



# THE VOTER

*The League of Women Voters of Kansas City/Jackson/Clay/Platte Counties*

**Saturday, February 17, 2018**

**9:30 – Hospitality**

**10:00 – Movie (2017 edition) Starts**

**12:00 – Meeting Adjourns**

**THE BEST DEMOCRACY  
MONEY CAN BUY  
THE MOVIE**

**Guests are welcome!**

LWV will send donations for the showing of the movie to The Palast Fund for the \$100 screening license package. A tax-deductible donation of \$2 per person is suggested, not required.

### **DEMONSTRATION OF *FASTDEMOCRACY.COM***

Immediately following adjournment at 12:00, Anatolij Gelimson, the creator of [fastdemocracy.com](http://fastdemocracy.com) will provide an online demonstration and brief training on how to use [fastdemocracy.com](http://fastdemocracy.com). It is a free service that allows users to stay connected with state legislation, in all states and D.C. Come for the movie, stay for the demonstration. See page 3 for details.

### **Community Christian Church, 4601 Main, Kansas City MO**

Enter on south side of church; take steps to lower level Centennial Room. Park free in multi-level garage south of church. Handicapped parking, entrance and elevator access is on north side of church.

## Co-PRESIDENTS' MESSAGE

**LWV/KC/J/C/P  
BOARD**

**2017-2018**

**OFFICERS**

Co-Presidents

Donna Hoch

Evelyn Maddox

Vice President

Linda Smith

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Anitra Steele

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Caroline Arnold

**DIRECTORS**

Becky Yockley

Cheryl Barnes

Dixie Brown

Pat Goodwin

Pauli Kendrick

Pauline Testerman

We are encouraging all members, their friends, and coalition partners to come to our February 17 LWV meeting to view the documentary *The Best Democracy Money Can Buy*. It addresses the Supreme Court decision that changed the National Voter Registration Act (NVRA); the controversial Crosscheck system; how efforts are being made to purge voter rolls; and more. (REFER TO PAGE 15 OF THIS VOTER FOR A COMPARISON OF CROSSCHECK AND ERIC, which is what Missouri provides to local election boards.) Following the movie, Anatolij Gelimson, creator of *FastDemocracy.com*, will demonstrate how to use the free online bill tracking service.

Currently, our Voter Protection Coalition members are visiting Motor Vehicle Offices in our area to see if they are in compliance with the NVRA which requires Missouri DMV's to register people to vote and to report address changes to Election Boards. Thank you to Alice Kitchen, Rosemary Durkin, Karen Brown, Marli Klumb and Donna Hoch for visiting eight area offices. The Voter Protection Coalition will work with the Revenue Dept, which is over the DMV's, to improve voter services.

Our Voter Registration Group continues to register high school seniors. Contact Delores Blaser, 816-942-6040, to attend training, on February 12, to be a speaker to accompany registrars to high schools. The Forum Committee is looking for help to offer candidate forums for the school board elections. If you would like to have a forum in your school district, please contact Anitra Steele, 816-836-4031 and she will work with you. Also, our Vote411.org group is working hard to maintain the online Voter Guide and needs volunteers to make phone calls and help with fundraising. Contact Pat Goodwin at 816-799-5555 to help. Contact Donna Hoch to volunteer for the Membership Committee.

At our January Program Planning meeting, members agreed that local and national focus should remain on the "Campaign on Making Democracy Work". The areas of concern remain voter protection and mobilization, election reform, campaign finance, and redistricting/gerrymandering; however, a concern was presented about the lack of a clear statement addressing global climate in LWVUS' *Impact on Issues*. Linda Smith and Donna Hoch have contacted Karen Nicholson, our National Liaison, and she is taking the concern to the LWVUS staff. We expect that the upcoming revised *Impact on Issues* will reflect updates about the climate and environment. Janelle Sjue recommended more focus on Public Private Partnerships and has narrated an explanation of P3s on page 5.

There are many concerns about our local, state and national governments lack of transparency. That is why the Observer Corps, chaired by Rosemary Durkin and Sandy Eeds is working to form a group of observers to attend a meeting, observe and write a brief report. Could you attend your County Election Board Meeting or the Jackson County Legislative meeting? Please call Rosemary (816-728-5741) or Sandy Eeds (816-679-1082).

We have received the resignation of Paula Zaiss from the Board and as Membership Chair, due to her recovery from injuries in an auto accident. We wish her well as she continues to heal. We appreciate her efforts to lead our 34% increase in membership.

