

## **Testimony for New Hampshire House of Representatives Committee on Elections Hearing February 5, 2015 at 10:15 AM**

My name is Archita Taylor, and I am a staff attorney with the Fair Elections Legal Network (FELN), a national, nonpartisan voting rights and election reform organization dedicated to removing barriers to registration and voting for traditionally underrepresented constituencies, and improving overall election administration. Since 2006, our organization has been involved in supporting election reform efforts and working with non-partisan organizations to remove barriers to voting and increase voter participation. As a member of the New Hampshire Election Law Coalition, comprised of a number of groups and individuals invested in ensuring access to the ballot box, I submit this testimony on behalf of FELN to urge you to reject HB 620.

HB 620 is a bill that would give the Secretary of State the authority to enter New Hampshire into the Interstate Voter Registration Crosscheck Program. The bill would also allow the Secretary of State to develop a policy to handle voter registration irregularities identified as a result of entering into the Crosscheck Program.

While it is important to maintain accurate voter rolls, it is equally important to adopt a system that is accurate and reliable. The Interstate Voter Registration Crosscheck Program, which HB 620 would adopt in New Hampshire upon passage, has received criticism for lacking both.

First, it is important to acknowledge the problems that are inherent in any type of list-matching program. The problems are especially pervasive among people with very common names, and among members of minority communities – including African American, Hispanic, and Asian American communities – in which common surnames are more prevalent. Any type of list-matching program could misidentify these individuals as being registered in two places. Moreover, list-matching programs should be used cautiously and not as automatic justifications for removing individuals from voter rolls.

While a complete match within the Crosscheck Program may rely on a number of identifying factors, which vary from state to state, the initial match relies only on voters' first names, last names, and dates of birth. This initial match (and even further matches with more identifying factors) has the potential to yield many hundreds or thousands of false positives, identifying voters with the same names and birthdates across the country. Let's say, for example, that a state also uses the last four digits of voters' Social Security Numbers, the list the Crosscheck Program produces would nevertheless yield results of many hundreds or thousands of voters with identical names, birth days, and matching last four Social Security digits.

The Interstate Crosscheck Program has rendered itself so untrustworthy that recently, at least three states – Florida, Washington, and Oregon – have dropped out of the Program. While 27 states still participate in the Program – and of those, only some still rely on the matches the Program yields – others do not rely on the matches at all, and in fact do nothing with the matches provided by the program. Before it dropped out of the Program entirely in late 2014, Washington was an example of a state that fell into the latter category.

One needs no further proof of the inaccuracy of the Interstate Crosscheck Program than the example of Florida Governor Rick Scott being declared ineligible to vote and required to cast a provisional ballot several years ago. In 2006, Governor Scott attempted to vote in Collier County, Florida, but was told by the local election officials that his name came up on a list of deceased voters, and that he could only cast a provisional ballot. Though the County later verified that Governor Scott's provisional ballot was counted, this episode underlies the severe problems in using list matching programs, particularly ones as unreliable as the Interstate Crosscheck Program.

As the Committee considers this legislation, it should keep in mind that while it is important to have in place a mechanism for voter registration list maintenance, this should not come at the cost of removing eligible voters from voter rolls. A lost vote cannot be reclaimed, and the Interstate Crosscheck Program has not yet proved itself a reliable list maintenance tool.

For these reasons, I sincerely hope this Committee rejects HB 620. Thank you for the opportunity to provide this testimony as you continue to consider this bill.

Archita Taylor  
Fair Elections Legal Network  
1825 K Street NW, Suite 450  
Washington, D.C. 20006  
Phone: (202) 331-0114  
ataylor@fairelectionsnetwork.com