

SEPTEMBER 2020

CRITICAL CONDITION

AMERICAN VOTER
ROLLS FILLED WITH
ERRORS, DEAD VOTERS,
AND DUPLICATE
REGISTRATIONS

PUBLIC INTEREST

— LEGAL FOUNDATION —

Image of graveyard electioneering captured March 21,
2018 in Roma, Texas at Roma Cemetery/Queen of Peace
Memorial Park courtesy of Logan Churchwell/PILF
26.401511, -99.007149

CRITICAL CONDITION

**AMERICAN VOTER ROLLS FILLED WITH
ERRORS, DEAD VOTERS, AND DUPLICATE
REGISTRATIONS**

**QUESTIONS?
MEDIA@PUBLICINTERESTLEGAL.ORG**

PUBLIC INTEREST

LEGAL FOUNDATION

TABLE OF CONTENTS



LETTER FROM THE PRESIDENT	01
WHY WE DID THIS	05
SUMMARY OF FINDINGS	08
PART I — THE DATA	
DECEASED REGISTRANTS & VOTING CREDITS	09
METHODOLOGY	13
DUPLICATE REGISTRANTS WITH TWO SEPARATE VOTING CREDITS IN SAME ELECTION	15
WHAT CONSTITUTES CASTING TWO BALLOTS?	19
INTRASTATE DUPLICATES	23
WHY DO DUPLICATE REGISTRATIONS MATTER?	25
THE INTERSTATE CROSSCHECK	27
VOTES CAST FROM NON-RESIDENTIAL ADDRESSES	30
PART II — DEPLOYMENT	
LITIGATION & OFFICIAL OUTREACH	34
THE FOUNDATION'S LITIGATION	35
THE COVID CASES	39
A TOOLBOX ADDITION/POTENTIAL REPLACEMENT FOR VOTER REGISTRARS	43
SAVE PREQUEL REPORTS	45
DATA LITIGATION	47
CONCLUSION	49
END NOTES	51

LETTER FROM THE FOUNDATION PRESIDENT



In February 2012, the PEW Research Center conducted research that stunned many. PEW's report, *Inaccurate, Costly, and Inefficient*, found millions

of deceased registrants on the voter rolls.^[1] Millions more were registered multiple times in multiple states at the same time. Another 10 million had incorrect or outdated addresses. Few could have predicted that one in eight voter registrations across the nation had a problem. In the years since, I have cited that research scores of times.

But here's the problem: as surprising as those numbers were, they are from eight years ago. It was time to update them.

The first known attempt to update these figures came in the form

of the Presidential Advisory Commission on Election Integrity in 2018, for which I was selected by President Donald J. Trump to serve. We quickly set to work approaching states to collect public voter registration data for comparison and audit. You probably know how the rest of the story goes: dozens of lawsuits, stonewalling and refusal by many state officials to provide the data, name-calling, and even some old-fashioned political grandstanding, including by members of the Commission who opposed the President and the mission of the Commission to research the extent of the problem and the vulnerabilities of the election process. The state of Vermont even passed a statute prohibiting cooperation with the Commission.

Millions of dollars poured into lawsuits filed by advocacy groups designed to shut down the Commission's work. Today, dishonest media report that the "Commission shut down without finding any voter fraud." That

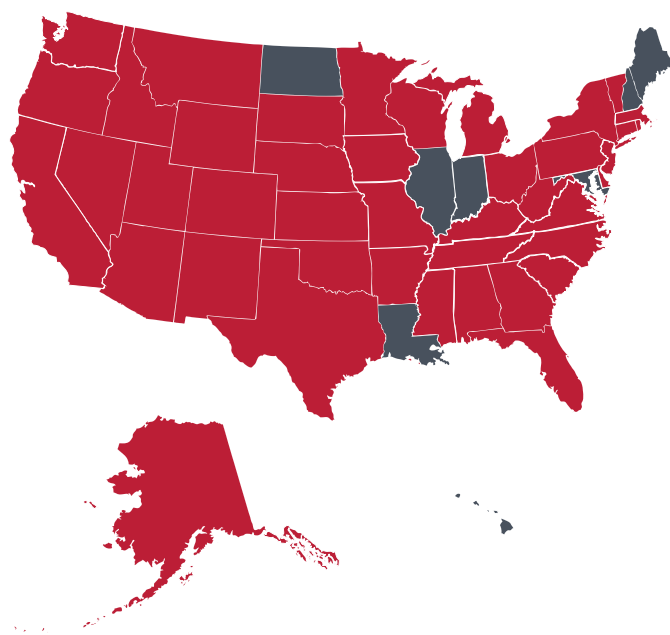
standard false line has become a dishonest characterization of what happened. We didn't find voter fraud because we never got a chance to look.

Now that has changed.

In late 2019, the Public Interest Legal Foundation (Foundation) committed itself to doing what the Commission never got the opportunity to do: build an active database of all the nation's voter registration and voter history data. Like the Commission had planned, this database – dubbed SAVE (Safeguarding America's Votes and Elections) has comparison capabilities against itself and against other useful data sources like the Social Security Death Index. SAVE is now operational. It can identify deceased and duplicate voters. It can identify registrations at ineligible addresses like post office boxes or mailbox stores, and even people registered in multiple states simultaneously.

SAVE has all the public state registration data from 42 states. Three states that withheld the data from the Foundation were promptly sued – Illinois, Maine^[2] and Maryland. States must follow

federal disclosure laws and turn over information to which the public has access under the requirements of the National Voter Registration Act.



This report provides the nation with a status check on the health and quality of its voter rolls ahead of the 2020 Election. The timing is critical. Partisan advocates have fought for automatic vote-by-mail systems in which all registered voters are sent ballots. These efforts must assume the voter rolls are accurate enough to sustain this sort of radical transformation to how we conduct elections. They are not.

There is plenty of good news in this

report. Nearly a decade after those notorious PEW numbers went viral, the Foundation saw how years of litigation by election integrity groups such as the Foundation, Judicial Watch, the Election Integrity Project of California, the American Civil Rights Union, and others, has made a difference. Groups who fight to preserve the broken status quo – such as the A. Philip Randolph Institute, the League of Women Voters, and the Brennan Center – no longer enjoy an unopposed field. There is now advocacy, outreach, and networking by election integrity groups with local and state election officials to improve the accuracy of their voter rolls and these efforts have had measurable success.

Instead of praising those good government efforts, liberal groups have instead attacked them in the public arena and in the courts, falsely portraying them as an effort to disenfranchise voters. The exact opposite is true – these efforts are intended to protect the most precious right that voters have: the value of their ballot.

These groups are reactionary, and set in their ways.

We should not confuse improvement with completion. As made evident in this report there is still much work to be done to ensure and preserve clean, accurate voter rolls. Adding an additional challenge, in most states the current system places too much reliance on fixing bad data with communications occurring at the polling place. This opportunity is lost with mail ballots.

What does this report show? It appears there are hundreds of thousands of undetected dead registrants, dead registrants casting ballots, registrants with multiple registrations within the same state and different states, people voting twice across state lines, and many registered at improper commercial addresses like casinos, gas stations, and restaurants.

To the average voter reading through these pages with alarm, I ask that you do just one thing in these final months before the election: make sure that your household's voting records are current and free of errors – and that no one is registered at your

residence who does not actually reside there and whose name you do not recognize. Improving the nation's voter rolls starts at home—yours to be precise.

When voters have confidence in the system, they are more likely to participate. Fixing errors, duplications and obsolete registrations will increase confidence in the voting system and we hope clear the last barrier to participation: doubt in the integrity of the process.

Finally, the Foundation is the first to undertake completion of this sort of groundbreaking study. Academics, law professors, and liberal think tanks could have done this long ago to improve the system. They did not. They have other priorities. Instead, they have created a cottage industry unfairly trying to discredit those seeking to improve the system. I would invite them to evolve from being part of the problem to part of the solution. It's time to use your vast war chest to fix things rather than destroy state laws designed to bring integrity and order to our elections. Instead of trying to impede improvements, urge states to fix the problems we find here.

When we discover that Rashawn Slade of Swissvale, Pennsylvania, has seven active registrations because a third-party voter drive registered him seven times in the weeks before the 2016 Election (despite it being legal to be registered in duplicate) – do something about that. When we learn that some who died in the 1990s remain active on Detroit's voter rolls – do something about that. Stop attacking citizens and organizations like the Foundation who find and report these failures. Be part of the solution, not part of the problem.

I sincerely thank the supporters of the Public Interest Legal Foundation for helping see this work done and you, the reader, for taking the time to better educate yourself on the strengths and weaknesses of our shared voter registration and election systems.

A handwritten signature in black ink, appearing to read "J. Christian Adams". The signature is fluid and cursive, with a long horizontal stroke at the end.

J. Christian Adams
President and General Counsel
Public Interest Legal Foundation

WHY WE DID THIS



You can always count on a blizzard of “reports” right before an election. Though these efforts typically fall into one of two categories: “voter fraud” or “voter suppression,” they almost always have one thing in common: they are based on statistical extrapolation rather than an audit of hard data. Whether the focus is on the number of foreign nationals participating in a given election, errors in a voter registration system, the number of registrants supposedly impacted by a new voter ID law, or some other election topic, the methodologies primary rely on supposition and estimates.

This report is entirely different.

Granular research concerning voter registration data is a rarity—and for good reason. It is expensive and as the Foundation’s litigation shows, as well as the experience of the Presidential Commission, election officials are too often reluctant to provide it despite laws requiring them to do so. Before you can audit the nation’s voter

rolls, you must first overcome barriers erected by the keepers of the data. In some states, the cost to purchase the voter roll data is extraordinary. Other states limit access to favored groups, or worse, deny access entirely, forcing you to endure costly litigation to access these important public records, as we have done.

Even if you successfully obtain the data, you must resolve the challenge of making each state’s data comparable to all others in terms of format uniformity. Then you have to compare the government data with private data to sift out as many false positives as you can.^[3] Perfection is never possible. The task is to maximize confidence in the results.

