



## California Election Protection Network

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# Centralized Voter Registration Recommendations to EAC

We, the California Election Protection Network, composed of 22 citizen organizations working together across the State of California to achieve election integrity, respectfully submit our position statement on centralized voter registration. This document seeks to assist the Elections Assistance Commission (“EAC”) in the creation of a federal protocol for the most accountable and transparent centralized voter registration system possible, while complying with the impending January 1, 2006, Help America Vote Act (“HAVA”) laws. These are our seven recommendations and supporting arguments.

- I. NO to Privatization and NO to ChoicePoint**
- II. “Bottoms-Up” Data Flow**
- III. Sufficient Notice**
- IV. Paper Trail—Retain Current Paper and Ink Registration Book System**
- V. Website Access**
- VI. Removal from Registration Data Base: Minimum of 10 Years Inactivity**
- VII. Non-Partisan Management of Voter Registration**

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### **I. NO to Privatization and NO to ChoicePoint**

We assert that the government has no authority to contract with any private entity to control data that could impact the public’s right to a free and fair election. For the following reasons, it is untenable to permit the further consolidation of personal data in the hands of one private entity, particularly ChoicePoint.

#### **a. ChoicePoint’s Product & Service**

ChoicePoint has access to about 19 billion public records, and the company reportedly has information on virtually every adult living in the United States. MSNBC recently reported that ChoicePoint’s databases on U.S. citizens are rife with errors, yet ChoicePoint offers NO way for a citizen to remedy them. Florida’s Senator Bill Nelson has proposed

a bill to correct this injustice; but to date, no legislation has been passed in this regard.

#### **b. ChoicePoint's Ties to the Military**

ChoicePoint has extensive contracts with our military. In its wisdom, the U.S. government, federal and local, has traditionally ensured our freedom by separating the powers of the military from matters of civic government.

#### **c. ChoicePoint's Ties to E-Voting Vendors**

ChoicePoint has ties to electronic voting vendors, e.g. ChoicePoint has a joint data mining alliance with SAIC (Scientific Applications International Corporation), and SAIC wrote voting system security software for Diebold. It is untenable that a truly free country would permit the obvious conflicts-of-interest inherent in the nexus between these three entities (ChoicePoint, SAIC & Diebold)—who together—control election software security programs, e-voting equipment and personal data files on each citizen. Whether this alliance is strategic or merely one of convenience, where are the safeguards to assure our citizenry that abuse cannot result?

#### **d. ChoicePoint's 2000 Presidential Election**

In the 2000 Presidential Election, the initial proclamation of victory was based on a margin of a mere 537 popular votes. This is particularly disturbing knowing that the NAACP soon thereafter sued ChoicePoint's DBT Technologies, alleging that their database led to the massive disenfranchisement of many Florida citizens from their lawful right to vote. The case settled, but it was ultimately revealed that ChoicePoint's DBT Technologies' software had targeted over 94,000 citizens to be purged, primarily on the grounds that they were felons, but that only 1-in-30 of those targeted actually were felons. Through the use of that ChoicePoint's

DBT Technologies, over 90,000 citizens were wrongfully purged from the Florida voter registration database.

#### **e. ChoicePoint's Recent Legal Problems**

ChoicePoint is currently under investigation by the federal government for inadequately protecting their data from theft, i.e., they sold the confidential files of 145,000 citizens to identity thieves. Also, ChoicePoint is now a defendant in a class action lawsuit for securities fraud, because two top ChoicePoint officials sold \$21M worth of their ChoicePoint stock before the security breach was widely known. The case is currently pending in the United States District Court for the Central District of California. (The U.S. General Accounting Office is looking into whether to take additional action on these charges.)

#### **f. ChoicePoint's Concentration & Privatization of Information**

Information is power and ChoicePoint—with its unprecedented massive data files on each of our citizens—unquestionably has enormous power. Where are the checks and balances to protect our citizens from abuse? Further, from an accountability point of view, it is untenable that ChoicePoint, as a private entity, may take citizen data—then manipulate the data using proprietary software, which is protected by “trade secret” laws—and thereby render the data inaccessible to public scrutiny.

#### **g. The Privacy Act of 1974: Exploiting a Loophole**

ChoicePoint has sold private data on U.S. citizens to government agencies—including the FBI—despite the Privacy Act of 1974. The Privacy Act of 1974 ensures that no government agency will keep secret files on U.S. citizens without a valid purpose. But because ChoicePoint is a private, non-governmental entity, they claim that they are exempt from this law—despite the fact that the potential

for abuse to U.S. citizens is the same. It is untenable that loopholes have dismantled the safeguards of the Privacy of Act of 1974.

