

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)
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
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

INDIVIDUAL EXPERTS

Alessandro Acquisti, Professor, Carnegie Mellon University
Ann Bartow, Professor of Law, University of New Hampshire School of Law
Francesca Bignami, Professor of Law, The George Washington University Law School
Christine L. Borgman, Distinguished Professor & Presidential Chair in Information Studies, UCLA
Kimberly Bryant, Founder/Executive Director, Black Girls CODE
David Chaum, Voting Systems Institute
Danielle Keats Citron, Morton & Sophia Macht Professor of Law, University of Maryland Carey School of Law
Julie E. Cohen, Mark Claster Mamolen Professor of Law and Technology, Georgetown Law
Jennifer Daskal, Associate Professor, American University Washington College of Law
Cynthia Dwork, Distinguished Scientist, Microsoft Research
David J. Farber, Distinguished Career Professor of Computer Science and Public Policy, Carnegie Mellon University

Michael Fischer, Professor of Computer Science, Yale University
Martin Hellman, Member, US National Academy Engineering, Professor Emeritus of
Electrical Engineering, Stanford University
Candice Hoke, Co-Director, Center for Cybersecurity & Privacy Protection, Professor of
Law, C|M Law, Cleveland State University
Deborah Hurley, Harvard University and Brown University
Dr. David Jefferson, Visiting Scientist, Lawrence Livermore National Laboratory
Jeff Jonas, Founder and Chief Scientist, Senzing
Douglas W. Jones, Department of Computer Science, University of Iowa, coauthor of
Broken Ballots: Will Your Vote Count, CSLI, 2012
Lou Katz, Ph.D., founder, Usenix Association
Joe Kiniry, CEO and Chief Scientist, Free & Fair
Chris Larsen, Executive Chairman, Ripple, Inc.
Harry Lewis, Gordon McKay Professor of Computer Science, Harvard University
Anna Lysyanskaya, Professor of Computer Science, Brown University
Gary T. Marx, Professor Emeritus of Sociology, MIT
Mary Minow, Senior Fellow, Advanced Leadership Initiative, Harvard University
Jennifer L. Mnookin, Dean and David G. Price & Dallas P. Price Professor of Law, UCLA
School of Law
Eben Moglen, Professor of Law, Columbia Law School
Erin Murphy, Professor of Law, NYU School of Law
Peter G. Neumann, Computer Science Laboratory, SRI International
Helen Nissenbaum, Professor, NYU + Cornell Tech
Frank Pasquale, Professor of Law, University of Maryland Carey School of Law
Ron Rivest, MIT Institute Professor
Pam Samuelson, Richard M. Sherman Distinguished Professor of Law, Berkeley Law
School
Bruce Schneier, Security Technologist; Author, *Data and Goliath* (2015)
Barbara Simons, Ph.D., IBM Research (retired)
Eugene H. Spafford, Professor, Purdue University
Philip B. Stark, Associate Dean, Mathematical and Physical Sciences, Professor,
Department of Statistics, University of California
Nadine Strossen, John Marshall Harlan II Professor of Law, New York Law School;
Former President, American Civil Liberties Union
Sherry Turkle, Abby Rockefeller Mauzé Professor of the Social Studies of Science and
Technology, Massachusetts Institute of Technology
Poorvi L. Vora, Professor of Computer Science, The George Washington University
Jim Waldo, Gordon McKay Professor of the Practice, Chief Technology Officer, Harvard
University
Anne L. Washington, Assistant Professor, Schar School of Policy and Government,
George Mason University
Chris Wolf, Board Chair, Future of Privacy Forum
Shoshana Zuboff, Charles Edward Wilson Professor of Business Administration, Retired
(affiliations are for identification only)