For this effort, the Foundation collected every state’s list maintenance records where

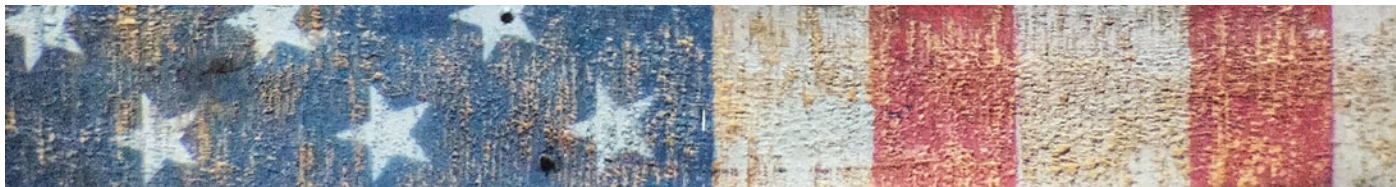
...election officials are too often reluctant to provide it [voter registration data] despite laws requiring them to do so.

possible. As of this reporting series, the Foundation gathered data from 42 states. The remainder was either blocked by local law (for which the Foundation is pursuing litigation in federal court) or insurmountable gaps in the poor quality of the state's data impaired the research. After the data were collected from the states and put into a format that it could be studied, it was compared to commercial data and other government data to increase confidence in the conclusions. Also included with the data were public records indicating when a person was credited with voting. The combination of state election data, commercial data, other government data such as the Social Security Death Index, provides researchers with perhaps the best platform ever constructed to analyze the health of the voter rolls and catalog potential voter fraud vulnerabilities.

...this report seeks to give Americans data-driven information of what is broken in our election systems and to think about ways to fix those problems and remedy our vulnerabilities.

The Foundation is currently pursuing litigation against the States of Illinois^[4], Maryland^[5] and Maine^[6] to develop future findings.

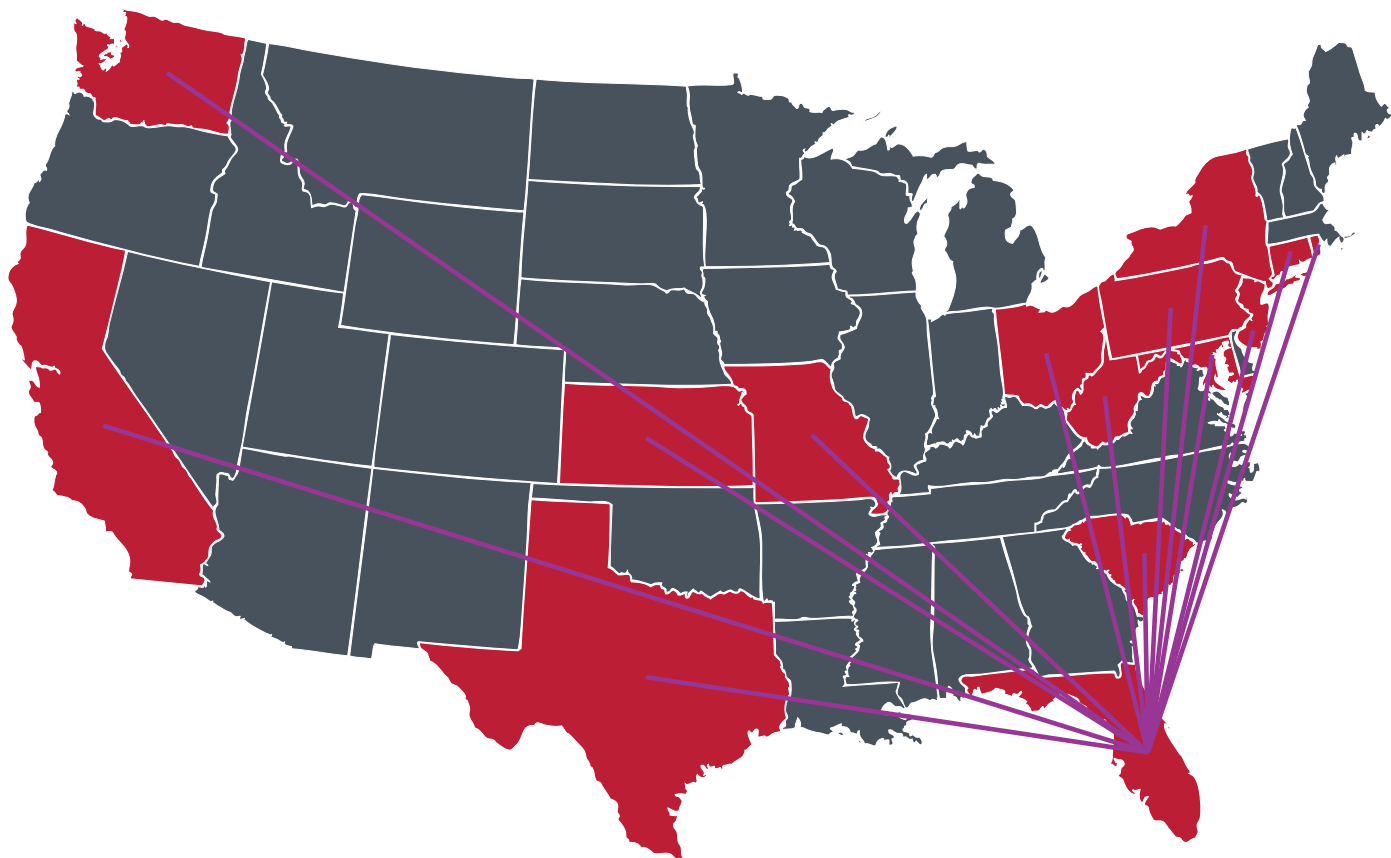
The granular findings outlined in this and recent reports were generated to inform the electorate and serve as the basis for voter roll clean-up efforts and, where appropriate, criminal and civil law enforcement investigations. More importantly, this report seeks to give Americans data-driven information of what is broken in our election systems and to think about ways to fix those problems and remedy our vulnerabilities.



We also wish to assure the electorate that someone is pursuing clean-up efforts in order to instill confidence in the integrity of the system and thereby promote robust voter participation.

The problems the Foundation's study found varied from state to state. It is possible that a populous state might exhibit significant numbers of deceased active registrants but show few examples of apparent duplicate voting. A less populous state might have greater instances of corrupted voter files – such as missing birthdate or address fields - or potential fraud than a much more populous state. Every state shows unique challenges and opportunities to better execute and enforce the law.

APPARENT DUPLICATE VOTE CROSSCHECK: FLORIDA 2018



SUMMARY OF FINDINGS



Deceased Registrants Across 41 States: 349,773

NY, TX, MI, FL, CA Account for Roughly 51% of National Deceased Registrants

In 2016, 7,890 Registrants Were Credited for Voting After Death

In 2018, 6,718 Registrants Were Credited for Voting After Death

North Carolina Leads U.S. in Deceased Registrants Credited for Voting After Death by More Than 4:1

43,760 Duplicate Registrants Appear to Have Cast Second Votes in 2016 from Same Address

37,889 Duplicate Registrants Appear to Have Cast Second Votes in 2018 from Same Address

Tens of Thousands of these Apparent Double Votes Were Exclusively Mail Ballots

Number of Registrants Apparently **Registered in 2 States** and **Credited for Voting in Both States** in 2018: **8,360**

Number of Apparently **Duplicate Registrants** Credited for **Voting Twice in Same State** from 2 different addresses in 2018: **5,500**

Number of Registrants Credited for Voting from Apparently **Nonresidential Addresses** in 2018: **34,000**

Being credited for voting means that government election officials recorded a data point whether or not a registrant voted in a particular election. A voting credit is often referred to as “voter history” record or file.

PART I – THE DATA

DECEASED REGISTRANTS & VOTING CREDITS

SAVE collected registration and list maintenance data from 42 states' registrant files, kept as part of the Help America Vote Act's mandate regarding statewide voter registration lists. These are public data and public information under the National Voter Registration Act of 1993. Based upon voter roll data collected nationwide at the end of 2019, 349,773 registrants in 41 states were matched against commonly utilized death records. These include New York (59,000 dead registrants) and Texas (36,000 dead registrants), for example. From those matched dead registrants, 14,608 voting credits were highlighted as occurring after respective dates of death and outside any extended early or absentee voting periods.

Though states with larger populations usually had the largest number of deceased registrants still on the voter rolls, those where government records showed the registrant

cast a ballot after dying were more common in smaller states. North Carolina and Oregon mark the clearest examples of this phenomena where smaller numbers of deceased registrants exist on the rolls but a larger percentage of them show voting credit.

Oregon has an all vote by mail system. There have been convictions in Oregon for voting mail ballots for those who have died.^[7]

When it comes to dead registrants and voting credits, the Foundation's research is constrained by the accuracy, or lack of accuracy, of the government records related to voting credits. Voting credits are usually assembled well after an election. Officials, for example, must review poll books and sign-in sheets to see who voted, and to modify the statewide list maintenance records to reflect this activity.

These modifications to the voter credit data are not insignificant and data entry errors can impact a registrant’s ability to remain on the rolls and vote. If voting credits are not provided after a registrant votes, then that registrant is shown to be inactive in the election, and their ability to stay on the rolls if they don’t respond to official notices from election officials could be improperly impaired.

For this reason, the Foundation has relied on voting credit data in the official list maintenance records to reach conclusions about duplicate votes and deceased persons receiving credits. Because the voting credit data in the government records are significant, we attach a degree of reliability to them that is commensurate with such an important piece of information. That being said, it is certainly possible that election officials are making mistakes regarding voting credit data. If that is the case, then this report serves to initiate an examination of a previously undetected breakdown in election administration – false positives regarding voting credit data.

New York, Texas, Michigan, Florida, and California make up 51 percent of all matched dead registrants across the United States. In other words, these five states account for a majority of the instances where the deceased are remaining on the rolls. Following closely behind with at least 11,000 apiece were Pennsylvania, South Carolina, North Carolina, Connecticut, Virginia, New Jersey, and Tennessee.

