail potentially unregistered voters invites ineligible voter registrations in Pennsylvania.

In September 2016, True the Vote was copied on an email sent from a Butler County elector to the Pennsylvania Secretary of State. In the email, the elector explained that his wife had received a postcard from the Commonwealth, encouraging her to

¹ Electronic Registration Information Center

register to vote. However, his wife is not a U.S. citizen. After several conversations with Commonwealth officials, True the Vote learned that this statewide mail campaign – consisting of roughly 1.1 million recipients – was a requirement for Pennsylvania’s continued participation in ERIC. Any name that appeared in the PennDOT database of drivers, yet did not appear in the statewide list of voters, was sent a postcard. The Butler County resident was discovered to have been incorrectly coded as a U.S. citizen when lawfully receiving her driver’s license. Her family later complained about the mailer and learned they were not the only wrongful recipients. Pennsylvania election authorities confirmed to True the Vote that at least seven (7) complaints had been filed by noncitizens who received registration alerts – but how many other noncitizens received the postcard and, rather than file a complaint, took the opportunity to register?

Recommendations

1. Pennsylvania should strive to set a standard of transparency that will keep public documents available for requested review, as is allowed in accordance with the National Voter Registration Act and the Right to Know Law.
2. Pennsylvania should consider reconciling its drivers’ license database against federal immigration databases prior to participating in ERIC’s bulk voter registration encouragement campaigns.
3. Finally, we strongly encourage Pennsylvania to continually seek efficiencies in the processes of voter roll maintenance. We encourage the Commonwealth to leverage inter-departmental coordination between the Secretary of State and other agencies with National Voter Registration Act responsibilities. Adoption and

adherence to available data science techniques can substantially reduce registration confirmation time and improve overall accuracy.

True the Vote thanks this Committee for the invitation to share our views on this critical matter and looks forward to continued conversations in the near future.