**HAPPY 98<sup>TH</sup> BIRTHDAY, FEBRUARY 14, LEAGUE OF WOMEN VOTERS!**

1. Meeting Announcement	4. Registration Events	7. Make Democracy Your Valentine
2. Co-Presidents' Report	5. Public Private Partnerships	8. Medicare/Medicaid Forum
3. <i>Fastdemocracy.com.</i> , Forums	6. Personals, Black History Month	9-15. Q&A re Crosscheck vs ERIC

## HAVE YOU HEARD ABOUT *FASTDEMOCRACY.COM*?

*Fastdemocracy.com* is a free service that allows users to stay connected with state legislation, in all 50 states plus D.C. and Puerto Rico. By signing-up as a user at <https://fastdemocracy.com/> you can:

### Be Informed:

1. Stay up to date on legislative topics you care about.
2. Get email updates on bills (daily or weekly.)
3. Get bill summaries and learn about upcoming hearings.

### Be Effective:

1. Find out who your legislators are, what bills they sponsor, and how they vote.
2. Share your thoughts on bills.
3. Contact elected officials directly with a few clicks.

### Be Social:

1. Show why others should care about state legislation.
2. Comment on bills (publicly or privately.)
3. Share an automatically updating list of your tracked bills and comments on your blog or website.

On Saturday, Feb 17, at noon at Community Christian Church, Anatolij Gelimson, the creator of *fastdemocracy.com* will provide a demonstration and brief training on how to use *fastdemocracy.com*.

## CANDIDATE FORUMS SCHEDULED

Two southern Kansas City area School Board Candidate forums have been scheduled. If you could help with these or future forums, contact Anitra Seele, [forumslwv@yahoo.com](mailto:forumslwv@yahoo.com).

On Tuesday, March 13, at Little Theater at the Freshman Center, Smith Hale Middle School, 9010A Old Santa Fe Rd, KCMO, at 6:30, will be a forum for candidates running for the Hickman Mills School District. Our co-sponsor is the South Kansas City Alliance.

On Wednesday, March 28, at Center High School, [8715 Holmes Rd.](#), at 6:30 pm, the candidates for Center School Board will meet in a forum.

Additionally, the League is working with the Sugar Creek Business and Civic Club and has sent questionnaires to Sugar Creek alderman candidates about their priorities if elected in Sugar Creek.

**Delores Blaser and Donna Hoch**

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## SION HIGH SCHOOL EVENT NETS 18 VOTERS!

New voters are being registered this school year at high-school events hosted by LWVKC registrars. Tuesday, Feb 6, we visited with seniors and teachers at Notre Dame de Sion High School and added 18 voters to the rolls. We also distributed information for Kansas residents who were curious about registering.



Thanks to registrars **Sue Scholl, Joyce Fulps, Jan Cohen, Carol Chatten, and Linda Garland** for their assistance in a smooth event. Social studies teacher Mary Murphy was very helpful in arranging our presence with very little kerfuffle.

**HELP NEEDED!** Our chapter needs help arranging high-school registrations! If anyone reading this has a friend in administration at Barstow or Rockhurst High Schools, please let Becky Yockey know. We would like to register voters ahead of the November elections.

Contact me at [yockeys@swbell.net](mailto:yockeys@swbell.net) or [816-896-8244](tel:816-896-8244).

**Becky Yockey**

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## VOTER REGISTRATION VOTER PROTECTION FOR HS SENIORS ALLEN VILLAGE CHARTER SCHOOL

A voter registration event, with a presentation by **Josh Williams**, at Allen Village Charter School in the Westport area, netted 18 new registrations. Registrars were **Jeanne Cooper, Karen Brown, and Carol Chatten**. **Delores Blaser and Evelyn Maddox** followed up with individual guidance for attaining free nondriver licenses.

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## **PUBLIC PRIVATE PARTNERSHIP: SUCCESS IS IN THE DESIGN**

Public Private Partnerships, also known as PPP or P3, have existed in various forms for well over two centuries. In the simplest terms, P3 defines a relationship in which a public entity receives the benefit of a public asset or service provided by a private sector company, and the private company receives remuneration based on performance metrics established in the contractual agreement. This is not the same as the hiring of private contractors to help in public works projects. In its purest form, the risks associated with the creation of the public asset are assumed by the private company.

The history of this commercial relationship can be dated to 1785, in the United States, when the first U.S. toll bridge was opened. The bridge, connecting Boston to Charlestown, was constructed and maintained by the Charles River Bridge Company. The contract stipulated the control of the bridge would revert back to the Commonwealth of Massachusetts after 40 years, which it did, but during the 40 years of collecting tolls the Company was able to procure a 40 percent annual return for investors. This partnership was so successful that many private toll bridges were built to attempt the same business arrangement.

