

Concerns about Interstate Crosscheck

Overview of the Program

The Interstate Crosscheck Program (“Crosscheck”) is a multi-state compact intended to identify “duplicate registrations and instances of multiple votes by the same individuals.” Participating states share their voter files with Kansas on an annual basis and Kansas matches voter registration records in search of duplicate entries and voters who allegedly cast ballots in multiple states during the same election. Investigations have revealed a number of issues with the program, as described below.

Faulty Matching Criteria

- Interstate Crosscheck employs lax matching criteria that produce a substantial number of false positives.
 - o According to Interstate Crosscheck’s 2015 Participation Guide, the program flags apparent duplicate registrations when only three fields match: first name, last name, and date of birth.
 - Middle name, suffix, and social security number mismatches are effectively ignored. Those mismatches are forwarded to states and local elections officials for substantial cleaning and sorting. (See an example of raw Crosscheck data on the second page of this document).
- Crosscheck’s Participation Guide admits to the inaccuracy of its own data; “Experience in the crosscheck program indicates that a significant number of apparent double votes are false positives and not double votes.”
 - o To date, we know of no examples where a voter has been successfully prosecuted for double voting pursuant to Crosscheck data.

Hidden Costs

- The costs of implementing Crosscheck are significant. While Crosscheck’s Program Guide states that “[t]here is no cost,” the very next sentence makes it clear that processing the data “requires a commitment of time at the state and local levels” and suggests that given the effort required to process the information accurately, some states may not be “able to commit the resources to process the results in a given year.”
- Because states receive reams of false positives due to inaccurate data, local election officials must either wade through a large amount of incorrect information and handpick matches (which are often still incorrect due to the lax criteria); ignore Crosscheck data entirely; or simply cancel the entire batch of voters they receive. Election officials’ time is much better spent on more efficient list maintenance practices that ensure that no one is improperly removed from the rolls.

Several States Have Dropped Out of the Program

- Florida, Oregon, and Washington have ended participation in Interstate Crosscheck after concluding that the data was error-ridden. Florida, a state with a history of issues pertaining to election administration, decided that the program did not meet their standards for list maintenance. When Oregon dropped the program, a spokesperson for the Secretary of State stated that, “We left because the data we received was unreliable and we felt joining the ERIC (Electronic Registration Information Center) project would better meet our needs.”

Potential Non-Compliance with Federal Voting Rights Law

- There are also serious questions about whether Crosscheck complies with the National Voter Registration Act (“NVRA”). States and localities are unlikely to fulfill the requirement that all list maintenance be “uniform” and “non-discriminatory” given that localities have discretion in determining a voter’s registration status. Localities have markedly different interpretations of Crosscheck data and their approach to processing matches differs greatly from one jurisdiction to the next.
- Some localities improperly interpret a Crosscheck “match” to be a request by the registrant to be immediately removed from the rolls under the NVRA. Jurisdictions might automatically remove a voter when no such firsthand request to be removed has been made and the “match” at issue often flags two separate and distinct individuals.

Concerns Regarding the Sharing of Sensitive Personal Information

- As participating states are required to submit their entire voter files to the Kansas Secretary of State for matching on an annual basis, complete with social security information, privacy advocates are alarmed by the transmission of highly sensitive personal information of millions of citizens via a website that lacks proper protections.

Raw Crosscheck Data Speaks Volumes

- Examples of raw Crosscheck data sent by Kansas to Georgia are below. Note that the middle names do not match, registration dates are not included, there is no indication that dates of birth and social security numbers matched, and suffixes are ignored (voter registration numbers have been redacted). Note also that the entries are consecutive. This information was acquired via an Open Records Request to the Georgia Secretary of State.

Case	VoterState	First_Name	Middle_Name	Last_Name	Suffix Name	Address_Line_1	City	Zip	County
4329	Georgia	ROBERT	WENDELL	BROWN		1818 DEMERE RD	ST SIMONS ISLAND	31522	GLYNN
	Tennessee	ROBERT	B	BROWN		419 TANGLEWOOD TRAIL	ESTILL SPRINGS	37330	FRANKLIN
4330	Georgia	ROBERT	MARCUS	BROWN	JR	545 OLD BALLS FERRY RD	TOOMSBORO	31090	WILKINSON
	Tennessee	ROBERT	L	BROWN		627 HATCHIE AVE	BROWNSVILLE	38012	HAYWOOD
4331	Georgia	ROBERT	JAMES	BROWN		548 CHATEAU CIR	SAINT MARYS	31558	CAMDEN
	Tennessee	ROBERT	F	BROWN		400 INDEPENDENCE DR	JEFFERSON CITY	37760	JEFFERSON
4332	Georgia	ROBERT	F	BROWN		167 BEAR BRANCH RD	KATHLEEN	31047	HOUSTON
	Tennessee	ROBERT	WADE	BROWN		321 BUCHANAN DR	BLUFF CITY	37618	SULLIVAN