MOST DECEASED VOTING CREDITS PER STATE - 2018	
North Carolina	2,172
Mississippi	723
Kentucky	652
Minnesota	455
California	350
Oregon	337

MOST DECEASED VOTING CREDITS PER STATE - 2016	
North Carolina	2,454
Kentucky	710
Mississippi	662
New York	549
Minnesota	509
California	424


DECEASED REGISTRANT

RANK	STATE	TOTAL MATCHED DECEASED	2018 CREDITS	2016 CREDITS	TOTAL CREDITS
	TOTALS	349,773	6,718	7,890	14,608
1	New York	59,096	147	549	696
2	Texas	36,054	136	153	289
3	Michigan	34,225	97	104	201
4	Florida	25,162	100	117	217
5	California	23,414	350	424	774
6	Pennsylvania	16,685	127	177	304
7	South Carolina	14,351	50	273	323
8	North Carolina	12,940	2,172	2,454	4,626
9	Connecticut	11,948	96	103	199
10	Virginia	11,903	43	47	90
11	New Jersey	11,814	87	105	192
12	Tennessee	11,126	46	42	88
13	Missouri	8,358	27	34	61
14	Alabama	7,922	41	66	107
15	Ohio	7,368	51	51	102
16	Wisconsin	6,805	163	186	349
17	Mississippi	6,738	723	662	1,385
18	Oklahoma	5,302	27	45	72
19	Washington	5,274	26	-	26
20	Georgia	4,243	12	17	29

S AND VOTING CREDITS

RANK	STATE	TOTAL MATCHED DECEASED	2018 CREDITS	2016 CREDITS	TOTAL CREDITS
21	West Virginia	3,411	7	10	17
22	Nevada	3,258	4	7	11
23	Iowa	3,000	26	36	62
24	Kansas	2,338	8	10	18
25	Arizona	2,289	28	23	51
26	Utah	1,992	273	259	532
27	Arkansas	1,921	19	15	34
28	New Mexico	1,682	2	5	7
29	Rhode Island	1,637	-	-	-
30	Kentucky	1,280	652	710	1,362
31	Colorado	1,119	28	27	55
32	Nebraska	1,009	4	7	11
33	Minnesota	816	455	509	964
34	Idaho	708	242	246	488
35	Delaware	643	6	6	12
36	Montana	635	4	3	7
37	Oregon	469	337	342	679
38	Alaska	318	61	62	123
39	Wyoming	311	38	-	38
40	South Dakota	105	3	4	7
41	Vermont	104	-	-	-

METHODOLOGY



The Foundation utilized a combination of three sets of primary death record sources. The Social Security Death Index is the repository for information about social security beneficiaries who have died. When the Social Security Administration receives notice that someone has died – often through an application for death benefits – the event is incorporated into the Social Security Death Index (SSDI). The SSDI contains false negatives. For example, not everyone who dies is in the SSDI. Some family members never notify the SSDI or never seek death benefits. The SSDI was designed to keep tabs on its benefits-receiving customer base, not act as an exhaustive listing of all deceased Americans with a Social Security number.

Relying only on the SSDI to catalog the deceased can omit younger people who have died. To account for this issue, the Foundation additionally compared full voter roll data against national obituary data. Of course, not everybody who has died is in the SSDI or has a paid-for obituary. But these missing examples of deceased registrants, if they were known, would only push the number of deceased registrants on the rolls higher, not lower.

Once SAVE identified matches between the voter registration lists and SSDI and obituaries, an additional and important step was undertaken. These matches were then screened against the three major credit bureaus (Experian, Equifax, and TransUnion) for final confirmation that the person on the rolls and the person who had died were one and the same person. This process allows for high-confidence confirmation for corresponding dates of birth, death, and address history. There are other potential sources of data to refine these results further but either the Foundation did not have any access to those data or the costs to utilize those data were exponentially higher.

NEW YORK

National Rank: 1

59,096 Dead Registrants
549 Voter Credits in 2016
147 Voter Credits in 2018

FLORIDA

National Rank: 4

25,162 Dead Registrants
117 Voter Credits in 2016
100 Voter Credits in 2018

TEXAS

National Rank: 2

36,054 Dead Registrants
153 Voter Credits in 2016
136 Voter Credits in 2018

CALIFORNIA

National Rank: 5

23,414 Dead Registrants
424 Voter Credits in 2016
350 Voter Credits in 2018

MICHIGAN

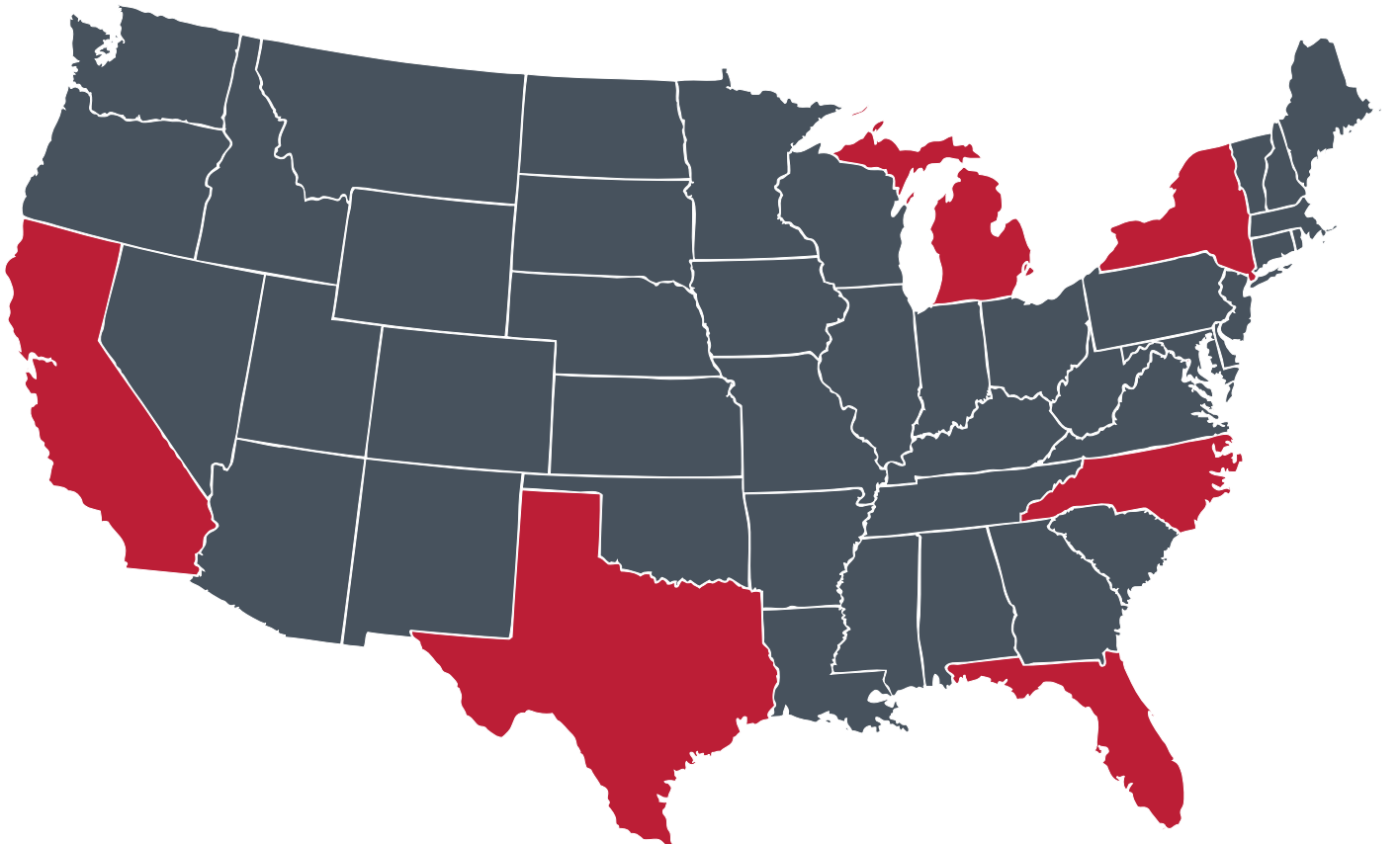
National Rank: 3

34,225 Dead Registrants
104 Voter Credits in 2016
97 Voter Credits in 2018

NORTH CAROLINA

National Rank: 8

12,940 Dead Registrants
2,454 Voter Credits in 2016
2,172 Voter Credits in 2018



DUPLICATE REGISTRANTS WITH TWO SEPARATE VOTING CREDITS IN SAME ELECTION

A duplicate registration is when a person is registered to vote more than once at the same time. Sometimes duplicate registrants have more than two active registrations. It is not necessarily illegal to have two active registrations, but it is a felony to vote more than once for the same federal office under federal law. Various state laws make it illegal to vote more than once. States are required under federal law to have a statewide database that detects and fixes duplicate registrations. The National Voter Registration Act (NVRA) and Help America Vote Act allow for enforcement actions against election officials for not having adequate list maintenance practices.

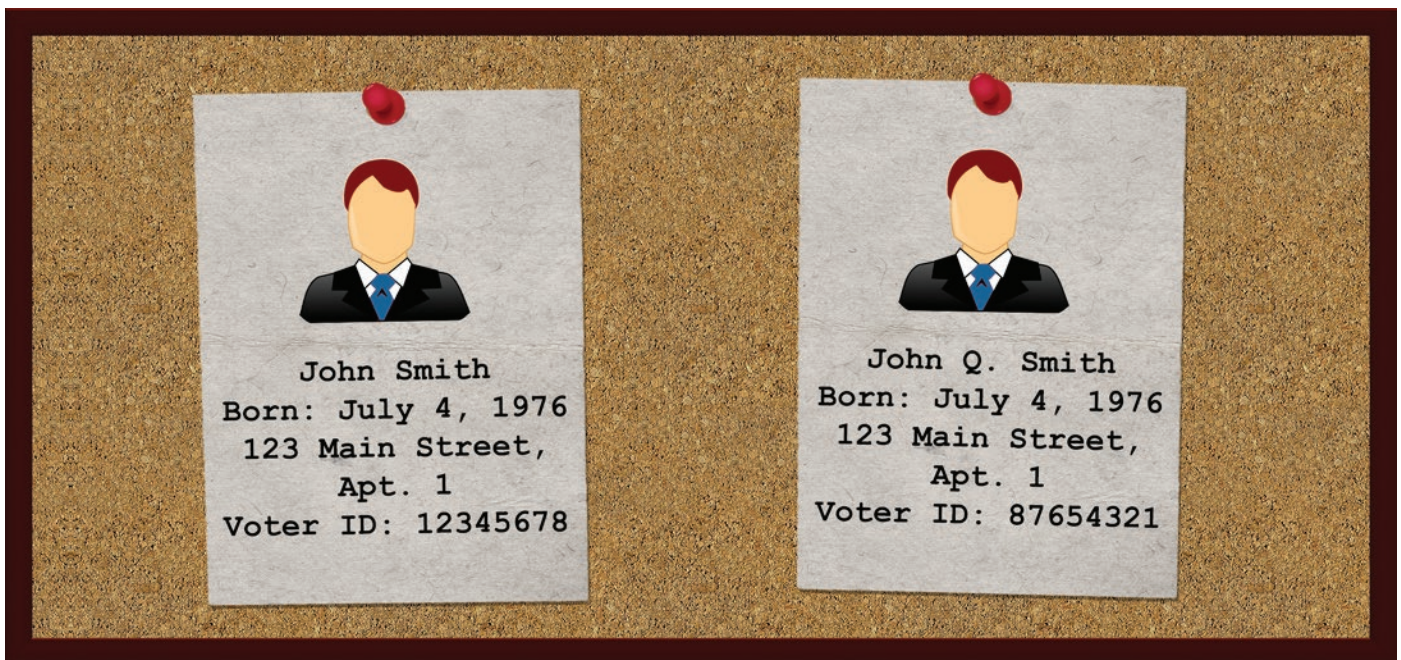
Since 2017, the Foundation has studied several local jurisdictions' voter rolls to quantify the number of times duplicate registrations were created—and how long they went undetected by election officials. This work