Government's "public works" has evolved in the shadow of the P3 model to really be anything but public works with all manner of government buildings, water, sewer, garages and highways designed, built, maintained, operated and financed by private "for-profit" companies. The "agreement" between the two entities can be many decades long and during that time the for-profit private company can collect tolls, rents, and other fees for that period. At the end of the contractual period, the asset reverts back to public control. If the legal agreement is well thought out by both parties, both can feel they are benefitted. The private sector company finds a consistent stream of revenue, and the public agency has use of the asset and owns and controls it until the contract expires.

In this relationship, there may be several items that could prove to be problematic. *First*, the economic stability of the private entity. Unlike a state or municipal government, private companies are able to alleviate debt if there is a financial crisis. In reducing debt, the burden may be shared by the constituents of the locale. *Second*, the life of the asset may be near to term at the end of the contract. In this era, some building projects may be almost obsolete by the end of the contracted term. *Third*, the public entity may choose to engage another "competing" private company to deliver a similar asset. There is an early example of a bridge built, in which revenue projections were calculated, but not calculated was the public entity engaging another company to build a tunnel serving the same traffic route and thereby creating competition for the same transportation dollars.

*In our current climate with administration favoring the private sector and demonizing the idea of bureaucracy, even in public assets, we may see an increasing number of major infrastructure projects ending up as P3s. Presently, the notion that private sector markets help to drive innovation and efficiency will further the potential for these relationships to thrive. In examining current P3 bills such as Missouri HB1380, the bill introduces a tort cap for liability of the private company. It is important to watch proposed legislation and agreements as the public entity may not have the industry experience to forge the best agreement for the public it represents.*

**Janelle Sjue**

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## PERSONALS: NEWS OF LWV FRIENDS

We send our sympathy to Patricia Keairnes on the death of her husband of 65 years, Dr. Harold Keairnes, and to Margie Richcreek upon the death of her sister Min. We also have learned that Joan Pratt is receiving chem for cancer. Pat Russell continues to make progress since her bone marrow transplant. Paula Zaiss reports that intensive therapies in rehabilitation are very helpful.

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**LWV needs YOU! Volunteer now to work for our developing Observer Corps, at high school registration events, doing Voter Guide development (online and print versions), working at forum events, tracking Missouri legislation, raising funds for the Voter Guide, and more!**

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## WE CELEBRATE BLACK HISTORY MONTH!



# ASALH



*When Carter G. Woodson established Negro History week in 1926, he realized the importance of providing a theme to focus the attention of the public. The intention has never been to dictate or limit the exploration of the Black experience, but to bring to the public's attention important developments that merit emphasis.*

*For those interested in the study of identity and ideology, an exploration of ASALH's Black History themes is itself instructive. Over the years, the themes reflect changes in how people of African descent in the United States have viewed themselves, the influence of social movements on racial ideologies, and the aspirations of the black community.*

*The changes notwithstanding, the list (of annual Black History themes) reveals an overarching continuity in ASALH—our dedication to exploring historical issues of importance to people of African descent and race relations in America. (Extracted from <https://Asalh.org/black-history-themes>)*

Note: To see a list of annual themes since 1925, go to <https://asalh.org/black-history-themes/>

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## Make **DEMOCRACY** your Valentine.

The April 3 election is just around the corner. And [VOTE411.org](http://VOTE411.org) will be up and running to inform you and your friends about what's on your April ballot.

Show **DEMOCRACY** some love. *Make a tax-deductible donation to "Voter Guide" to fund both our online [vote411.org](http://vote411.org) for the April, August, and November elections, and, our printed Voter Guide for the November election.*

- Go to [lwvkc.org](http://lwvkc.org) and click on the **Donate** button under the menu on the left side of the screen. OR...
- Mail a check to LWVKC-J/C/P, P.O. Box 10416, Kansas City, MO 64171. Make sure you include 'voter guide' in the memo line.



**HAPPY VALENTINE'S DAY!**



## **Financing Healthcare in the US: What's Age Got To Do With It?**

UMKC's Consortium for Aging in Community, along with other leading subject matter experts have organized a 2-part discussion series on Medicare and Medicaid.

The goals are to promote an informed citizenry and provide a public forum for questions and discussion.

Experts will share information on current Medicare and Medicaid policies, and discuss the leading proposals for reform of these programs.

Tuesday March 6, 2018, 6:30 – 8 pm

### **Medicare: Need, Myths, & Realities**

Wednesday March 21, 2018, 6:30 – 8 pm

### **Why Medicaid Matters to All of Us**

Kauffman Foundation Conference Center, 4801 Rockhill Road, KCMO 64110.  
Free parking is readily available.

