

Greetings Legislators,

I am writing in opposition House Bill 399. Although it is presented as an election Integrity Bill its method is flawed; it will not succeed in cleaning Idaho voter rolls, and there serious problems with its provisions for data collection. I am asking you to vote against the bill for three reasons:

### **1) Overbroad, open-ended, and invasive data collection.**

HB 339 authorizes the SOS to collect, store, and process much more data than is needed to verify voter eligibility and registration data. Sections 1 (a), and (b, i-iv) provide for very broad and open-ended requests for data, from dozens of government agencies. But of most concern is 1.b (v)

*“At any time, at the discretion of SOS, request from any entity, **including cities, counties, state entities, and third-party data providers**, any information that would assist in ensuring the integrity of Idaho’s voter registration information, . . . . **Entities located in or subject to the jurisdiction of Idaho** . . . . shall comply within 30 days . . .”*

**This is overly broad and could lend itself to abuse.** Granting the SOS access to the personal information of Idaho residents maintained by local governments and private corporations is a dangerous, invasive path to go down, and cannot possibly be necessary to verify eligibility.

There is a big difference between making targeted requests for specific data, and making overly broad, recurring, blanket requests for personal data on hundreds of thousands of Idaho voters.

### **2) How will the data SOS collects be used, retained, and shared?.**

**My second reason for opposing HB 339** has to do with how the data collected and stored by the SOS will be used, how it will be retained, and what agencies it will be shared with.

In HB 339 Section (2) it is stated that *“The SOS is authorized to contract with commercial data providers **including, but not limited to credit agencies, ...to assist the SOS in verifying and auditing information in voter registration lists, including, but not limited to, citizenship status and residence**”*. This phrasing is very open-ended, and provides enormous leeway to the SOS, regarding how voter personal information is used, and who has access to it.

The “Legislative Intent” states that the only allowable purpose for the collection of this data is to verify data rolls. But if this is the case, **the personal data collected by the SOS should not be retained after a voter record is verified**, and section 2 should include explicit LIMITS what can be done with the data, and how long it can be retained, and who can have access to it.

One of my concerns regarding usage of the data SOS collects, has to do AAMVA, a private corporation, that is aggressively promoting Electronic Drivers licenses. The AAMVA has long been a contractor with Idaho’s SOS, and it has not escaped our notice that HB 78, a bill currently before the Senate, would allow ITD to introduce e-Divers Licenses.

It seems somewhat suspicious therefore, that HB 339 directs the SOS to collect so much more data, from many more agencies, than is necessary to verify voter rolls. That data it appears to be collecting, in fact, is very close to the type of data that AAMVA would need to implement its mobile DL and “Digital Trust Services”.

So my question for the Secretary of State is, does he intend to give AAMVA access to all of the personal data that he will collect on all Idaho voters in order to facilitate a transition to fully functional electronic drivers licenses. If this, in fact, is being planned, it should be explicitly acknowledged. And HB 339 data collection should not be used to provide a “back door” implementation of Digital IDs, without the knowledge of Idaho residents.

### **3) Plan for Voter List Verification leaves HUGE loopholes for FRAUD.**

My final objection to HB 339, is that that I believe the approach it takes to voter roll verification is flawed, and that HB 94, which focuses on the task of verifying U.S. citizenship is a simpler, and less invasive way to verify voter eligibility. The main problems with HB 339’s approach to voter verification are as follows:

- **Eligibility should be verified ASAP after registration**—HB 339 provides for processing recent registrations at one time, 90 days before an election. But this allows for a three-month window in which sophisticated fraudsters can continue to create fraudulent registrations. It makes no sense to delay verification. The SOS should set up a system of verification that can be done almost immediately after registration.
- **Ban Electronic Registration**—Most fraudulent registrations are accomplished by computers who have access to the DL#s and SSN# and other personal data of real Idaho residents. They are fraudulent, not because their “data” is inaccurate, but because they were registered without their knowledge by bad actors. This type of registration fraud may be impossible to detect but it could largely be prevented by eliminating electronic registration. It is fraud using e-registration that is polluting our voter rolls, so banning electronic registration should be the first step anyone takes to clean up voter rolls.
- **Do not Over-complicate Verification**—It is unfathomable why HB 339’s uses so many different sources to verify registration data. Attempting to compare that many records from many different agencies, is not only invasive, it is bound to turn up problems, and inconsistencies. But not all conflicting information indicates voter registration fraud. Many people use different names or have multiple or part-time residences. What set of rules does the SOS propose to use to resolve such ambiguities? Using so much data to compare with voter registration is massive overkill, and asking for trouble.

Thank you for your consideration,