has yielded some of the most surprising results of all the in-depth research in this report. Simply, states are allowing the same persons to register multiple times without detection. In Pennsylvania, for example, the Foundation found one registrant with seven separate active registrations, all at the same address, with the same name and date of birth. All seven registrations had separate active state issued voter identification numbers. This registrant was active on the rolls for four years before the Foundation discovered him, according to local officials.

Why aren't the states catching their own duplicates? The Help America Vote Act of 2002 was specifically designed to prevent this from happening. The Department of Justice is tasked with enforcing the laws that relate to maintaining the statewide database free from such duplicates, among other requirements.

The truth is that the career employees in the Voting Section of the Civil Rights Division of Department of Justice have no interest in enforcing this law. If they do – as they did against New York and California – they do so only in the most extreme circumstances. New York refused to adopt modern voting machines, so they acted. California was negligent in implementing a statewide voter database not for a year or two, but for over a decade. Only then did the career attorneys in the Voting Section bring an action. But they have filed very few actions to enforce these provisions.

All of the findings of duplicates in this report speak directly to the ineffective enforcement of the Help America Vote Act (HAVA) since its adoption in 2002 by the lawyers at the Department of Justice (DOJ). They do not even detect the problems or view enforcement of HAVA and the NVRA as outlier priorities. Many formerly worked at the NAACP, ACLU or similar groups that oppose enforcement of HAVA and the NVRA to clean up and maintain accurate voter registration rolls. An investigation by the DOJ Inspector General into the failure to enforce the NVRA and HAVA found that DOJ staff recruited applicants who were likely to be opposed to enforcing



these laws by selecting only liberal lawyers to recruit and alerting organizations about vacancies that were almost exclusively left of center. The Inspector General urged the Voting Section to reevaluate existing hiring practices.^[8] Those organizations routinely appear as intervenors to prevent, as they derisively call list maintenance, “purges.” This same mindset has infected the career ranks of the Voting Section at the Justice Department and every single instance of duplicate registrants on statewide rolls confirms this bias and their failure to act to properly enforce the law.

Despite DOJ failures to enforce the law, this body of research shows that some states are better than others at either preventing registration duplication from occurring, or were equipped to catch the errors in a reasonable amount of time. Every state studied to date has a protocol for handling suspected duplicate registrations. Whether

states are following their own rules is reflected in the data. One thing is certain – each state filed a HAVA plan with the U.S. Election Assistance Commission on how it intended to use federal funds to comply with HAVA. The DOJ’s Voting Section has authority to enforce HAVA’s list maintenance mandates when these HAVA plans are ignored, resulting in swarms of duplicates as SAVE demonstrates has occurred.

...databases and the clerks operating them are regularly creating second or third registrations when the registrant intended for only an update to their existing file.

In states prone to duplications, it is easy to register to vote multiple times. Whether it is a surname change,

transposed digits in a birthdate, a typographical error, a deputy voter registrar’s error (phonetic confusion like “Devereaux” versus “DeVero”) or even conflicting gender claims, voter databases and the clerks operating them are regularly creating second or third registrations when the registrant intended for only an update to their existing file.

It is not necessarily illegal to

be registered twice—whether it’s in the same house or across two states—especially if an officer cannot prove some semblance of intent. However, it is unlawful to cast multiple ballots in the same election. Currently, 11 states have laws prohibiting voting in that state and another.^[9] Seven states have explicit laws barring double votes in those particular states.^[10] Thirty-one states generally prohibit double voting in the same election.^[11] Federal law also bars “voting more than once.”^[12] Within federal and most state laws, double voting is considered a felony.

A startling number of same-address duplicate registrants apparently took advantage of the extra votes in 2016 and 2018. In the 2016 Presidential Election, 43,760 registrants across 33 states purportedly cast second ballots, according to voting credits issued to their records. For the 2018 General Midterms, 37,889 registrants across 31 states did the same. Again, these conclusions depend on the accuracy of state voter credit data. If in fact states are bungling the recording of voter credit data (and these registrants are not casting second ballots) then this too must be fixed. Voter credit data is an important list maintenance datapoint because it determines when it is legal and appropriate to remove someone from the voter rolls. But if state voting records are accurate, this represents potentially over 80,000 instances of election fraud in just two elections.



WHAT CONSTITUTES CASTING TWO BALLOTS?

A registrant who has multiple active registrations at the same address, for the purposes of this report, must match across the following parameters:

- **First name**
- **Last name characters (allows matching for a maiden name with a subsequent hyphenated name)**
- **Date of birth (with matching for transposed or incomplete numbers)**
- **Full address and applicable apartment/unit number**
- **General election voting credit**

SAME-ADDRESS DUPLICATES SHOWING SECOND VOTE CREDIT IN 2016

RANK	STATE	COUNT
1	North Carolina	9,734
2	Georgia	9,619
3	Michigan	7,140
4	Colorado	3,445
5	Mississippi	3,368
6	Arizona	3,277
7	Wisconsin	2,066
8	Delaware	1,816
9	California	903
10	New Mexico	863
11	Utah	585
12	Idaho	301
13	Alaska	209
14	Vermont	134
15	South Dakota	122
16	New York	94
17	Pennsylvania	13

RANK	STATE	COUNT
18	Texas	13
19	New Jersey	11
20	Connecticut	8
21	South Carolina	8
22	Florida	7
23	Alabama	4
24	Minnesota	4
25	Arkansas	3
26	Nebraska	3
27	Tennessee	3
28	Ohio	2
29	Kansas	1
29	Kentucky	1
29	Oklahoma	1
29	Oregon	1
29	West Virginia	1
		43,760

SAME-ADDRESS DUPLICATES SHOWING SECOND VOTE CREDIT IN 2018

RANK	STATE	TOTAL
1	Georgia	9,899
2	North Carolina	7,026
3	Michigan	6,457
4	Colorado	3,175
5	Arizona	3,077
6	Mississippi	2,428
7	Wisconsin	1,828
8	Delaware	1,304
9	New Mexico	721
10	California	624
11	Utah	549
12	Idaho	235
13	Alaska	190
14	South Dakota	100
15	Vermont	96
16	Wyoming	82

RANK	STATE	TOTAL
17	New York	36
18	Pennsylvania	14
19	New Jersey	10
20	Texas	8
21	Connecticut	7
22	Florida	6
23	Alabama	3
24	Arkansas	3
25	South Carolina	3
26	Kentucky	2
27	Kansas	2
28	Ohio	1
28	Oklahoma	1
28	Oregon	1
28	West Virginia	1
		37,889

An alarming trend that emerged from both the 2018 and 2016 datasets was the prominence of duplicate registrants being credited for casting two absentee/mail-in ballots at the same time in the same election. The Foundation was able to determine, when detailed data was provided by the various states, how often these apparently duplicate registrants either participated by voting twice by mail or by voting both in-person and again by mail in a single election.

Mail ballots appear to be the problem. Remember, someone casting a mail ballot need not present themselves in front of any election official. Moreover, groups like the League of Women Voters are even seeking to invalidate witness requirements for mail ballots in the 2020 Election.

2016 GENERAL ELECTION		
RANK	STATE	MAIL-MAIL %
1	North Carolina	51%
2	Georgia	43%
3	Michigan	68%
4	Colorado	90%
6	Arizona	9%
7	Wisconsin	14%
9	California	34%
10	New Mexico	4%
11	Utah	59%

While in conversations with election officials about these data, one question is uniformly asked: what does it take to get assigned a mail ballot credit as opposed to a polling place one? Generally speaking, a polling place credit means that a poll check-in was successfully completed by the voter. One way a counted ballot is not behind that credit is if the voter chose not to complete the balloting process at the site after he or she checked in. Another way a counted ballot is not behind the credit is if the election official – either at the polling site or processing the poll books after the election – mistakenly assigned an in-person credit to the wrong registrant. As for mail ballot credits, only returned and counted ballots result in such credits. Rejected, surrendered, spoiled, or otherwise missing ballots do not result in a credit.

22% of Arizona’s 2016 double vote credits involved mail and subsequent in-person vote combinations.

34% of New Mexico’s 2016 double vote credits involved mail and subsequent in-person vote combinations.

2018 GENERAL ELECTION		
RANK	STATE	MAIL-MAIL %
1	Georgia	42%
2	North Carolina	42%
3	Michigan	69%
4	Colorado	95%
5	Arizona	57%
7	Wisconsin	10%
9	New Mexico	5%
10	California	37%
11	Utah	84%





INTRASTATE DUPLICATES

Even though HAVA required that states build a single database to house all registered voters to prevent—in part—duplication across county lines, the same can apparently still happen in 2020. The premise is simple: an 18-year-old registers in her hometown in county



A, goes off to college in county B, starts a career and family in county C. All along the way, she is updating her registration and canceling the previous one with each transaction—or so she thought.

In 24 states, apparently duplicate registrants were given double voting credits in 2018 across each state's county lines or even within the same county. As an example, a registrant in Wake County, North Carolina, with matching full name, date of birth, and Social Security number appearing on the voter rolls twice with two different registration addresses was credited for voting at each location with two absentee ballots. This type of scenario—regardless of voting method—occurred more than 5,500 times during the 2018 Midterms nationwide.