The series is free and open to the public. All are welcome.

For more information and to register: [www.umkcalumni.com/MedicareMedicaid](http://www.umkcalumni.com/MedicareMedicaid)  
816-235-2490



**Consortium for Aging  
In Community**

**UMKC Emeritus College**



**LEAGUE OF WOMEN VOTERS®  
OF KANSAS CITY/JACKSON/CLAY/PLATTE COUNTIES, MO**





July 20, 2017

[www.advancementproject.org](http://www.advancementproject.org)

**Questions & Answers:  
Interstate Crosscheck Program (“Crosscheck”) &  
Electronic Registration Information Center (“ERIC”)  
Based on publicly available information**

Question	Crosscheck	ERIC
1. What is it?	Launched in 2005, Crosscheck is a state-to-state “matching” program that compares a state’s voter list to lists from other participating states for the purpose of identifying “possible double votes,” meaning, voters who <i>allegedly</i> cast ballots in multiple states during the same election. Crosscheck also seeks to identify duplicate voter registration records. <sup>i</sup>	Launched in 2012, ERIC is also a data “matching” program that compares a state’s voter list to lists from other participating states. Additionally, ERIC compares a state’s voter list against a state’s own databases and other databases. ERIC’s purpose is “improve a state’s ability to identify inaccurate and out-of-date voter registration records, as well as eligible, but unregistered residents.” <sup>ii</sup>
2. Who runs it?	Crosscheck is managed and controlled by Kris Kobach, Kansas’ Secretary of State, who, in 2015, led a failed legal challenge against the U.S. Election Assistance Commission’s decision to <i>not</i> require documentary proof-of-citizenship on the federal mail-in voter registration form. <sup>iii</sup>  Participating Crosscheck states sign a MOU. <sup>iv</sup>	Initiated as a project of the Pew Charitable Trusts, ERIC is an independent, nonprofit organization owned, managed, and controlled by the participating states themselves. <sup>v</sup>  Participating ERIC states sign a Membership Agreement. <sup>vi</sup>
3. Who is in it?	In 2016 there were 30 participating states in Crosscheck. <sup>vii</sup> However, to date, five states (Alaska, Florida, Oregon, Pennsylvania, <sup>viii</sup> and Washington) have ended their participation in Crosscheck. <sup>ix</sup> The participating states are: Alabama, Arizona, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Mississippi,	As of July 2017, 20 states and the District of Columbia participate in ERIC. Those states are: Alabama, Alaska, Colorado, Connecticut, Delaware, Louisiana, Illinois, Maryland, Minnesota, Nevada, New Mexico, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Virginia, Washington, West Virginia, and Wisconsin. <sup>xi</sup>

	Missouri, Nebraska, Nevada, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia. <sup>x</sup>	
4. How does it work? What data does a participating state provide to the program?	Crosscheck requires each participating state to provide its voter list. <sup>xii</sup>	Likewise, ERIC requires participating states to provide their voter lists. Additionally, ERIC requires states to provide their motor vehicle license or identification data. <sup>xiii</sup>
5. How often do states have to provide data?	Once a year in January. <sup>xiv</sup>	Every 60 days. <sup>xv</sup>
6. Is private and sensitive data protected?	Unclear. Crosscheck appears to use a free program for encryption. <sup>xvi</sup> However, privacy advocates have expressed “alarm” about “[Crosscheck’s] transmission of highly sensitive personal information of millions of citizens via a website that lacks proper protections.” <sup>xvii</sup>	Yes. Private and sensitive information such as date of birth (“DOB”) and the last four digits of a Social Security number (“SSN”) are anonymized at the source—the state—and then transmitted to the ERIC data center where the data is anonymized again upon receipt. <sup>xviii</sup>
7. What lists or data is matched against a state’s voter list?	Crosscheck matches a state’s voter list against lists from other participating states. <sup>xix</sup>	Similarly, ERIC matches a state’s voter list against lists from other member states. Additionally, ERIC matches a state’s data against other databases, including, the Social Security Administration master death index list, motor vehicle licensing agency data, and U.S. Postal Service data. <sup>xx</sup>
8. What reports or results are generated by the program?	Each participating Crosscheck state receives a report that shows “matches” or voters who appear to be registered to vote in more than one state. <sup>xxi</sup>	Each participating ERIC state receives reports that show: “(1) voters who have moved within their state; (2) voters who have moved out of state; (3) voters who have died; (4) duplicate registrations in the same state; and (5) individuals who are potentially eligible to vote but are not yet registered.” <sup>xxii</sup>
9. What constitutes a “match” under the program?	Under Crosscheck, the procedure for identifying a ‘match’ compares three fields: (1) First Name; (2) Last Name; and (3) Date of Birth (“DOB”). Other information, such as Middle Name, Name Suffix, and Last Four Digits of the Social	ERIC matches more “data points” than Name and DOB, including the Last Four SSN, Mailing Address, and other data already linked through state motor vehicle agencies, though it is unclear how many more “data points” are used. <sup>xxiv</sup>

