

July 3, 2017

National Association of State Secretaries
444 North Capitol Street NW, Suite 401
Washington, DC 20001

Dear State Secretaries:

We write to you regarding the recent letter from the Presidential Advisory Commission on Election Integrity (“PACEI”) to state election officials, requesting detailed personal information from your state voter registration records.¹ We are technical experts, legal scholars, and representatives of organizations expert in election integrity, voting verification, and voter privacy. We strongly oppose the PACEI request for voter record information and urge you not to comply.

The PACEI is seeking:

“the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.”

This is sensitive, personal information that individuals are often required to provide to be eligible to vote. There is no indication how the information will be used, who will have access to it, or what safeguards will be established.² Moreover, it appears that the Presidential Commission has failed to undertake and publish a Privacy Impact Assessment, required by federal law, prior to the collection of personal data.³

Although the standards vary across the country, there is no question that voter privacy -- and the secret ballot in particular -- are integral to the American system of democracy. It is absolutely unprecedented for the federal government to demand the production of voter records from the states.

As custodians of voter data, you have a specific responsibility to safeguard voter record information. We urge you to protect the rights of the voters in your states and to oppose the request from the PACEI.

¹ See, e.g., Letter from Kris W. Kobach, Vice Chair, PACEI, to Hon. Elaine Marshall, Secretary of State, North Carolina (June 28, 2017).

² See EPIC, “Voter Privacy and the PACEI,” epic.org/privacy/voter/pacei/.

³ Pub.Law 107-347, 44 U.S.C. § 3501 (Note). See also “M-03-22 OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002” (Sept. 26, 2003).

For further information regarding this statement, please contact EPIC President Marc Rotenberg (rotenberg@epic.org) or EPIC Policy Director Caitriona Fitzgerald (fitzgerald@epic.org).

ORGANIZATIONS

Electronic Privacy Information Center (EPIC)
American Library Association
Center for Democracy & Technology
Center for Media and Democracy
Center for Media Justice
Constitutional Alliance
Consumer Federation of America
Consumer Action
Consumer Watchdog
Cyber Privacy Project
Defending Rights & Dissent
Federation of American Scientists
Government Accountability Project
Lawyers for Good Government
Liberty Coalition
National Center for Transgender Equality
National Network to End Domestic Violence
New America's Open Technology Institute
Patient Privacy Rights
Privacy Rights Clearinghouse
Privacy Times
RootsAction.org
World Privacy Forum

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(affiliations are for identification only)