In theory, personally identifying information (PII) like a Social Security number would serve as a common denominator when a person changes addresses and wishes for her voter registration record to reflect those life changes. But in the vast majority of states registrants are not required to provide a full Social Security number (SSN). As described above, some states' database systems are designed in a way to confuse Michael Smith and Michael M. Smith for two different people even though they were both born on July 4, 1976 and live at 123 Main Street Apartment A. It is, therefore, no wonder a duplicate registration occurs when Michael and Michael M. appear at two different addresses and one is without a SSN.

The table outlines the states with the highest numbers of apparently duplicate voters with differing addresses and overlapping voter credits for the 2018 General Election. Reviews of Social Security numbers and address histories from credit reporting databases served to validate identity. The review process allowed the Foundation to access personal address histories maintained by credit reporting bureaus going back a decade.

SAME-ADDRESS DUPLICATES WITH DOUBLE VOTE CREDITS

RANK	STATE	2018	2016	TOTALS
1	Georgia	9,899	9,619	19,518
2	North Carolina	7,026	9,734	16,760
3	Michigan	6,457	7,140	13,597
4	Colorado	3,175	3,445	6,620
5	Arizona	3,077	3,277	6,354
6	Mississippi	2,428	3,368	5,796
7	Wisconsin	1,828	2,066	3,894
8	Delaware	1,304	1,816	3,120
9	New Mexico	721	863	1,584
10	California	624	903	1,527
11	Utah	549	585	1,134
12	Idaho	235	301	536
13	Alaska	190	209	399
14	Vermont	96	134	230
15	South Dakota	100	122	222
16	New York	36	94	130
17	Wyoming	82	0	82

RANK	STATE	2018	2016	TOTALS
18	Pennsylvania	14	13	27
19	Texas	8	13	21
20	New Jersey	10	11	21
21	Connecticut	7	8	15
22	Florida	6	7	13
23	South Carolina	3	8	11
24	Alabama	3	4	7
25	Arkansas	3	3	6
26	Minnesota	-	4	4
27	Nebraska	-	3	3
28	Tennessee	-	3	3
29	Ohio	1	2	3
30	Kansas	2	1	3
31	Kentucky	2	1	3
32	Oklahoma	1	1	2
33	Oregon	1	1	2
34	West Virginia	1	1	2

WHY DO DUPLICATE REGISTRATIONS MATTER?

On the surface, seeing that someone accidentally became registered twice may seem like a minor matter. After all, there are a number of ways in which a person can become registered to vote beyond simply picking up an application and mailing it to the elections office. Even community college applications can double as voter registration forms in some states. People are likely to fill out these forms differently over time, but officials should be able to merge the disparate information into one file, right?

Not in every state.

Duplicate voter registrations are still very much an underappreciated concern—but the Foundation isn't the only outfit sounding the alarm about duplicates anymore.

“Duplicates are an important indicator in voter file quality,” an academic paper from CalTech noted in September 2019.^[13] Georgia was the only state during the 2018 election cycle to systematically report the number of duplicate registrations it cleaned up before votes were cast. Other states should follow Georgia's lead for transparency. Georgia voluntarily revealed it corrected almost 63,000 such files.^[14] In late 2019 and early 2020, the Foundation filed federal lawsuits in Detroit, Michigan, and Pittsburgh, Pennsylvania, where long-undetected duplicate registrations by the same individual were specifically cited as voter list maintenance failures under the National Voter Registration Act of 1993 and state laws.

We believe data such as these detailed here makes enforcement of the National Voter Registration Act – both by private parties and by the Justice Department – more targeted, efficient and precise.

Duplicates are the easiest voter roll errors to detect and fix. States possess the data already. Reliance on third party data isn't needed. All it requires is sorting the statewide database file to detect duplicates. In litigation, the Foundation once asked an election official in a deposition if they had ever sorted the registrant file to detect duplicates. Not only had they never done it, they never even thought of doing it. That's the sad reality of why there are so many duplicate registrations in America. The existence of so many duplicates has direct relevance to any proposed movement to vote by mail. Those who most strongly advocate for vote-by-mail probably never considered the possibility of so many duplicates on the voter rolls either.

RANK	STATE	% OF DUPLICATES CREDITED FOR CASTING 2 MAIL BALLOTS
1	Georgia	42.53%
2	North Carolina	47.34%
3	Michigan	68.29%
4	Colorado	92.19%
5	Arizona	31.95%
6	Mississippi	0.00%
7	Wisconsin	12.02%
8	Delaware	0.00%
9	New Mexico	4.23%
10	California	35.17%
11	Utah	71.08%

THE INTERSTATE CROSSCHECK

Checking a state's voter roll against another state can be a harder task, but the SAVE Database did just that.

More than 8,360 single registrants were identified in the SAVE Database as apparently being registered and credited for voting twice in two different states during the 2018 General Election, a potential violation of state and federal election laws. That represents over 8,000 potential cases of election fraud.

Again, state election officials are better suited to make final determinations if indeed these apparently credited double voters are indeed the same people. State officials will have access to additional identifying information to confirm SAVE's findings, but here's why we can have confidence in them.

One of the challenges to detecting cross state duplicate registrations is that there are plenty of people with the same name and date of birth. When two separate voter registrations of apparently the same person are detected across state lines, there must be some validation with PII that these are in fact the same person. The SAVE database supplemented the voter registration information received from states with commercial database and credit bureau information to find PII unique to each registered voter to avoid false positives. It resulted in 150,000 potential double voters being reduced to 8,360 when unique PII was included in the analysis. This was not an inexpensive process in building the SAVE Database, but it was important to increase the confidence of the conclusions.

The SAVE Database focused on a single state and then compared registration lists from that state against all the others. It then repeated the process with all of the states in the database.

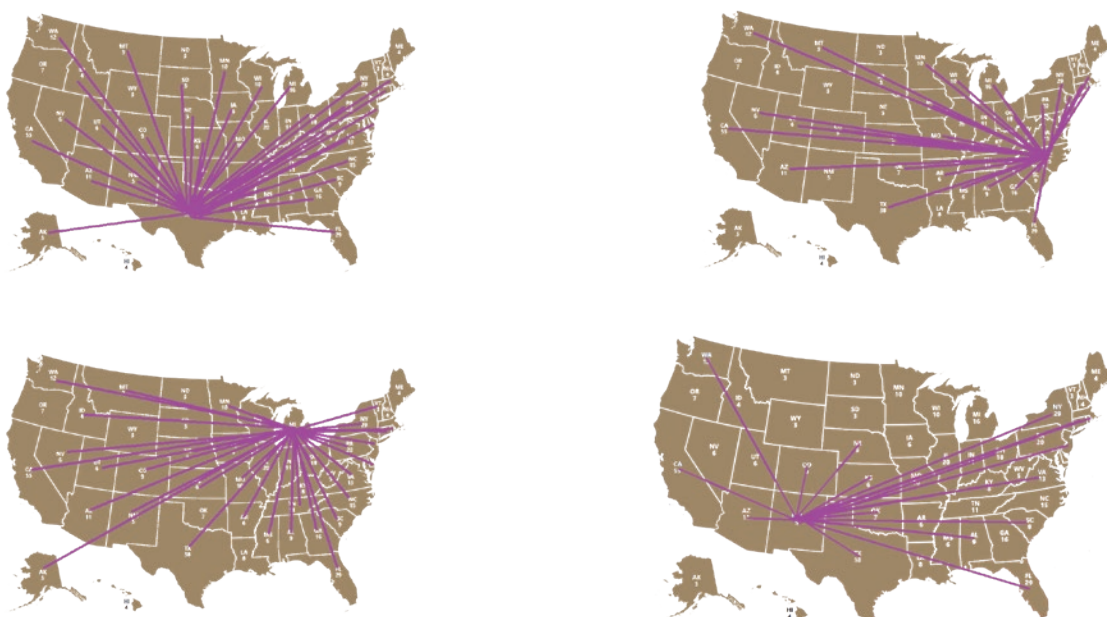
Americans have long heard about the “snowbird” effect on Florida’s elections over the years featuring New Yorkers and residents of other northeastern states seeking warmer weather come late fall. There is considerable truth to the meme—but not all apparent duplicates were generated by owners of second homes. A relatively even distribution of apparent duplications existed between coupled states like New York and Florida (snowbird second home types) and domestic migrants (nearly any state and Texas). Wherever former Californians fled to, you could see duplications.

To better demonstrate the findings, this table lays out the states with the most duplicate sets of registrants who voted in more than one state.

STATE	APPARENT INTERSTATE DUPLICATES WITH VOTING CREDITS IN MORE THAN ONE STATE (2018)
California	2,005
Florida	1,836
Texas	1,125
North Carolina	1,029
Pennsylvania	917
Georgia	844
New Jersey	830
New York	793
Michigan	791
Virginia	592

As the Foundation has stressed many times in the past, being registered to vote twice in two (or potentially more) states is not a criminal act. Registrants do not always notify their former state that they have moved and some states do not always send information about a new registrant voter to that registrant's state of former residence.

Without mandatory cross-state reporting protocols, duplicate registrations can be hard to avoid. If a person relocates from a state with substandard voter list maintenance practices, it can take sometimes up to eight years to fall off their former roll due to inactivity if they do not successfully alert the jurisdiction of their move. This highlights the need for states to participate in cooperative ventures to identify these duplicate registrants. States would be well advised to take the leads of private organizations – such as the Foundation – that have spent private dollars to do what the states ought to be doing more effectively--detect obsolete registrations. Instead of spurning private efforts, states should embrace them as partners. After all, a confirmation notice can be sent to the new address to complete the process, or a subsequent registration can be used as a written notice from the registrant to cancel the obsolete registration.



VOTES CAST FROM NON-RESIDENTIAL ADDRESSES

SAVE compared the nation’s voter rolls with commercial addresses. The data shows that instead of being registered at actual residences as required by state laws, 35,000 registrations are at commercial locations such as casinos, gas stations, and restaurants.