	Security Number (“Last Four SSN”) are included on the reports, but are <i>not</i> used to indicate “matches.” <sup>xxiii</sup>	ERIC uses a “contextual matching system.” <sup>xxv</sup>
10. Are there accuracy and “false positives” issues?	<p>Yes. Crosscheck openly admits in its Participation Guide that the program generates a high number of false positives: “Experience in the crosscheck program indicates that <i>a significant number of apparent double votes are false positives and not double votes.</i> Many are the result of errors—voters sign the wrong line in the poll book, election clerks scan the wrong line with a barcode scanner, or there is confusion over father/son voters (Sr. and Jr.).”<sup>xxvi</sup></p> <p>The inaccuracy of Crosscheck’s data appears to be reason why some states have left the program. For example, a spokesperson from the Oregon Secretary of State recently explained: “We left [Crosscheck] because the data we received was unreliable and we felt joining the ERIC project would better meet our needs.”<sup>xxvii</sup></p>	Due to the more detailed data matching there may be fewer false positives under ERIC than Crosscheck. <sup>xxviii</sup>
11. Are member states required to take action on the results generated by the program?	<p>No. States are not required by Crosscheck to act upon the results generated by the program, though state laws may require action.<sup>xxix</sup></p> <p>Despite this lack of a requirement, states <i>have</i> gone ahead and taken action based on Crosscheck reports. For example, some states “improperly interpret a Crosscheck ‘match’ to be a request by the registrant to be immediately removed from the rolls.”<sup>xxx</sup> Given the high number of false positives, these actions have often resulted in the <i>unlawful purging</i> of eligible voters from the voting rolls.<sup>xxxi</sup></p> <p>Moreover, some states may not be outright purging voters, but instead, wrongfully designating eligible voters as “inactive” based on Crosscheck’s faulty</p>	Yes, in two ways: (1) ERIC states are required to contact voters whose registration information is identified as inaccurate or outdated and educate those voters on how to update their records; and (2) ERIC states are also required to contact eligible, but unregistered people and “educate them on the most efficient means to register to vote.” <sup>xxxiii</sup> Registering the unregistered is mandatory. Indeed, ERIC states are required to initiate contact with at least 95 percent of people identified by ERIC who are eligible or potentially eligible to vote. Failure to comply results in <i>automatic removal</i> of the state from ERIC membership. <sup>xxxiv</sup>

	results, a designation which may lead to negative consequences and may lead to purging. For example, such voters may be deprived of a mail-ballot application in states where mail-ballots are not sent to voters on the “inactive” list. <sup>xxxii</sup>	
12. Does the program make an effort to protect voters from being unlawfully purged and denied their fundamental right to vote?	No. Crosscheck does <i>not</i> require its participating states to conduct their voter registration list maintenance activities (based on Crosscheck results) under the strict guidelines of the National Voter Registration Act (“NVRA”). <sup>xxxv</sup> The NVRA sets forth important legal protections against being unlawfully purged from a voter list. <sup>xxxvi</sup>	Yes. ERIC requires its member states to conduct their voter registration list maintenance activities (based on ERIC results) under the strict guidelines of the NVRA. <sup>xxxvii</sup>
13. Are people of color more likely to be identified as “matches” under the program?	Possibly. At least one reporter, Greg Palast, has concluded that people of color are disproportionately “at risk of having their names scrubbed from the voter rolls [by Crosscheck].” <sup>xxxviii</sup> Palast’s review of data from various states indicates Crosscheck results are “heavily weighted with names such as Jackson, Garcia, Patel, and Kim.” <sup>xxxix</sup> He asserts that Crosscheck has put 1 in 7 African Americans, 1 in 8 Asian Americans, 1 in 8 Latino voters, and 1 in 11 white voters at risk of being unlawfully purged. <sup>xl</sup>	To date, we have not located any materials regarding the racial impact of ERIC.
14. How much does the program cost?	While Crosscheck states that the program is free of charge, voting rights advocates believe there are “hidden costs.” Given the high number of false positives due to faulty data, states must expend considerable staff time wading through Crosscheck reports. <sup>xli</sup> Crosscheck itself warns states that processing the data “requires a commitment of time at the state and local levels” and recognizes that “some states may not be ‘able to commit the resources to process the results in a given year.’” <sup>xlii</sup>	ERIC members pay a one-time fee of \$25,000. ERIC’s annual operating expenses are spread equitably between the member states, as determined by the Board. Dues for most states are expected to be between \$25,000 and \$50,000 a year, depending on population size of the state. As more states join ERIC, the per-state share of the operating expenses will decrease. <sup>xliii</sup>  ERIC asserts that it saves states money: “Efficient and effective data matching and cleaner voter rolls will result in such efficiencies as less returned mail, fewer provisional ballots on election day,