Therefore, we assert that the government has no authority to contract with any private entity to control data that could impact the public's right to a free and fair election. Our centralized voter registration system may not be privatized. Our current voter registration systems—without reliance on ChoicePoint, or similar private entities—can be made sufficiently error free by using databases and systems owned by the government. Government owned databases and systems provide essential protections to our citizens, enforceable by the high standards demanded by our government, including compliance with the Privacy Act of 1974.

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## II. “Bottoms-Up” Data Flow

Without affecting voter registration outreach programs seeking optimal voter participation, we otherwise insist upon a “bottoms-up” flow of data that relies on local counties to input and update voter registration information, because it offers two important safeguards.

### a. Local Purview

County registration database (and paper registration books) should serve as the basis for our state's centralized registration database, because they offer the inherent stability, consistency, and accuracy of data accumulated and amended closest to its source.

### b. Increased Security

Exposure to database security vulnerabilities, e.g. computer viruses, wrongful purges, operator error, is minimized when the data originates from a multitude of diverse local databases and then flows up to a solitary centralized state database.

## III. Sufficient Notice

We assert that every citizen has the right to receive sufficient notice before any revisions are made to the registration database, which may change a citizen's voting status. The government must notify any citizen who is targeted for a revision to voting status with an explanation for the proposed revision (e.g. felon, duplication, inactive), by certified mail, with at least a thirty (30) day warning before implementing the change.

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## IV. Paper Trail: Retain Current Paper and Ink Registration Book System

We assert that our current paper and ink registration (sign-in) book system must be retained, because the paper system provides each precinct with a voter verified REGISTRATION paper trail (“AVVRPT”), which may be relied upon in the event of a dispute, recount and/or audit.

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## V. Website Access

As a safeguard to protect against wrongful disenfranchisement of any citizens' right to vote, each county will have a website providing citizens an opportunity to register to vote, as well as view, confirm, and/or request a correction to their voting status. All registration related requests on this website must permit a paper print-out to serve as proof of the request. As a safeguard against errors, any requests for changes that adversely effect voting status will NOT occur until a citizen receives “sufficient notice.”

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## VI. Removal from Registration Data Base: Minimum of 10 Years Inactivity

We recommend that the criteria for removing a citizen from the registration database on the basis of inactivity be set at no less than ten years. Before their name can be removed from the registration database for inactivity, a citizen (with the same name and address) who has not voted in the past ten (10) years, must

receive “sufficient notice” of the proposed removal from the voter registration books, as well as the county and state databases.

## VII. Non-Partisan Management of Voter Registration

All personnel entrusted with direct access to our voter registration systems must comply with strict conflict-of-interest standards, including attesting, by sworn affidavit, that they do not hold any official positions within any political party, nor do they work directly for anyone who holds an official position within

a political party. These conflict-of-interest standards should extend to organizations acting as the surrogate of any political party.

Further, for a period of five years immediately—before and/or after employment, as a person entrusted with direct access to our voter registration equipment—a person may not have had, nor seek, employment as an elected government official, or as an employee or contractor for an election systems contractor.

Respectfully submitted

### CALIFORNIA ELECTION PROTECTION NETWORK

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#### California Election Protection Network includes representatives from the following citizen groups:

51st AD Delegate LA CA DEM PARTY  
 51CapitalMarch  
 Blackboxvoting.org  
 CA 6th Assembly District, Executive Committee  
 CA 77 Assembly District Democratic Committee  
 CitizenAct  
 City of Alameda Democratic  
 Democracy for America-Marin  
 Democracy for America, San Francisco  
 Dean Democrats of Silicon Valley  
 Election Board LA County Central Committee  
 GrassrootsforKerry  
 Left.org  
 New Frontier Democratic Club  
 Ojai Democrats  
 Progressive Democrats of America  
 Progressive Democrats of Sonoma  
 Progressive Democrats of Los Angeles  
 San Diego for Democracy/DfA  
 Southern California Grassroots  
 United for Secure Elections  
 Ventura County Progressives  
 VOTERR  
 Voter Rights Task Force  
 Paul Wellstone Democratic Forum - L.A.  
 Wellstone Democratic Renewal Club - East Bay