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MEMORANDUM

DATE: For the Meeting of August 30, 2016

TO: Members, Elections Commission

FROM: Michael Haas
Commission Interim Administrator

Prepared and Presented by:

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SUBJECT: Update on Wisconsin's Participation in ERIC

This memorandum provides an update on Wisconsin's participation in the Electronic Registration Information Center (ERIC) and outlines staff's plan to reach out to Wisconsin residents who are potentially eligible to register to vote, but are not registered at this time.

I. Background

2015 Wisconsin Act 261 directed Wisconsin to join ERIC, an inter-state consortium formed to improve the accuracy of voter registration data and to assist voters to become registered at their current addresses. ERIC uses modern "big data" matching and analytics to identify electors who may be eligible but are not registered to vote, voters who have moved since their last registration, and voters who may no longer be eligible and should be removed from voter rolls. The goal of ERIC is to encourage these electors to register or update their information ahead of an election to better manage the volume of registration activity leading up to and on Election Day.

ERIC requires member states to provide data every 60 days for all current driver license and state ID card holders from the Division of Motor Vehicles (DMV) as well as all currently registered voters from the Wisconsin Elections Commission. ERIC then compares that data to similar files from participating states (including neighboring states Minnesota and Illinois). Data is also compared to national sources such as the US Postal Service's National Change of Address (NCOA) service and the Social Security Administration's Death Master List.

After matching the data from these sources, ERIC provides reports back to participating states to help states maintain their voter rolls. ERIC provides two types of reports to participating states:

1. Lists of electors who may be eligible to register, but are not currently registered to vote.
2. List maintenance reports for currently registered voters who may no longer be eligible at the registered address, such as if they have moved or become deceased.

The ERIC Membership Agreement requires that participating states reach out to voters who may be eligible but are unregistered once every two years, ahead of the fall General Election, no later than October 1st. ERIC requires that states take action on the list maintenance reports at least once a year.

The Pew Charitable Trusts awarded the Wisconsin Elections Commission a grant of up to \$150,000 to pay for half of the initial mailing costs to reach out to eligible but unregistered electors.

II. Outreach to Potentially Eligible Voters Who are Not Registered

As required by ERIC, WEC will be initiating contact with Wisconsin residents who are identified as potentially being eligible to vote but who are not registered prior to the 2016 Presidential and General Election.

ERIC will provide WEC with a list of eligible but unregistered voters that result from matching Wisconsin's voter registration and motor vehicle records. Outreach to these voters will be done via a postcard mailed to the best known address for the resident. The mailing is planned for delivery the last week of September, to allow voters to register ahead of the close of open registration on October 19, and to comply with ERIC's October 1st deadline.

State ID Card Holders

As reported in the July 20, 2016 Quarterly Report to the Legislature on the Implementation of Electronic Voter Registration and ERIC (attached to this memo as Attachment 1), current state statutes do not allow DMV to share information regarding State ID Card holders with the ERIC program. Therefore DMV will only be able to provide data related to driver license holders to ERIC. However ERIC membership requires that both driver license holders and state ID card holders be included in the outreach process, as does the \$150,000 grant awarded by the Pew Charitable Trusts. This is to ensure uniform treatment of both ID Card Holders and Driver License holders.

To address this confidentiality issue and allow Wisconsin to fully participate in ERIC, DMV offered to perform its own matching process to compare State ID Card holders with voter registration records to identify any State ID Card holders who are potentially eligible but not registered to vote. DMV will submit the list of State ID Card holders

identified as eligible but unregistered directly to the printer processing the outreach mailing, without providing that data to either ERIC or WEC. This ensures that these voters will be included in the outreach mailing without violating state statutes.

ERIC staff, and the Pew Foundation which awarded the grant for mailing costs, is agreeable to this approach for Wisconsin's 2016 outreach mailing, even though it omits ID Card holders from the data shared with other states, with one condition. ERIC requires assurances that a legislative change will be pursued to permit DMV to share ID Card holder data in the future. WEC staff is facilitating correspondence with DMV and legislators to document a joint commitment to pursue the necessary changes in the next legislative session.

Outreach Mailing Approach and Timeline

As indicated above, the outreach mailing to eligible but unregistered voters must be mailed by the week of September 26, 2016. This allows time for voters to receive the mailing and take action prior to the close of open registration on October 19, 2016.

Two separate lists of voters will be prepared for the outreach mailing:

1. Potential voters identified by ERIC based on a comparison of driver license records and voter registration records, to be provided by WEC.
2. Potential voters identified by DMV based on a comparison of State ID Card records and voter registration records, to be provided by DMV.

Both lists of potential voters will receive the same postcard, mailed out at the same time, to ensure uniform treatment of both groups of potential voters.

The printing and processing of the mailing will be handled by the Department of Administration (DOA) Printing and Distribution center. WEC staff explored the option of bidding out the mailing to qualified state vendors, but the timeline of the outreach mailing did not allow sufficient time to prepare and award a bid and still send postcards by the October 1st deadline. Also, approximately 90% of the total estimated cost for the outreach mailing cost is for postage, which is a fixed cost regardless of who processes the mailing. Any potential cost savings from bidding out the project would only be in printing and processing, which accounts for only 10% of the total cost. The potential savings do not appear to be significant enough to justify the likelihood of missing the mailing deadline.