		<p>shorter lines at polling places, etc. In addition, ERIC uses resources such as the Social Security death index and data from the US Post Office that states now buy on their own. ERIC states share these purchases when they pay their annual dues.”<sup>xliv</sup></p> <p>Finally, from time to time, the Pew Charitable Trusts provides grants to new ERIC states to help defray the initial costs of outreach.<sup>xlv</sup></p>
<p>15. Does the program result in the reduction of unlawful double voting?</p>	<p>As of May 2017, Kobach has convicted eight voters, over two years he has had prosecutorial power, based on Crosscheck data. One noncitizen, a person in the process of naturalizing, has been convicted in those two years, but not based on Crosscheck information.<sup>xlvi</sup></p>	<p>ERIC’s purpose is not to reduce the number of alleged double voters.</p>

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# Happy 98<sup>th</sup> Birthday League of Women Voters!

*On February 14, 1920, LWVMS and the Kansas City LWV were officially organized.*

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Facebook

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[facebook.com/lwvkcmo](https://www.facebook.com/lwvkcmo)

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[www.advancementproject.org](http://www.advancementproject.org)

## Questions & Answers: Interstate Crosscheck Program (“Crosscheck”) & Electronic Registration Information Center (“ERIC”)

### Resources

- <sup>i</sup> Presentation by Kansas Secretary of State Kris W. Kobach to the Presidential Commission on Election Administration (Sept. 20, 2013) (“The Kansas Project Presentation”) at 1, *available at* <http://web.mit.edu/supportthevoter/www/files/2013/09/SOS-Kris-Kobach-Interstate-Crosscheck-PCEA-.pdf>. This and all other information used herein are drawn from publicly available sources.
- <sup>ii</sup> ERIC: Technology and Security Overview (Mar. 3, 2015) (“ERIC Technology Brief”), *available at* [http://www.ericstates.org/images/documents/ERIC\\_Tech\\_and\\_Security\\_Brief\\_v2.1.pdf](http://www.ericstates.org/images/documents/ERIC_Tech_and_Security_Brief_v2.1.pdf).
- <sup>iii</sup> Simone Pathé, Voting-Rights Advocates Get Win at Supreme Court, *Roll Call* (June 29, 2015), *available at* <http://www.rollcall.com/politics/supreme-court-victory-for-voting-rights-advocates/>.
- <sup>iv</sup> Presentation by Kansas State Representative Keith Esau to the National Conference of State Legislators (June 15, 2017) (“Interstate Voter Registration Crosscheck Program”) at 18, *available at* [http://www.ncsl.org/Portals/1/Documents/Elections/Kansas\\_VR\\_Crosscheck\\_Program.pdf](http://www.ncsl.org/Portals/1/Documents/Elections/Kansas_VR_Crosscheck_Program.pdf), *see also* The Kansas Project Presentation, *supra* note 1 at 3.
- <sup>v</sup> Electronic Information Center (ERIC), Home (“ERIC Home”) (as of July 20, 2017), *available at* <http://www.ericstates.org/>.
- <sup>vi</sup> *See* Membership Agreement, Exhibit A, Electronic Registration Information Center, Inc. Bylaws (last updated on Dec 16, 2016) (“ERIC Bylaws”) at 13, *available at* [http://www.ericstates.org/images/documents/ERIC\\_Bylaws\\_12-16-2016.pdf](http://www.ericstates.org/images/documents/ERIC_Bylaws_12-16-2016.pdf).
- <sup>vii</sup> Interstate Voter Registration Crosscheck Program, *supra* note 4 at 10.
- <sup>viii</sup> Letter from Pennsylvania Governor Tom Wolf to Kris Kobach, Vice Chair, Presidential Advisory Commission on Election Integrity (June 30, 2017) (“Wolf Letter to Election Integrity Commission”) at 2, *available at* <https://www.governor.pa.gov/wp-content/uploads/2017/06/kobach.pdf>.
