Trump Wants All Your Voter Data. What Could Go Wrong?

Issie Lapowsky

June 30, 2017

The private ballot is tradition in the United States. Now, President Trump's voter fraud commission wants to collect every American's voting history and make it available to the public—all in the name of "election integrity."

This week, the newly formed Advisory Committee on Election Integrity asked secretaries of state across the country for their complete voter rolls, including people's political parties, voting history, the last four digits of their social security numbers, felony history, and more. The request, submitted by committee vice chair Kris Kobach, has both voting rights advocates and privacy hawks on edge. It's not just a violation of people's voter privacy expectations, they say, but it also sets the government up to manipulate the often messy data contained in those voter rolls to give the impression that voter fraud is widespread when it isn't.

"There's a never-ending amount of mischief that can be done with this data in the wrong hands," says Myrna Perez, director of voting rights and elections at Brennan Center for Justice. "I think there's going to be a lot of false positives about people voting when they're ineligible."

This committee was founded in response to the President's wholly unfounded claims that millions of people voted illegally in 2016. It's a charge that even the author of a study President Trump has cited on the subject rejects as an exaggeration. Recent Russian attempts to hack voting software proves there's ample room for improvement as far as election security goes, but the committee's approach not only misses the mark, it could make the electoral system more vulnerable than it already is. Which is, perhaps, why more than 20 states and counting have already said they don't plan to comply with the ask.

"Aggregating the voter rolls from many states creates a bigger privacy risk than the patchwork of state data we have today, because it creates a one-stop shop for people who want to use the data maliciously, from identity thieves to stalkers," says Jacob Hoffman-Andrews, senior staff technologist at the Electronic Frontier Foundation.

Today, much of the voter data housed by states is technically publicly available. But states set their own ground rules about how much information is available to the public, who can access it, what people can do with that information, and, often, how much they have to pay to get their hands on it. States can, for instance, ban commercial entities from using it to bombard their residents with ads. Some also restrict out-of-staters from accessing the data at all. However, the

minute a state hands this information over to the federal government, it becomes part of the public domain, no longer subject to those state laws dictating its use.

"Saying that it's 'publicly available' is a truism," says Perez. "That doesn't account for the other limits and restrictions."

The level of detail Kobach's request asks for is, itself, misleading. One kind of potential voter fraud the president has worried about is people stealing the identities of dead people in order to vote. But if the committee wants to know that, it doesn't need to know what party those people belong to. Kobach also requested the last four digits of people's social security numbers, which could, ironically, have the inadvertent effect of exposing voters to identity fraud.

"Researchers have shown that the first five digits can very often be guessed just based on someone's place and date of birth," says Julian Sanchez, a senior fellow at the libertarian leaning Cato Institute, referring to a 2009 Carnegie Mellon study. "This seems like all risk and no reward."

All of it would be utterly puzzling, if it weren't for the fact that Kobach has been pursuing changes to the national voter rolls since before President Trump even took office. During the transition, he was photographed during a meeting with the president-elect with an agenda that included references to voter rolls. "The commission was founded to put a fig leaf on what are already precooked policy ideas," says Justin Levitt, law professor at Loyola Law School and former deputy assistant attorney general in the Department of Justice's Civil Rights Division. "That was on the to do list before the committee was established."

For anyone looking to build a case that voter fraud exists, the country's messily maintained and inconsistent voter databases would sure seem to provide ample proof. And yet, anyone in the business of standardizing voter rolls—or engaging in list-matching exercises of any kind— knows that these lists need to be cleaned up, at a minimum, to avoid duplications, errors, and typos.

That kind of thing takes time. The Committee has asked for the voter rolls by July 14.

"You're going to have a list of hundreds of millions of records, including many, many, many, many John Smiths, their addresses, and sometimes the year they were born," Levitt says. He argues that trying to match that information up with, say, a list of people who immigration has flagged as being undocumented, would be "beyond sloppy and guaranteed to be riddled with errors."

"There's a lot of worry to be had about garbage in-garbage out," Levitt says.

Of course, the John Smiths may have an easier time than, say, the Jose Garcias. Rolling Stone investigated one tool that aims to find fraudulent voters, called Crosscheck, which is used by more than two dozen states. It found that the system disproportionately flags Hispanic, black, and Asian-American voters. States can use this list to purge people from voter rolls, whether or not the system accurately pegged them as fraudsters. It's not out of the question that Kobach is looking to do something similar nationwide. Kobach, in fact, is the person who started Crosscheck.

"There will be allegations of people voting more than once. There will be allegations of people voting when they're dead, allegations of people voting in different states," says Perez. "When you have big numbers like that, you're going to get people who look the same."

The good news here is Kobach's note is merely a request, not a mandate. Secretaries of state in both red and blue states are taking a stand against it. In this polarized political environment, that should tell you something.