In July 2020, Congressman Steve Watkins (R-Kansas) was charged on three felony counts of alleged voter fraud for claiming a UPS

Store address as his residence and then voting in 2019 municipal elections.^[15] Voter registration applications printed by the State of Kansas ask the user directly to give their “residential address.”^[16] Kansas law is also clear that a permanent address used for voter registration purposes must be a “place of residence.”^[17] Before this case arose, the Foundation was ascertaining if zoned nonresidential addresses were ever claimed as homes for the purpose of voting—and whether

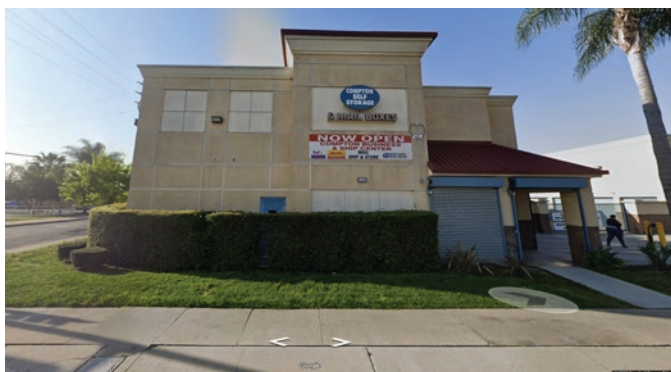
RANK	STATE	TOTAL
1	California	7,244
2	Texas	1,952
3	Virginia	1,772
4	Wisconsin	1,653
5	Florida	1,623
6	North Carolina	1,597
7	Arizona	1,435
8	Alabama	1,336
9	New York	1,312
10	Pennsylvania	1,115
11	Washington	1,083
12	Ohio	1,047
13	Georgia	912
14	Kentucky	824
15	Colorado	805
16	Montana	765
17	Oklahoma	636
18	Oregon	617
19	Kansas	599
20	Alaska	565
21	South Carolina	528

RANK	STATE	TOTAL
22	Nebraska	484
23	Mississippi	456
24	Iowa	451
25	Nevada	429
26	Tennessee	395
27	Missouri	387
28	Utah	265
29	West Virginia	242
30	Connecticut	235
31	Wyoming	206
32	Minnesota	199
33	New Mexico	188
34	Idaho	178
35	Michigan	135
36	Rhode Island	115
37	South Dakota	70
38	New Jersey	64
39	Massachusetts	41
40	Delaware	16
41	Vermont	15
	TOTAL	33,991

any voting credits were assigned for such voters in the 2018 federal midterm elections.

Voting credits were assigned to 34,000 registrants across 41 states at addresses zoned for non-residential buildings in federal midterm elections in 2018. The study focused on addresses zoned for light/heavy industrial, office parks, single-use retail, and service stations.

Although most states are relatively generous on what they consider a residence—a group shelter or even an overpass is fine as long as you’re specific on the location—they tend to draw the line at rented mailboxes measuring not much bigger than a shoebox. A very small minority of states allow you to claim a commercial address as your home if you do indeed live there.

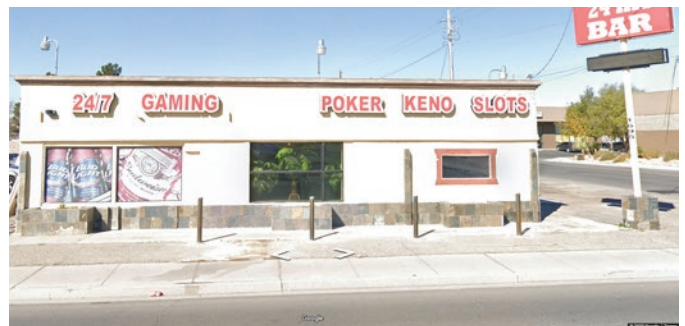


1450 E. Compton Blvd., Compton, CA
17 votes in 2018

STATE	APPLICATION LANGUAGE
Alabama	Address Where You Live
Alaska	You MUST provide the Alaska residence address where you claim residency. Do not use PO, PSC, HC or RR.
Arizona	Residential Address (where you live—no P.O.Box/business address)
Arkansas	Address Where You Live
California	Not a P.O. Box or business address (Number, Street, Ave., Drive, etc. Include N, S, E, W)
Colorado	Address (no P.O. Boxes)
Connecticut	Address Where You Live
Delaware	Street address
Florida	Address Where You Live (legal residence-no P.O. Box)
Georgia	RESIDENCE ADDRESS: House No. and street name
Idaho	Residence Address (Do not use PO Box or business address. If no street address, describe location of residence by cross streets, section, township, range, or other physical description.)
Iowa	Address Where You Live
Kansas	Residential Address
Kentucky	Residential Address
Massachusetts	Address where you live now
Michigan	address where you live – house number & street name
Minnesota	address where you live (residence) if mail cannot be delivered to the address above, provide P.O. Box
Mississippi	Physical Home Address(Where you live)
Missouri	ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO, OR RURAL ROUTE AND BOX - NO PO BOXES)

STATE	APPLICATION LANGUAGE
Montana	Montana Residence Address
Nebraska	Current Residential Address
Nevada	Nevada Residential Address –See Instructions on Back (No P.O.Box / Business Address)
New Jersey	Home Address (DO NOT use PO Box)
New Mexico	Physical Address Where You Live Now
New York	The address where you live
North Carolina	Provide your residential address - where you physically live. Do not enter a P.O. Box or a mail drop location.
Ohio	Your voting residence is the location that you consider to be a permanent, not a temporary, residence. Your voting residence is the place in which your habitation is fixed and to which, whenever you are absent, you intend to return. If you do not have a fixed place of habitation, but you are a consistent or regular inhabitant of a shelter or other location to which you intend to return, you may use that shelter or other location as your residence for purposes of registering to vote.
Oklahoma	Street or 911 address or directions to your home Do not use a rural route or P.O. box
Oregon	Oregon residence address
Pennsylvania	Address (not P.O. Box)
Rhode Island	Home Address (Do not enter a post office box)
South Carolina	Address Where You Live
South Dakota	If Residence Address is a PO Box, rural box, or general delivery, you must give the location of your residence
Tennessee	Address Where You Live (legal residence-no P.O. Box)

STATE	APPLICATION LANGUAGE
Texas	Residence Address: Street Address and Apartment Number. If none, describe where you live. Do not include P.O. Box, Rural Rt. or Business Address
Utah	Physical Address (required, principal place of residence, no P.O. Box)
Vermont	My principal dwelling place is located at
Virginia	Residence address (May not be a P.O. Box)
Washington	residential address in Washington
West Virginia	Provide your residence address (the address where you live). Check the box if you live within city limits. Include the name of the county where you live.
Wisconsin	The Address Where You Live your residential voting address, which cannot be a P.O. Box
Wyoming	Wyoming address where you live



1695 N. Nellis Blvd. Las Vegas, NV
2 votes in 2018



NPR West Headquarters
 9909 Jefferson Blvd. Culver City, CA
4 mail ballots cast from here in 2018



PART II – DEPLOYMENT

LITIGATION & OFFICIAL OUTREACH

We have all heard the refrain that voter fraud is rare, and not widespread. The same people and groups who say this the loudest never bother to look. They have not undertaken a project such as this SAVE Database. Indeed, rather than support an effort to fix the problems SAVE Database has detected, Americans can count on them to interfere with any proposed solutions, and even attack the existence of this report.

Shame on them. Had we learned 30 years ago that voter rolls were full of thousands of dead but active registrants, or thousands of duplicates potentially voting twice inside states and across state lines, Americans – both Republican and Democrat - would have been united in calls to find solutions to fix the problem. Liberal interest groups would not have dared pick a fight over these findings. Federal employees in the Voting Section at the Department of Justice would have spent more energy considering ways to act to fix the problems rather essentially ignoring this problem.

The SAVE data findings are also relevant in 2020 to the rush to move to automatic vote-by-mail. It has been used by the Foundation in, as of this writing, 11 briefs in COVID-19-related litigation brought by liberal groups seeking to cancel or modify state election laws that protect the integrity and security of the election and voting process.^[18]

SAVE could not have come at a better time.



THE FOUNDATION'S LITIGATION

ALLEGHENY COUNTY, PENNSYLVANIA

Over the past two years, Pennsylvania has received national attention for admitting to registration glitches over decades that resulted in thousands of foreign nationals being registered to vote. The Foundation is currently litigating against the Commonwealth to collect all documents explaining the full scale of the failure.^[19] Pennsylvania

has fought tooth and nail to conceal the extent of the problem, including how many aliens illegally cast ballots in elections.



The Foundation released a report about foreign national registration collected from Allegheny County, home to Pittsburgh.^[20] In 2019, careful reviews of that county's voter roll revealed thousands of duplicates, triplicates, quadruplicates, and even one man simultaneously registered to vote seven times. On January 15, the County was formally notified of the nearly 7,500 registrants flagged for duplication concerns; 1,500

matched against the Social Security Death Index; another 1,500 who were older than 100 years of age (49 born in the 1800s); nearly 1,200 registrants showing no date of birth; and more.

Shortly before the onset of the pandemic, the ACLU tried to intervene in the case, essentially arguing that Allegheny County and the court could not be trusted to handle the Foundation's data. That's a shame, because the errors on the rolls were objective, clear and easy to fix. The parties reached an agreement to fix the problems and improve the process. This is how the SAVE Database can be used to improve the administration of American elections and protect voters from dilution of their franchise.

“Allegheny County deserves credit for agreeing to fix a serious problem with elections there. People have been getting registered two, three, four, even seven times over to vote in Pittsburgh and the suburbs. We found those problems, and the County agreed to fix them. We also outlined plans to address registration files which may be outdated, incomplete, or belong to deceased persons. This settlement demonstrates what can be accomplished when good government groups work with election officials in good faith without the interference of ideologically driven activists who oppose such measures. Those same activists push radical changes to vote by mail, which shows how important this settlement was for a clean election in Pennsylvania.”

— J. Christian Adams



THE FOUNDATION'S LITIGATION

CITY OF DETROIT

In May 2019, the City was notified about a variety of issues that, by all appearances and communications, were being ignored. Detroit was warned about the thousands of “active” registrants aged 85-plus that were matched against the Social Security Death Index. Officials were alerted to registrants being shown as born in “1823.” A child appeared to be registered. Yet again, thousands were registered in duplicate and triplicate. A federal lawsuit to correct these matters was filed on December 10, 2019.

Once discovery was fully underway, documents and statements by the defendants began to illuminate how nearly every one of the thousands of duplicates had been cleaned up. Local officials had started hunting for death records across the state. By June, the Foundation was satisfied by the amount of action evident coming from the City and dismissed the case.