- <sup>ix</sup> Interstate Voter Registration Crosscheck Program, *supra* note 4 at 7-10.
- <sup>x</sup> Interstate Voter Registration Crosscheck Program, *supra* note 4 at 10.
- <sup>xi</sup> ERIC Frequently Asked Questions, FAQ (“ERIC FAQ”) (as of July 20, 2017), *available at* <http://www.ericstates.org/faq>.
- <sup>xii</sup> Interstate Voter Registration Data Crosscheck, 2014 Participation Guide (Dec. 2013) (“2014 Participation Guide”) at 2, *available at* [https://wei.sos.wa.gov/agency/osos/en/press\\_and\\_research/weekly/Documents/Participation%20Guide%20with%20Comments.pdf](https://wei.sos.wa.gov/agency/osos/en/press_and_research/weekly/Documents/Participation%20Guide%20with%20Comments.pdf).
- <sup>xiii</sup> ERIC Technology Brief, *supra* note 2 at 1.
- <sup>xiv</sup> 2014 Participation Guide, *supra* note 12 at 3; *see also* Interstate Voter Registration Crosscheck Program, *supra* note 4 at 13.
- <sup>xv</sup> ERIC: Summary of Membership Guidelines and Procedures (“ERIC Summary”), *available at* [http://www.ericstates.org/images/documents/ERIC\\_Membership\\_Summary\\_v1.0.pdf](http://www.ericstates.org/images/documents/ERIC_Membership_Summary_v1.0.pdf).
- <sup>xvi</sup> 2014 Participation Guide, *supra* note 12 at 8.
- <sup>xvii</sup> Lawyers’ Committee for Civil Rights Under Law, *Concerns About Interstate Crosscheck* (2015) (“LC 2015”) at 2, *available at* [http://www.thewheelerreport.com/wheeler\\_docs/files/0427od2020concerns.pdf](http://www.thewheelerreport.com/wheeler_docs/files/0427od2020concerns.pdf).
- <sup>xviii</sup> ERIC Technology Brief, *supra* note 2 at 1-2.
- <sup>xix</sup> The Kansas Project Presentation, *supra* note 1 at 1-2.
- <sup>xx</sup> ERIC at Work, Statistics (“ERIC Statistics”) (as of July 20, 2017), *available at* <http://www.ericstates.org/statistics>.
- <sup>xxi</sup> 2014 Participation Guide, *supra* note 12 at 3-5; *see also* Interstate Voter Registration Crosscheck Program, *supra* note 4 at 13, 18.
- <sup>xxii</sup> ERIC Statistics, *supra* note 20.

<sup>xxiii</sup> 2014 Participation Guide, *supra* note 12 at 4.

<sup>xxiv</sup> Reid Wilson, Here's How To Clean Up Messy Voter Rolls, *Washington Post* (Nov. 3, 2013), available at <http://www.washingtonpost.com/blogs/govbeat/wp/2013/11/03/heres-how-to-clean-up-messy-voter-rolls/> (quoting David Becker, Pew's director of election initiatives: "It's impossible for [states], based on only a name and birth date, to keep their lists up to date and identify when some has died, for example."); see also Shane Hamlin and Erika Haas, ERIC Presentation from the Pew Registration Summit ("Pew Summit Presentation") (July 2014) at 30-37, available at [http://www.ericstates.org/images/documents/ERIC\\_July\\_2013\\_VR\\_Conference\\_Notes.pdf](http://www.ericstates.org/images/documents/ERIC_July_2013_VR_Conference_Notes.pdf).

<sup>xxv</sup> Bland, G., & Burden, B.C., Electronic Registration Information Center, Stage 1 evaluation, Report to the Pew Charitable Trusts, Research Triangle Park, NC: RTI International (Dec. 10, 2013) at 22, available at <https://www.rti.org/publication/electronic-registration-information-center-eric-stage-1-evaluation-report-pew-charitable>.

<sup>xxvi</sup> 2014 Participation Guide, *supra* note 12 at 5.

<sup>xxvii</sup> John Greenberg and Amy Sherman, Florida No Longer Part of Controversial National Voter Data Project, *Miami Herald* (Apr. 11, 2014) ("Greenberg and Sherman"), available at <http://miamiherald.typepad.com/nakedpolitics/2014/04/florida-no-longer-part-of-controversial-national-voter-data-project.html>. Similarly, Pennsylvania Governor Wolf cited "data riddled with errors" for ending participation in Crosscheck, see Wolf Letter to Election Integrity Commission, *supra* note 8 at 2.

