



A Judicial Watch White Paper:

The Electronic Registration Information Center (ERIC) Poses Dubious Election Challenges via Liberal Political Agendas and Potential Voter Registration Violations of the National Voter Registration Act

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An Analysis of ERIC's History, Mission, and Legal Compliance

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March 9, 2023

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History and Activities

The Electronic Registration Information Center (ERIC) is a non-profit established in 2012. It was founded as a project of the Pew Charitable Trusts under the direction of David Baker. Baker was previously the director of People for the American Way's "Democracy Campaign" and an attorney with the Voting Section at the Department of Justice. According to the organization's website, he remains a non-voting board member.

ERIC is a consortium of states that helps to maintain voter registration rolls. According to its bylaws and membership agreement, states provide voter registration and DMV data to ERIC to identify ineligible or inactive voters. Specifically, every 60 days, member states provide to ERIC:

"(1) all inactive and active voter files (excluding those records that are confidential or protected from disclosure by law), and

(2) all licensing or identification records contained in the motor vehicles database (excluding those fields unrelated to voter eligibility, such as fields related to an individual's driving record)"¹

Notably, the member agreement stipulates that, "Under no circumstances shall the Member transmit an individual's record where the record contains documentation or other information indicating that the individual is a non-citizen of the United States."ⁱ

While states are required to submit data to ERIC every 60 days, they are only required to request data related to potentially inaccurate voter registration information annually. If a state fails to do so, ERIC will only automatically transmit that information to the state after 425 days.

There is no requirement in ERIC's bylaws that member states actually remove ineligible voters from their registration rolls; however, they are required to contact the potentially ineligible voters to attempt to update their record:

"When the Member receives credible ERIC Data (meaning the state has validated the data) indicating that information in an existing voter's record is deemed to be inaccurate or out-of-date, the Member shall, at a minimum, initiate contact with that voter in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record. Each Member has ninety (90) days after the data was sent to initiate contact with at least 95% of the voters on whom data indicating a record was inaccurate or out-of-date, as described above, was provided."

Member states may request from ERIC data regarding voting irregularities; however, they are not required to do so. Per the membership agreement, "Upon the written request of a Member Representative, ERIC shall provide the Member with data identifying voters who appear to have cast improper votes in a preceding election. Members shall not be required to request these data. Use or acceptance of these data shall not be a condition of membership."

The membership agreement makes specific reference to the provision of voter data to ERIC's "agents, contractors, or subcontractors." The only contractor disclosed on its 2020 IRS 990 is Alpine Consulting, an information technology services firm to which ERIC paid \$432,000. It is unknown what role the company has in managing voter data provided to ERIC. According to a 2018 New York Times report, ERIC

¹ [Microsoft Word - ERIC Bylaw Amendment June 2022 FINAL FOR PUBLICATION.docx \(ericstates.org\)](#)

utilizes “entity resolution” artificial intelligence software to reconcile voter registration data with data from other sources. The software was developed by Jeff Jonas, the founder and CEO of technology company Senzing and a member of ERIC’s Privacy and Technology advisory board.

As of February 2023, there are 32 states participating in ERIC, as well as the District of Columbia. In January 2022, the Louisiana Secretary of State suspended its membership in the organization “amid concerns raised by citizens, government watchdog organizations and media reports about potential questionable funding sources and that possibly partisan actors may have access to ERIC network data for political purposes.”² In November 2022, Alabama Secretary of State-elect Wes Allen notified ERIC that the state would also be withdrawing from the organization.³ In March 2023, Florida, Missouri, and West Virginia announced their withdrawal from the partnership as well, citing concerns over the security of voter data and the organization’s partisanship.

Since its founding, ERIC claims to have identified 2,498,688 registered voters who relocation across state lines, 203,210 duplicate registrations, and 65,437 deceased registered voters. According to an analysis of U.S. Election Assistance data by Verity Vote, states that do not participate in ERIC had a higher rate of identifying and removing from voter registration rolls individuals who relocated out of a jurisdiction than ERIC member states.⁴

A Technology and Security Brief available on the organization’s website notes that, “The Center for Democracy and Technology (CDT) reviewed plans for ERIC in 2011 and determined that ERIC would improve the quality of voter registration data while protecting, and even improving, the privacy and security of information shared across state lines for registration purposes.”⁵ The CDT is a liberal non-profit that focuses on technology issues. In 2021, it received more than \$500,000 from the Chan Zuckerberg Initiative and more than \$100,000 from the Democracy Fund and the Open Society Foundations.⁶ CDT’s Senior Technologist for Elections and Democracy, William Adler, was previously a Science and Engineering Fellow in the office of Sen. Elizabeth Warren.⁷

ERIC’s board of directors consists of election officials from member states. Its current chairman, Michigan Director of Elections Jonathan Brater, was previously Counsel to the Brennan Center for Justice.⁸

ERIC’s legal address is 1201 Connecticut Avenue NW Suite 600, Washington, DC; however, that location is a virtual office space that is associated with numerous other businesses and organizations.