“This case wasn’t complicated. The City of Detroit could have started to fix these problems before litigation, but didn’t. Other jurisdictions should take note--if you don’t act on solid data that your voter rolls are corrupted with dead and duplicate registrations, you will be sued. It is also a message to left wing groups who sought to stop the cleanups. They need to stop standing in the way of clean elections and stop wasting court time with their anti-integrity agenda. Election officials can get rolls clean without removing valid registrants. It’s time groups like the League of Woman Voters realized that data-driven list maintenance is something most Americans want.”
— J. Christian Adams



THE COVID CASES



Liberals have sought to cancel state election laws and re-write the rules of the 2020 election that protect the integrity and security of voting and the election process because of the pandemic. A hyper funded litigation effort was deployed, asking courts to cancel state laws enacted by democratically elected legislatures and signed by governors. This antidemocratic effort has a common theme: demanding mail ballots are made available with fewer rules; loosen or get rid of procedures to verify the identity of the voter and prevent the forgery and alteration of ballots; force states to legalize vote harvesting and allow campaign staffers, party activists, and political consultants access to voted absentee ballots; and change deadlines. As lawsuits are filed, the Foundation – using the important data from SAVE – files amicus briefs to demonstrate to courts what risks would be incurred by implementing automatic circulation of mail-in ballots and loosening or voiding security protocols.



ISSA V. NEWSOM

RNC V. NEWSOM

U.S. Eastern District of California

Plaintiff(s): Darrell Issa, James B. Oerding, Jerry Griffin, Michelle Bolotin, Michael Sienkiewicz, Republican National Committee

Core Issues: Lawsuit to block California from performing an all vote-by-mail election for the 2020 General Election

The Foundation's Brief: 23,000 deceased registrants, 1,800 apparently duplicated voters, 2,000 apparent interstate duplicate voters

FAY V. MERRILL

Connecticut Supreme Court

Plaintiff(s): Mary Fay

Core Issues: Enjoining the automatic circulation of mail ballots during the 2020 General Election

The Foundation's Brief: 12,000 deceased registrants, duplicate registrations, risks of sending mail to outdated addresses

THE NEW GEORGIA PROJECT V. RAFFENSPERGER

U.S. Northern District of Georgia

Plaintiff(s): The New Georgia Project (Stacey Abrams)

Core Issues: Error notification, absentee age restriction, postage requirement, receipt deadline, voiding ballot harvest ban

The Foundation's Brief: 4,200 deceased registrants, nearly 20,000 duplicates were credited for second votes in 2016 and 2018, nearly 850 Georgians credited for voting in 2 states

DEMOCRACY NC V. NC STATE BOARD OF ELECTIONS

U.S. Middle District of North Carolina

Plaintiff(s): Democracy North Carolina, The League of Women Voters North Carolina, Donna Permar, John P. Clark, Margaret B. Cates, Lelia Bentley, Regina Whitney Edwards, Robert K. Priddy II, Susan Shaffer, and Walter Hutchins

Core Issues: Waive 25-day application deadline, remove witness requirements, other-than-mail ballot returns

The Foundation's Brief: # Apparently duplicated registrants credited for 2nd votes in 2016 General Election: 9,700, # apparently duplicated registrants credited for 2nd votes in 2018 General Election: 7,000

NEW MEXICO EX REL. RIDDLE V. OLIVER

New Mexico Supreme Court

Plaintiff(s): New Mexico County Clerks

Core Issues: Automatic ballot mailings to all registrants in time for June 2020 Primary Election

The Foundation's Brief: 3,100 registrants flagged for duplicate voting concerns, 1,680 apparently deceased registrants, 1,500 aged 100+

FISHER V. HARGETT

Tennessee Supreme Court

Plaintiff(s): Earle Fisher, Benjamin Lay

Core Issues: TN Legislature's rights to rule over conduct of elections procedures

The Foundation's Brief: No constitutional right to a mail ballot



TEXAS DEMOCRATIC PARTY V. ABBOTT

U.S. Western District of Texas, Fifth Circuit Court of Appeals

Plaintiff(s): TX Democratic Party, Gilberto Hinojosa, Joseph Daniel Cascino, Shanda Marie Sansing, Brenda Li Garcia

Core Issues: Voter intimidation, mail voting security, alleged 26th Amendment violations

The Foundation's Brief: Plaintiffs fail to make intimidation claim, mail voting is fraught with fraud, ballot harvesting risks, Texas does not violate 26th Amendment

LEAGUE OF WOMEN VOTERS VIRGINIA V. VIRGINIA STATE BOARD OF ELECTIONS

U.S. Western District of Virginia

Plaintiff(s): League of Women Voters Virginia

Core Issues: Remove witness signature requirements from mail ballot materials

The Foundation's Brief: 11,600 potentially deceased registrants, 1,700 apparent commercial address votes, nearly 600 Virginians credited for casting a second ballot in another state

ZIGNEGO V. WISCONSIN ELECTIONS COMMISSION

Wisconsin Supreme Court

Plaintiff(s): Wisconsin Ex Rel, Timothy Zignego, David W. Opitz, Frederick Luehrs III

Core Issues: Ensure clean voter rolls prior to 2020 Election

The Foundation's Brief: 6,000 apparently deceased registrants, nearly 4,000 duplicates were credited for second votes in 2016 and 2018



A TOOLBOX ADDITION/POTENTIAL REPLACEMENT FOR VOTER REGISTRARS

Voter registration offices across the nation need all the help they can get to keep records accurate and up-to-date. America is a highly mobile society and good help can sometimes be hard to find in keeping pace with the electorate. Furthermore, locales can sometimes be limited by statute or budget in affirmatively engaging outside help. More than a decade ago, several states joined forces to pool data and expertise to keep tabs on more mobile registrants. The Interstate Voter Registration Crosscheck program grew initially under the management of the Kansas and Missouri Secretaries of State to a majority of states participating prior to the 2016 Elections. But alongside the government cooperative, Pew Research's ERIC (Electronic Registration Information Center) co-op continued to grow without the affixed political lightning rods.

The “Kansas Crosscheck” (Interstate Voter Registration Crosscheck) sustained heavily funded left-wing attacks for years as ERIC managed to pick up clients in their wake. Unlike the Kansas/Missouri model, that nonprofit organization charged member states expensive dues, required more data from states than just voter rolls, and required that list maintenance leads be shielded from public record laws. ERIC now has a majority of participating states with recent recruits like Texas and Florida. Despite the pedigree of ERIC being squarely in the left-of-center camp, foes of election integrity have even turned on ERIC's crosscheck program.

“ERIC should be called ERROR because it's that erroneous and that full of flaws. ERIC claims to find people who've moved. Now, apparently almost half the people on the list are young people.” – Barbara Arnwine, Lawyers Committee for Civil Rights Under Law

One nonprofit publication promoting Arnwine's critiques went so far as to label the outfit “ERIC Crow—Jim Crow's Liberal Cousin.”^[21] The group featured content suggesting that PEW President Rebecca W. Rimel “looks

like the kind old lady down the street with too many cats who will look in on yours when you're on vacation... Just don't leave your voter rolls with her. When you come home, you'll find them bleached white and oddly shrunken."

The Foundation's SAVE Database offers a well-timed substitute or addition to the voter registrar's toolbox.

- **SAVE does not cost states a dime to participate. The Foundation's mission is in part to cooperatively improve voter rolls across the country. Taxpayers should not have to pay extra for that.**
- **SAVE does not require states to provide confidential, non-public information on its registered voters and unregistered residents. ERIC requires voter roll and confidential driver's license information for membership.**
- **SAVE does not require members to mass mail voter registration offers to licensed drivers who are not registered to vote.**
- **In fact, there is no membership structure in SAVE whatsoever.**

States need as many tools and lead-generating systems as they can handle. The Barack Obama-impaneled Presidential Commission on Election Administration was on target when it recommended that "interstate exchanges of voter registration should be expanded." [22]

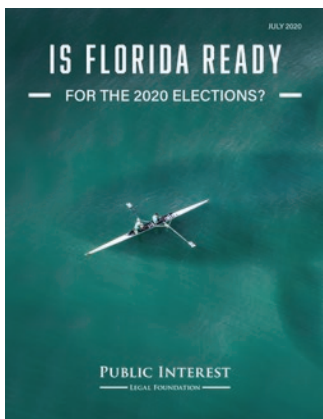


SAVE PREQUEL REPORTS



The methodologies and audit capacities underpinning the SAVE Database have been explored and reported since October 2018. This section summarizes each edition. All are available online at the Foundation’s website for public education uses.

IS FLORIDA READY FOR THE 2020 ELECTIONS? July 2020

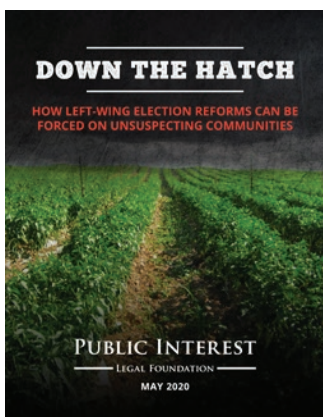


Florida’s role in determining the outcome in national elections, combined with its mobile population of snowbirds, makes it vulnerable to election fraud, irregularities, and errors. We know that foreign nationals register and vote but proof is not typically available until they are forced to self-report their records in the face of an immigration proceeding. We know that deceased registrants received mail-in ballots at their former addresses and that those ballots were later counted in federal elections. We also know that some

Floridians voted more than once in the same election by virtue of having a second residence in another state.

DOWN THE HATCH: HOW LEFT-WING ELECTION REFORMS CAN BE FORCED ON UNSUSPECTING COMMUNITIES

May 2020



In late 2019, the Public Interest Legal Foundation encountered alarm about a rather novel situation, where election officials were creating voting process errors and also acting as sovereign partners with outside ideological interest groups. With the help of New Mexico’s open records statutes, these theories were investigated.

CALM BEFORE THE STORM: ARE PALM BEACH COUNTY'S ELECTIONS PROTECTED AGAINST EMERGING THREATS?