Based on experiences from other ERIC states, WEC staff is implementing several data quality measures to improve the quality and accuracy of the outreach mailing. These practices include:

- Excluding any voters who were previously registered but were removed due to being deceased

- Excluding any driver license or State ID Card holders who are marked in DMV records as being non-citizens
- Comparing the list of potential voters against Department of Corrections felon records

These practices will minimize the possibility of the outreach mailing being sent to Wisconsin residents who are not eligible to register.

Handling Voter Response to the Mailing

While the total size of the outreach mailing will not be determined until the ERIC matching process is completed in September, based on the experience of other states, WEC staff is preparing for a mailing of between 1 – 1.5 million postcards. It will far exceed the size of any previous election mailing sent by the State. The outreach mailing asks voters to visit the MyVote Wisconsin website where they can check their registration status and start a new registration. If they start their registration on MyVote, they will need to print and sign the form, and return it to their municipal clerk's office. Recipients can also contact the WEC offices if they have questions.

Based on experiences by other states, WEC staff anticipates receiving a high number of calls regarding the mailing. To handle this increased call volume, staff plans to add temporary workers to take incoming calls and respond to voicemails and emails regarding the mailing. A script is being developed that can be used by any WEC staff handling these calls.

The WEC Public Information Officer will also prepare communications to educate the public, the Legislature, and local election officials about the outreach mailing. With numerous political mailings and voter registration mailings expected to arrive during the same timeframe, it will be important to educate the public about the purpose and source of the outreach mailing.

Current Status of Outreach Mailing Preparations

DMV performed a preliminary comparison of State ID Card holders with voter registration records and found approximately 230,000 potential voters who are not registered. Deceased voter records were provided to DMV on August 19 and it will perform a final comparison that removes those individuals from the mailing list. The final list of potentially eligible ID Card Holders will be sent to DOA Printing and Distribution no later than September 9.

WEC technical staff is finalizing the voter record file that needs to be submitted to ERIC for comparison with driver license holders and records from other states. A test file was created and sent to ERIC on August 17 for validation. The full voter registration file will be sent to ERIC by August 24.

DMV technical staff is working on the driver license file that needs to be submitted to ERIC. The driver license file will be forwarded to WEC for submission to ERIC by August 26.

WEC program staff is finalizing the design of the postcard that will be mailed to the potential voters. Several drafts have been shared with DOA Printing and Distribution for review to ensure they comply with postal standards. The final design must be reviewed by a US Postal Service design specialist, and will be submitted for USPS approval by August 31. The final approved design must be delivered to DOA Printing and Distribution no later than September 9. A proposed timeline for the outreach is attached as Attachment 2.

Cost Projections and Funding

As noted above, the total cost of the outreach mailing cannot be calculated until the ERIC matching process is complete. WEC received estimates from DOA's Printing and Distribution office indicating that a mailing of 1,451,300 postcards would cost \$423,175.72, assuming that first class postage was used. WEC staff has applied for a nonprofit postage rate from the U.S. Postal Service, which is available to voter registration officials under federal law. If approved, the postage rate would be reduced to \$0.14 to \$0.17 per postcard, instead of \$0.26 to \$0.28 per postcard if the mailing is required to use first class postage.

As mentioned above, the Pew Foundation has awarded a grant to Wisconsin to assist with the initial outreach mailing. The grant will pay for up to one half of the cost of the mailing, not to exceed \$150,000. The remainder of the outreach mailing costs will be paid for with the agency's federal HAVA funds. When the Legislature was considering the legislation directing the agency to join ERIC, the Government Accountability Board's fiscal estimate indicated that the agency could not pay for the ERIC membership dues and mailing costs without additional funding, but no such funds were appropriated. The effect of using a significant portion of remaining HAVA funds for the ERIC project is that those funds which support agency operations will be spent sooner than they otherwise would.

III. List Maintenance

Due to the close proximity to the upcoming 2016 Presidential and General Election, staff recommends not taking action on the list maintenance reports provided by ERIC until after the election. It is generally not advisable to remove voters from registration lists immediately prior to the largest election in the four-year election cycle, to avoid the risk of inadvertently removing qualified voters from the poll lists. While Wisconsin is not subject to the National Voter Registration Act, that federal law prohibits such list purges within 90 days of a general election. ERIC membership requires that participating states take action on list maintenance reports within one year of receiving them, therefore list maintenance tasks must be completed by September 2017.

IV. Staff Recommendation and Motion

Staff recommends the Commission approve the plan outlined above for participation in ERIC, and specifically staff's proposed approach for implementing the outreach mailing to potentially eligible but unregistered voters prior to the 2016 General Election.

Recommended Motion: Accept the staff plan for participation in ERIC including the mailing to potentially eligible but unregistered voters.

Attachments: July 20, 2016 Quarterly Report to the Legislature on the
Implementation of Electronic Voter Registration and ERIC

Proposed Timeline for 2016 Outreach Mailing