



April 5, 2023

Members Assembly Committee on Privacy  
and Consumer Protection  
Assembly Member Jesse Gabriel, Chair

**AB: 1206**

**OPPOSE**

Members of the Committee,

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 opposes AB 1206** for the many reasons stated in our letter submitted March 20, 2023, prior to its hearing before the Assembly Elections and Constitutional Amendments Committee. ([https://www.eip-ca.com/opposition\\_letters/AB\\_1206\\_EIPCa\\_Opposition\\_Letter\\_3202023.pdf](https://www.eip-ca.com/opposition_letters/AB_1206_EIPCa_Opposition_Letter_3202023.pdf)) We respectfully refer you to that letter for reasons applicable to all California voters.

**More specific to the focus of the Committee on Privacy and Consumer Protection is the danger this bill poses to the sensitive personal identity information of virtually all California residents.**

The ERIC bylaws require the member states to provide, every 60 days, **the entire records** from **the DMV and every other social services agency**. The information disclosed. **includes SS #, CDL or ID #** and much more.

These disclosures appear to **violate The Driver's Privacy Protection Act (18 U.S.C. 2721)** which reads, in part:

**(a) IN GENERAL.** - A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:

**(1)** personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or

**(2)** highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9)

**(b) PERMISSIBLE USES.** - Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers,

and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the [Anti-Car Theft Act of 1992](#), the [Automobile Information Disclosure Act \(15 U.S.C. 1231 et seq.\)](#), the [Clean Air Act \(42 U.S.C. 7401 et seq.\)](#), and chapters 301, 305, and 321–331 of title 49, and, subject to subsection (a)(2), may be disclosed as follows:

(5)

For use in research activities, and for use in producing statistical reports, **so long as the personal information is not published, redisclosed, or used to contact individuals.** (*emphasis added*)

Not only does disclosure of said information for the research done by ERIC (determining unregistered but potentially eligible individuals), appear to violate federal statute, but the ERIC mandate that the state contact at least 95% of those on the research results list appears in direct violation of the above (“**not...used to contact individuals.**”)

In addition, **ERIC re-discloses the information** provided to it to the Center for Election Innovation and Research (**CEIR**).

Judicial Watch reports in its White Paper, “An Analysis of ERIC’s History Mission, and Legal Compliance,” (<https://www.judicialwatch.org/documents/eric-white-paper/>), “According to a July 2020 email from CEIR Research Director Erica Frazier to state election officials, **ERIC shares the data the states provide with CEIR**, and CEIR is actually the party that compiles the lists of eligible but unregistered voters.”

Aside from a clear conflict with federal law, the fact that this sensitive information would be put into the hands of not one but two additional agencies **triples the threat of technological incursion (hacking), which would then endanger every Californian** who had ever interacted with the DMV or any social service agency as well as their County Elections Office or Secretary of State for the purpose of voter registration.

**Extending that risk is unwise, especially given the other arguments against membership enumerated in EIPCa’s opposition letter dated March 20, 2023.**

It should also be noted that at the same time ERIC demands these risky disclosures of personal information, it expressly **forbids the transmission of citizenship information.**

- “Under 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.” (ERIC Bylaws)

**This endangers California’s non-citizen population**, who may become registered and therefore **enabled to unwittingly commit a felony** that would thwart their path to citizenship.

ERIC’s (or CEIR’s) mission to provide lists of “eligible but unregistered individuals” while expressly rejecting information regarding citizenship is impossible to fulfill, and has and will lead to much harm.

**Again, from the Judicial Watch White Paper:**

On September 27, 2022, CEIR, Democratic Colorado Secretary of State Jena Griswold’s office mailed postcards to 30,000 non-citizens encouraging them to register to vote. According to a  
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contemporaneous media report, 'The error happened after department employees compared a list of names of 102,000 people provided by the Electronic Registration Information Center...to a database of Colorado resident issued driver's licenses.'

There is no question that California needs to focus much more attention on voter roll maintenance, especially in light of the policy of sending ballots to everyone on a very faulty list.

**But voter roll maintenance is NOT the main focus of ERIC.**

According to its Bylaws, all reports that would enable maintenance must be separately and expressly applied for (incurring separate fees), and no Member state is required to act in any way after receiving those reports.

Contrast that with the automatically provided list of "eligible but unregistered" residents upon which Member states must immediately act with 95% compliance, on pain of forfeiting membership, and **it is clear that ERIC's central focus is voter registration** (not always with legality in mind) rather than what its non-profit mission statement purports.

EIPCa repeats that California is in dire need of a better system of voter roll maintenance.

But ERIC is clearly NOT the answer.

**EIPCa strongly urges a NO vote on AB 1206.** There are too many threats to the privacy and vulnerability of California residents in the ERIC system.

Sincerely,

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