

**Testimony of Michael Haas
Elections Division Administrator
Wisconsin Government Accountability Board**

Assembly Committee on Campaigns and Elections

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**Room 300 Northeast, State Capitol
Public Hearing**

Assembly Bill 189

Chairperson Bernier and Committee Members:

Thank you for the opportunity to comment on the bills before you today. I am appearing here for information purposes and to answer any questions you or Committee members may have. The Government Accountability Board has not taken a position on this legislation but has directed staff to convey its concerns as it understands the proposal.

2015 Assembly Bill 189

This bill requires the chief election officer to enter into the Interstate Voter Registration Data Crosscheck Program. The program is an agreement with a group of states to share data and information related to the registration and voting of electors in this state and the other participating states. The program began in 2005 with four states – Kansas, Missouri, Nebraska and Iowa. By 2012, 15 states, primarily in the Midwest and south-central areas of the country were members. According to a presentation for the National Association of State Elections Directors (NASED) in January 2013, the number of participating states had grown to 20 states.

http://www.nased.org/NASED_Winter_2013_PP_Presentations/KANSAS.pdf

Each state pulls voting data from its statewide voter registration system on January 15 of each year. The data pulled consists of 13 fields including first, middle, last name and suffix if applicable, the voter's date of birth, last four digits of the voter's social security number if available, the voter's mailing address, county and registration status (active or inactive) and whether the voter voted in the most recent general election.

The states' information is loaded onto a secure FTP website hosted by the Arkansas Secretary of State. The Kansas Secretary of State IT department pulls the data, runs a comparison and uploads the results to the FTP site. Each state downloads results from

the FTP site and processes them according to state laws and regulations. Kansas then deletes the data.

The program costs nothing to join and the upfront costs consist of generating the state report, uploading the data and downloading the results. However, the state and local election officials then have the work of investigating any matches that are returned. This can be quite time consuming and in many cases inconclusive because of the limited match on key identifying data that would confirm or distinguish individual matches.

In 2012, Missouri had 159,322 matches with the other 14 states. Tennessee had 91,678 voter matches. Both states have populations comparable to Wisconsin. In neighboring states, Iowa and Illinois had 31,882 voter matches while Illinois and Michigan had 49,260 matches. *Source: Kansas Secretary of State Office presentation, January 26, 2013.* That is a lot of matches requiring follow up by state and local election officials.

In 2008, Kansas referred three double voters for prosecution and 11 in 2010. No numbers were provided for the initial number of matches in those years. In 2012, Kansas had 80,016 matches.

The Government Accountability Board was briefed on the Interstate Voter Registration Data Crosscheck Program at its April 29, 2015 meeting. Board Members expressed strong reservations about the efficacy of the program because the current resources of local election officials and staff are already stretched to the breaking point. Follow up on the returned matches would require a significant investment of time, primarily by Wisconsin's 1,853 municipal clerks and their staff. Changes may also need to be made to G.A.B. IT systems to give clerks tools to track the follow-up and outcomes of these matches, which would require staff time and financial resources from the G.A.B.

As written, this legislation requires the chief election officer to annually enter into a memorandum of understanding to participate in the Interstate Voter Registration Data Crosscheck Program. There is no option.

In my opinion it would be better to authorize participation in the program, which would allow the agency staff to gather information and let the Government Accountability Board decide whether to participate. The Board is in the best position to determine if this would be the best use of election officials' limited resources to improve the integrity of the list as well as identify individuals who may have voted in the same election in different states. By changing the proposed language from a requirement to an authorization, the agency has the flexibility to evaluate the efficacy of the program. This also allows Wisconsin to adjust if changes occur to the Interstate Cross Check program in the event it is discontinued or if Kansas begins charging a fee to participate.

There are some additional limitations on how this would work in Wisconsin. The voter data is submitted on January 15th of each year. There is very little reason to submit data in even-numbered years since Wisconsin does not have a statewide election in the fall of odd-numbered years and the voter participation in the spring elections is relatively low (20 percent) compared to even-numbered general elections (50-75 percent depending on whether it is a presidential election or a gubernatorial election).

There is also a concern that some local election officials may not follow up on the information because of the limited time and resources available and given other more pressing demands on their time.

There is no question that the collection of more voter information across states would be helpful. The quality of the screening and how the matching results are handled is what can make a difference. As we observe with any matching program, additional investigation and attention regarding individual cases is required before we can draw definite conclusions as to whether or how many individuals register or vote in more than one state. Additional investigation is also required before any action can be taken that would affect an individual's eligibility to vote.

Conclusion

Thank you for the opportunity to share my thoughts with you. I hope you will give serious consideration to changing the directive from a mandate to an authorization. I hope this testimony will help inform the Legislature's consideration of this bill. As always, we are available to answer questions and work with you in developing proposed legislation.

Respectfully submitted,

Michael Haas
Elections Division Administrator
Wisconsin Government Accountability Board

608-266-8005
Michael.Haas@wi.gov