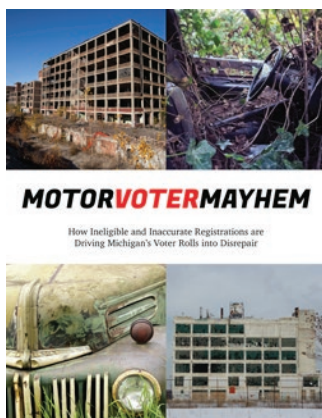
November 2019



The 2018 Midterm was marred by recount delays and other alarming events, which went on to gain national attention in the days and weeks following election day. Shortly before Governor Ron DeSantis ended Palm Beach County Supervisor of Elections Susan Bucher's tenure in office, the Public Interest Legal Foundation began audits and record collection efforts to identify specific flaws within voter registration files and any systemic glitches creating them.

MOTOR VOTER MAYHEM: MICHIGAN'S VOTER ROLLS IN DISREPAIR

October 2018



Michigan demonstrates how noncitizens become registered to vote through DMV transactions and others like it required by the National Voter Registration Act of 1993. The State does not have a verification system keeping false claims of citizenship (intentionally given or otherwise) from being accepted during voter registration. Immigrants and citizens alike continue to suffer the consequences. Several Michigan jurisdictions also exhibited alarming problems with other voter roll maintenance obligations like duplications and potentially deceased registrants remaining on the rolls for years on end.

DATA LITIGATION



A minority of states refuse to disclose or sell voter registration data to non-partisan or private entities. One must be a state resident and/or be a representative of a recognized political party organization. Any moral high ground that these states tried to stand on when the Trump Presidential Advisory Commission on Election Integrity came asking for data was dubious at best.^[23]

During data collection, several states similarly refused the Foundation's requests on the basis that it was not a qualifying partisan entity, or it was not local.

PUBLIC INTEREST LEGAL FOUNDATION V. MATTHEW DUNLAP **U.S. District of Maine**

February 19, 2020, the Foundation sued Maine Secretary of State Matthew Dunlap for refusing to disclose voter registration records under the National Voter Registration Act's public inspection provision. A copy of Maine's statewide roll was originally requested on October 17, 2019, and rejected the same day—explaining the data could not be shared since the Foundation had zero interest in leveraging the data for partisan ends.

“Secretary Dunlap purports to be a champion of transparency, until it comes to his own office. Maine law conflicts with federal statute. A person or organization's lack of partisan interests should not disqualify them from reviewing list maintenance records.”

— J. Christian Adams

As of the release of this report, litigation is pending and proceeding toward a potential trial.

PUBLIC INTEREST LEGAL FOUNDATION V. LINDA LAMONE **U.S. District of Maryland**

On December 16, 2019, the Foundation sued the Maryland State Board of Elections (MSBOE) for refusing to disclose voter registration records under the National Voter Registration Act's public inspection provision. The State informed the Foundation the November prior that because it was not based locally, the application to copy the data would be rejected. Shortly before this report published, the MSBOE agreed to settle the case and released all requested documents.

PUBLIC INTEREST LEGAL FOUNDATION V. **ILLINOIS STATE BOARD OF ELECTIONS** **U.S. Central District of Illinois**

On July 27, 2020, the Foundation sued the Illinois State Board of Elections for refusing to disclose voter registration records under the National Voter Registration Act's public inspection provision. The State prevents private, non-partisan groups from accessing full extracts of the registered voter file.



CONCLUSION



In the aftermath of the 2016 Election, voter registration list maintenance took on a new meaning and sense of urgency. If states' voter databases were fair game for outside attackers then simply relying on strong passwords and fully funded IT departments was an incomplete strategy. The Foundation went to work arguing how effective voter list maintenance practices served as natural defenses against hostile parties who would sabotage whole systems. If voter data was a soft target, then officials

and the general public needed to know where the weaknesses were. But you cannot hope to improve the contents of American voter registration systems unless you are first willing to digest them in their entirety. Building the SAVE Database became an absolute necessity.



During the first half of the 2020 Election cycle, the Foundation and some state governments built tools for the next time that Russian hackers or others came calling. When the Chinese Coronavirus came first, SAVE took on a whole new use.

As America grappled with the demands and attendant logistics for more mail voting, the Foundation sounded alarms to the fact that the most important piece of the process—voter registration data—was not being maintained for the task. In an all-mail voting scenario, hundreds of thousands of dead registrants would get ballots; many thousands more would again have opportunities to vote twice; and many thousands more would have chances to claim mailbox rental stores, warehouses, or gas



stations as homes. Accounting for only the past two federal elections, SAVE generated more than 500,000 leads for voter registrars and law enforcement to act upon.

Large scale, cooperative voter registration best practices are now under full assault by increasingly well-funded leftist activist groups. When established and respected organizations too fall under racist attacks, alternatives and supplements must come forward, like SAVE has done. If early trends show a sustaining effect, America could become even more mobile as citizens relocate to avoid virus hotspots.^[24]

As noted at the outset of the report, the nation's voter rolls have shown improvement in some states over the past decade. Year-round pressure and a consistent drumbeat for improved collaboration among officials is the key to long-term success. But even in this period of improvement, problems are still appearing on a widespread scale. There is substantial evidence demonstrating how clumsy or even negligent acts by voter registrars can result in bad actors taking advantage in increasingly tight election contests. Once thought to only impact local elections, voter fraud (by mail in particular) has now marred at least one federal contest. SAVE is the only national tool built to account for this sobering challenge and confront it.

These data show that the nation is not yet ready for an all-mail election. Put aside the wholesale ineptitude of the United States Postal Service to run a national election, the voter rolls remain a mess. If voter rolls are a mess, mail elections will be a mess.

PUBLIC INTEREST

LEGAL FOUNDATION

ENDNOTES



1 PEW Research Foundation; One in Eight Voter Registrations Inaccurate (February 14, 2012), <https://www.pewtrusts.org/en/about/news-room/press-releases-and-statements/2012/02/14/pew-one-in-eight-voter-registrations-inaccurate-51-million-citizens-unregistered> .

2 The Secretary of State of Maine, Matt Dunlap, was one of the members of the presidential commission.

3 A false positive, generally speaking, is an incorrect finding that appears to be otherwise accurate. For example, “John James Smith” born July 4, 1976 appearing in two states may appear to be the same person, but without performing any identity validation to ensure they are indeed the same person, risk becoming a false positive.

4 *PILF v Illinois SBE* (C.D. Ill.), <https://publicinterestlegal.org/blog/pilf-sues-illinois-for-failing-to-disclose-registered-voter-data/>.

5 *PILF v. Linda Lamone* (D. Md.), <https://publicinterestlegal.org/cases/pilf-v-linda-lamone/>.

6 *PILF v. Matthew Dunlap* (D. Me.), <https://publicinterestlegal.org/cases/pilf-v-matthew-dunlap/>.


7 https://www.oregonlive.com/portland/2010/09/north_portland_man_80_probably.html.

8 Inspector General report, pages 210-221, <https://oig.justice.gov/reports/review-operations-voting-section-civil-rights-division>.

9 Arizona, Colorado, Kansas, Kentucky, Maine, Missouri, New Hampshire, Oregon, South Dakota, Virginia, and Washington, <https://www.ncsl.org/research/elections-and-campaigns/double-voting.aspx>.

10 Alabama, Delaware, Hawaii, Illinois, Maryland, Mississippi and West Virginia (see prior link).

11 Alaska, Arkansas, California, Connecticut, Florida, Georgia, Idaho, Iowa, Louisiana, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Wisconsin and Wyoming (see prior link).

- 
-
- 12 Federal law prohibits voting more than once for the same federal office. 52 U.S.C. § 10307(e).
- 13 Seo-young Silvia Kim, California Institute of Technology, HSS, Caltech, 1200 East California Blvd., Pasadena, CA 91125-0002, USA, <https://journals.sagepub.com/doi/10.1177/1532673X19870512>.
- 14 EAC.gov.
- 15 POLITICO; Kansas Republican Steve Watkins charged with voter fraud (July 14, 2020), <https://www.politico.com/news/2020/07/14/kansas-gop-rep-watkins-indicted-for-voter-fraud-362072>.
- 16 Kansas voter registration application ENGLISH, <https://www.kssos.org/forms/elections/voterregistration.pdf>.
- 17 K.S. 25-2309.
- 18 PILF; PILF Leads in Defending Mail Voting Protections amid Pandemic (July 20, 2020), <https://publicinterestlegal.org/blog/pilf-leads-in-defending-mail-voting-protections-amid-pandemic/>.
- 19 *PILF v. Pennsylvania (M.D. Pa.)*, <https://publicinterestlegal.org/cases/pilf-v-torres-et-al/>.
- 20 PILF; Stealing the Vote (July 12, 2018), <https://publicinterestlegal.org/blog/stealing-the-vote-allegheeny-county-reveals-how-citizenship-verification-protects-citizens-and-immigrants-alike/>.
- 21 Nation of Change; ERIC Crow, Jim Crow’s Liberal Twin (July 15, 2020), <https://www.nationofchange.org/2020/07/15/eric-crow-jim-crows-liberal-twin/>.
- 22 The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration (January 2014), https://www.eac.gov/sites/default/files/eac_assets/1/6/Amer-Voting-Exper-final-draft-01-09-14-508.pdf.
- 23 NBC News; 45 States Refuse to Give Voter Data to Trump Panel (July 6, 2017), <https://www.nbcnews.com/politics/white-house/forty-four-states-refuse-give-voter-data-trump-panel-n779841>.
- 24 Breitbart News; Flight from the Cities: New Home Sales Jump 13.8% in June – Highest Since 2007 (July 24, 2020), <https://www.breitbart.com/economy/2020/07/24/new-home-sales-jump-13-8-in-june/>.

PUBLIC INTEREST

LEGAL FOUNDATION

The Public Interest Legal Foundation, a 501(c)(3) non-profit organization, relies on contributions to conduct the research and develop findings like those contained in this report. PILF is the only organization performing this level of work with respect to voter registration system integrity in America. Time, travel, and technology help deliver new insights into our election systems to better educate citizens and policymakers alike. We also bring litigation to pry this public information from government officials when necessary. None of this would be possible without your support. Please help us expand our efforts by visiting **publicinterestlegal.org/donate** to offer your fully tax-deductible gift today.

PUBLIC INTEREST LEGAL FOUNDATION
32 EAST WASHINGTON STREET
SUITE 1675
INDIANAPOLIS, INDIANA 46204

PUBLICINTERESTLEGAL.ORG
317.203.5599