Voter Registration

In addition to identifying ineligible and deceased voters, encouraging voter registration is a central focus of ERIC’s work. According to the membership agreement:

² <https://www.sos.la.gov/OurOffice/PublishedDocuments/FINAL%20VERSION-1.27.22%20ERIC%20PR.pdf>

³ <https://www.wsfa.com/2022/11/16/state-requests-withdraw-electronic-registration-information-center/>

⁴ https://verityvote.us/wordpress/wp-content/uploads/2022/08/national-ERIC-data-sharing_VerityVote.pdf

⁵ https://ericstates.org/wp-content/uploads/2022/02/ERIC_Tech_and_Security_Brief_v5.0.pdf

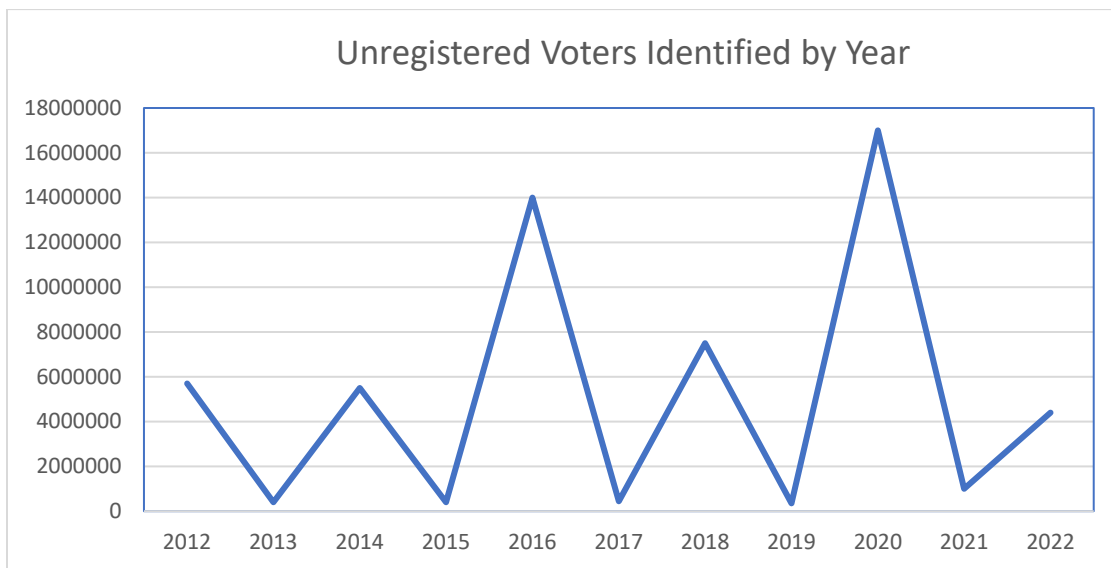
⁶ <https://cdt.org/financials/>

⁷ <https://www.linkedin.com/in/wtadler/>

⁸ <https://www.linkedin.com/in/jonathan-brater-a3513116/>

“When the Member receives ERIC Data regarding eligible or possibly eligible citizens who are not registered to vote, the Member shall, at a minimum, initiate contact with each and every eligible or possibly eligible citizen and inform them how to register to vote. Each Member shall have until October 1 or fifteen (15) days before the close of registration, whichever is earlier, of the next Federal General Election year to initiate contact with at least 95% of the eligible or potentially eligible citizens on whom data was provided and address validation was performed.”

Since its inception, ERIC has been far more successful at identifying unregistered voters than duplicate or invalid registrations. The organization reports identifying more than 60 million unregistered voters since 2012. Perhaps on account of the deadline specified in the membership agreement, the identification of unregistered voters spikes during Congressional and Presidential election years:



Financials

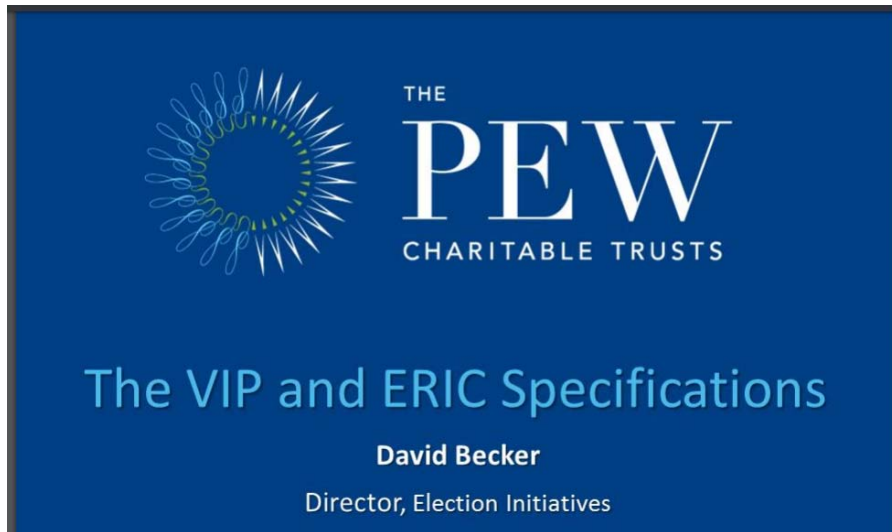
In 2012, the Pew Charitable Trusts established ERIC with a grant of \$138,879.⁹ It provided the organization with another \$19,691 the following year.¹⁰ In 2011, the Foundation to Promote Open Society had granted \$400,000 to Pew to support its “voter registration modernization initiative” and another \$125,000 for its “elections initiatives to modernize voter registration systems and to provide new project support to elections initiatives to expand the scope and scale of the voter information project.”¹¹ A 2016 slide deck for a presentation apparently given by David Becker while he was at the Pew Charitable Trusts provides information regarding both the Voter Information Project and ERIC:¹²

⁹ https://projects.propublica.org/nonprofits/display_990/562307147/2014_04_EO%2F56-2307147_990_201306

¹⁰ https://projects.propublica.org/nonprofits/display_990/562307147/2015_05_EO%2F56-2307147_990_201406

¹¹ https://projects.propublica.org/nonprofits/display_990/263753801/2012_11_PF%2F26-3753801_990PF_201112

¹² <https://www.nist.gov/system/files/documents/2016/10/12/tgdc-pew-vip-and-eric-david-becker-v2.pdf>



New member states joining EPIC pay a one-time fee of \$25,000. Annual dues are assessed based on a state’s population and range from \$26,000 to \$116,000. In FY 2020, the organization reported \$971,244 in revenue and \$1,053,590 in expenses.

In 2020, ERIC reported revenue of \$971,000 and expenses of \$1,053,000.

Center for Election Innovation and Research

ERIC is closely affiliated with another non-profit organization, the Center for Election Innovation and Research. CEIR’s founder and Executive Director, David Becker, was the founder of ERIC and remains a non-voting board member. Though no longer officially an executive at ERIC, Becker remains active in the organization’s operation.¹³ While at the Department of Justice, Becker was the lead government counsel in *Georgia v. Ashcroft* (which challenged the state’s redistricting plan as discriminatory). In 2005, he was the subject of an ethics complaint after he offered to assist officials in Boston to defeat a federal lawsuit against the city.¹⁴ Becker is also a CBS News contributor.¹⁵

In September 2020, CEIR received \$70 million from the Priscila Chan and Mark Zuckerberg. The press release announcing the grant was issued jointly by CEIR and the Center for Tech and Civic Life.¹⁶ CEIR had reported total revenue of just \$1.1 million the prior year. The month of the donation, CEIR launched its “Voter Education Grant Program.” The program funneled approximately \$65 million to 23 states for activities that included the following:¹⁷

¹³ https://verityvote.us/wordpress/wp-content/uploads/2022/08/national-ERIC-data-sharing_VerityVote.pdf

¹⁴ <https://legalnewsline.com/stories/555822683-mark-zuckerberg-beneficiaries-promoting-fair-elections-not-exactly-non-partisan-as-advertised>

¹⁵ <https://www.cbsnews.com/news/election-officials-threatened-60-minutes-2022-03-14/>

¹⁶ <https://s3.documentcloud.org/documents/7070695/CTCL-CEIR-Press-Release-9-1-20-FINAL.pdf>

¹⁷ <https://electioninnovation.org/research/ceir-2020-voter-education-grant-program/>

and setting up voter education hotlines to answer questions and provide up-to-date information to voters.

Here are the most common ways states used their grant funds:

Direct Mail	Paid Media	Other Communications
Mailers on absentee guidelines and voter options	TV, Digital, Radio, Social Media, and PSA ads	Establishing and staffing Election/Voter Hotline Centers
Postcards on voter deadlines	Newspaper, Transit, and Billboard ads	Printing voting center signage and health guidelines
Updates on election law changes	Texts and Robocalls	Community outreach materials

The states receiving the most funding from Zuckerberg via CEIR grants were Pennsylvania (\$13.2 million), Michigan (\$12 million), Georgia (\$5.6 million), New York (\$5 million), and Arizona (\$4.8 million). The organization did not report making any grants in the previous year.