<sup>xxviii</sup> Pew Summit Presentation, *supra* note 24.

<sup>xxix</sup> 2014 Participation Guide, *supra* note 12 at 4.

<sup>xxx</sup> LC 2015, *supra* note 17 at 1.

<sup>xxxi</sup> For example, Ada County, Idaho was forced to reinstate more than 750 voters after removing them erroneously using Crosscheck's name and date of birth matching program. See Cynthia Sewell, Ada County Mistakenly Revokes 765 Voter Registrations, *Idaho Statesman* (Aug. 29, 2014), available at [http://nl.newsbank.com/nl-search/we/Archives?p\\_product=IDSB&p\\_theme=idsb&p\\_action=search&p\\_maxdocs=200&s\\_dispstring=Ada%20mistakenly%20revokes%20765%20vote%20AND%20date\(all\)&p\\_field\\_advanced-0=&p\\_text\\_advanced-0=\(Ada%20mistakenly%20revokes%20765%20vote\)&xcal\\_numdocs=20&p\\_perpage=10&p\\_sort=YMD\\_date:D&xcal\\_usewights=no](http://nl.newsbank.com/nl-search/we/Archives?p_product=IDSB&p_theme=idsb&p_action=search&p_maxdocs=200&s_dispstring=Ada%20mistakenly%20revokes%20765%20vote%20AND%20date(all)&p_field_advanced-0=&p_text_advanced-0=(Ada%20mistakenly%20revokes%20765%20vote)&xcal_numdocs=20&p_perpage=10&p_sort=YMD_date:D&xcal_usewights=no). Similarly, Chesterfield County, Virginia encountered a 17 percent error rate among active voters matched through Crosscheck, see Jim Nolan, Chesterfield Registrar Delays Purge of Voter Rolls, *Richmond Times-Dispatch* (Oct. 9, 2013), available at [http://www.richmond.com/news/local/chesterfield/article\\_162e36b5-0be7-5dc8-af9f-48876a167b43.html](http://www.richmond.com/news/local/chesterfield/article_162e36b5-0be7-5dc8-af9f-48876a167b43.html).

<sup>xxxii</sup> 2014 Participation Guide, *supra* note 12 at 4; see also Ohio Sec. of State Jon Husted's Directive 2014-15 (May 21, 2014) at 2, available at <http://moritzlaw.osu.edu/electionlaw/litigation/documents/Ohio425.pdf> (excluding "inactive" status Ohio voters from statewide mailing of absentee ballots).

<sup>xxxiii</sup> ERIC Summary, *supra* note 15.

<sup>xxxiv</sup> ERIC Bylaws, *supra* note 6 at 15.

<sup>xxxv</sup> See Memorandum of Understanding for Interstate Voter Registration Data Comparison (Jan. 2013) ("Crosscheck MOU"), available at [http://www.aclupa.org/files/5413/9715/1471/DOS\\_RTK\\_cover\\_letter\\_3-10-141.pdf](http://www.aclupa.org/files/5413/9715/1471/DOS_RTK_cover_letter_3-10-141.pdf).

<sup>xxxvi</sup> Myrna Pérez, Voter Purges, Brennan Center for Justice (2008) at 7, available at <https://www.brennancenter.org/sites/default/files/legacy/publications/Voter.Purges.f.pdf>.

<sup>xxxvii</sup> ERIC Summary, *supra* note 15.

<sup>xxxviii</sup> Greg Palast, Jim Crow Returns: Millions of Minority Voters Threatened by Electoral Purge, *Al Jazeera America* (Oct. 29, 2014), available at <http://projects.aljazeera.com/2014/double-voters/>.

<sup>xxxix</sup> *Id.*

<sup>xl</sup> *Id.*

<sup>xli</sup> LC 2015, *supra* note 17 at 1.

<sup>xlii</sup> *Id.* at 1 (citing Crosscheck's 2015 Participation Guide).

<sup>xliii</sup> ERIC Summary, *supra* note 15.

<sup>xliv</sup> ERIC FAQ, *supra* note 11.

<sup>xlv</sup> See ERIC Mailing Assistance Program, available at <http://www.pewtrusts.org/en/research-and-analysis/analysis/2017/05/19/grants-available-to-help-cover-electronic-registration-information-center-mailing-costs>.

<sup>xlvi</sup> Ben Strauss, 'Kris Kobach Came After Me for an Honest Mistake,' *Politico Magazine* (May 21, 2017), available at <http://www.politico.com/magazine/story/2017/05/21/kris-kobach-voter-fraud-investigation-prosecution-215164>.