



March 20, 2023

Members Assembly Committee on Elections
Assembly Member Isaac Bryan, Chair

AB: 1206

Members Senate Elections and Constitutional Amendments Committee
Senator Steven M. Glazer, Chair

OPPOSE

Members of the Assembly Committee on Elections,

Election Integrity Project® *California*, Inc. (EIPCa) **Opposes AB 1206** as written and amended as of the date of this letter.

AB 1206 proposes that California join the Electronic Registration Information Center (ERIC), which purports to be an agency to facilitate a state's ability to maintain accurate voter rolls more efficiently. EIPCa vigorously disagrees with the proposal.

ERIC was created in 2012, making it 11 years old. Worse, the technology it currently utilizes dates back to the 1980s. It is not the cutting-edge technology necessary to keep up with the nation's need for voter roll information, and has proven to have considerable flaws.

1. ERIC has been proven inefficient in its stated objective of assisting states in identifying registrants who have moved to other states.

According to verified data from Judicial Watch research, ERIC claims to have identified 2,498,688 registered voters who have relocated across state lines since its founding.

But, according to an analysis of U.S. Election Assistance data by Verity Vote, **states that do not participate in ERIC had a higher rate of identifying and removing from voter registration rolls individuals who relocated out of a jurisdiction than ERIC member states.**

2. The dictates of the ERIC contract and Bylaws actually make voter roll maintenance more difficult.

ERIC requires states to upload their voter rolls every 60 days.

Nevertheless, ERIC does not automatically provide states with the results of their voter roll comparison. Instead, the ERIC binding contract and bylaws require member states to proactively REQUEST search results for problematic registrations whenever they want them.

ERIC does not require that the states act upon any received information to maintain their voter rolls.

3. ERIC facilitates exploitation of vulnerable populations such as non-citizens, and partisan election manipulation.

ERIC mandates states to upload not only its voter rolls but also the databases from the DMV and social services agencies.

ERIC specifically PROHIBITS the transmission of any data regarding voter eligibility on the basis of citizenship status.

Using the information uploaded from the DMV and other social services databases, ERIC creates a list of unregistered state residents and mandates that the state contact at least 95% of those on the list in an attempt to get them to register.

Unfortunately, the state has no way of knowing or determining which of the persons on the ERIC-provided “eligible” list are actually eligible by law.

As a result, ERIC could easily facilitate adding more ineligible individuals to the rolls.

4. Membership in ERIC poses a privacy and security risk to all inhabitants of the state.

The information member states are required to upload to ERIC every 60 days divulges all of the most sensitive information of all those state residents, not only from the state’s voter rolls **but also the from DMV and social services databases:** names, addresses, DOB, license #, last 4 numbers of social security #, voter activity, phone, email, title, those approaching voting age, and more.

ERIC then entrusts **all** of it to a third party - Center for Election Innovation and Research (CEIR), an organization with heavily partisan roots and no level of security or compliance.

This constitutes an enormous risk to the identities of all California residents, and data once released is out there forever.

Interstate sharing of private information of individuals who *aren’t* registered to vote does nothing to enhance voter roll quality and reliability. Voters receive no benefit from states sharing this personally identifiable information.

5. Membership in ERIC is expensive. With all fees that accumulate in addition to the yearly “dues”, California could easily expend over a million dollars a year belonging.

6. California has always tried to be a leader in the field of technology, out in front, “the first”. However, the reality is: rather than being an example of cutting-edge technology, ERIC is a sinking ship. It is difficult to understand what would motivate a decision to join Eric.

States committed to maintaining accurate voter rolls, transparency and visibility have withdrawn or are in the process of leaving ERIC. These include Louisiana, Alabama, West Virginia, Missouri, Florida, Ohio, Texas and Iowa.

Reasons for their exit can be best summed up by Florida’s Secretary of State.

“Withdrawing from ERIC will ensure the data privacy of Florida voters is protected. After year-long efforts to reform ERIC through attempts to secure data and eliminate ERIC’s partisan tendencies, all of which were rejected...we have lost confidence in ERIC.”

7. Also problematic is that membership in ERIC exposes California to the risk of violating major federal Laws including National Voter Registration Act. (NVRA), Help America Vote Act (HAVA), Driver’s Privacy Protection Act, and more*.

* See <https://www.judicialwatch.org/wp-content/uploads/2023/03/ERIC-White-Paperfinal.pdf> , pages 8, 9 and 10.

8. Finally, even if joining ERIC were a good decision, uploading California's statewide voter database, VoteCal, to the ERIC system has the potential to sabotage the efforts of all ERIC members.
9. **EIPCa has provided documentation (LINK) to the Secretary of State, to the Department of Justice and to the public in general that VoteCal is patently unreliable and should be decertified until it can be fixed.**

In its current form, VoteCal is capable of infecting the legitimacy of all other information in a system if integrated into it.

For years, ERIC was the only game in town, but that has changed with new technology and innovation.

Now there is a much better, more cost-effective option to assist in maintaining voter rolls: fractal technology, which allows its users to have complete visibility to all its data and publishes auditable updates of voters removed from rolls.

Such visibility is the minimum viable transparency for any electoral system and ERIC fails each one entirely.

EIPCa strongly urges a NO vote on AB 1206. There is a better way.

Sincerely,

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