CEIR works closely with ERIC in managing state voter rolls. According to a July 2020 email from CEIR Research Director Erica Frazier to state election officials, ERIC shares the data states provide with CEIR and CEIR is actually the party that compiles lists of eligible but unregistered voters.¹⁸

I've included a general timeline to help you know what to expect and what we'll need from this point forward:

EBU General Timeline

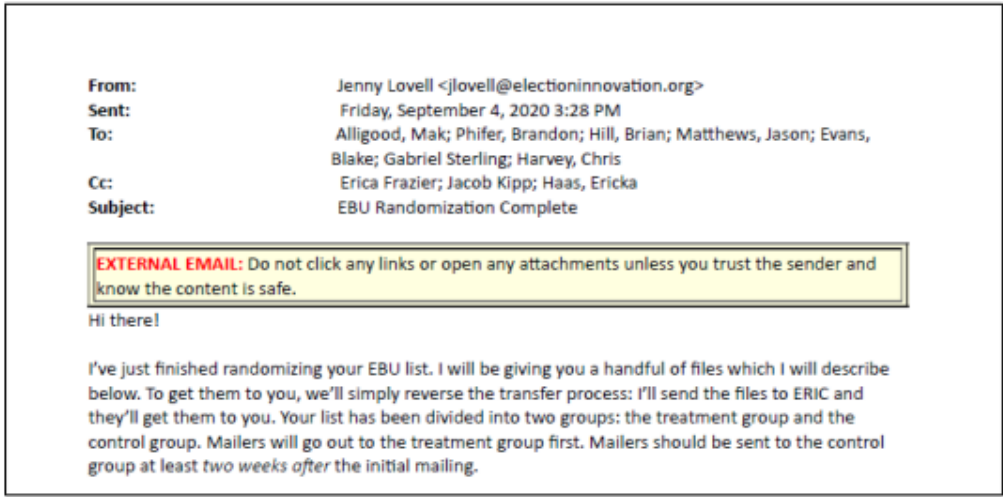
1. The state notifies their mailing service that there will be two rounds of mailers.
2. The state receives the EBU list from ERIC.
3. The state does any internal cleaning and processing that it deems necessary.
4. The state uploads the cleaned EBU list to the ERIC SFTP site, and ERIC securely transfers it to CEIR.
5. CEIR completes a randomization process. This process will produce two lists. The first list will be a small control group. The second, much larger list will receive the first round of mailers (this is the "treatment group").
 - If your state is sending out two different mailers, you will get four lists—one control group and one treatment group for mailer A, and one control group and one treatment group for mailer B.
6. CEIR shares the lists with the state (via ERIC).
7. The state shares the lists with their mailing service.
8. The mailing service will send out the first round of mailers. The mailing service and state should note the date the first-round mailers are transferred to USPS/placed in the mail. CEIR will follow up to confirm the date.
9. At least 14 days later, the mailing service will send out the second round of mailers. The mailing service and state should note the date the second-round mailers are transferred to USPS/placed in the mail. CEIR will follow up to confirm the date.

Once we get your confirmation, we can follow up with one more call or email to nail down the finer points of your state-specific plan and timeline. Please feel free to get in touch if you have any questions.

Another email, from former CEIR Senior Research Associate Jenny Lovell to Georgia election officials, further describes the role of CEIR:¹⁹

¹⁸ <https://drive.google.com/file/d/13FgdOv3HBKLDlpvngvSihflklZlJnz7/view>

¹⁹ https://verityvote.us/wordpress/wp-content/uploads/2022/08/national-ERIC-data-sharing_VerityVote.pdf



An entry in CEIR’s 2019 IRS 990 filing states, “CEIR engaged in limited direct lobbying of state governmental officials to encourage passage of legislation to permit membership in ERIC (the Electronic Registration Information Center).” Another entry documents an expense of \$521,773 with the description, “Currently, CEIR is supporting online voter registration (OVR), the Electronic Registration Information Center (ERIC), and the automation of Motor Voter registration. CEIR is also working to improve election cybersecurity and contextualize efforts to improve the integrity of the voting process.”²⁰

In 2021, CEIR launched its Election Official Legal Defense Network (EOLDN), which “connects licensed, qualified, pro bono attorneys with election administrators who need advice or assistance.”²¹ The project is co-chaired by anti-Trump Republican attorney Ben Ginsberg and former Obama White House Counsel Bob Bauer, who is currently a personal attorney to President Biden and the spouse of Biden Senior Advisor Anita Dunn. The project’s advisory board includes several Secretaries of State and election officials, as well as former DHS Cybersecurity and Infrastructure Security Agency (CISA) Elections Lead Matt Masterson. Masterson is currently the Director of Information Integrity at Microsoft. In December 2021, Becker, Bauer, Ginsberg, and Masterson held a press conference on the “growing threat to election officials in Wisconsin.”²²

CEIR has also recently launched its Revere product, an automated voter contact system. According to a description of the product on the LinkedIn profile of Jacob Kipp, the project’s manager, “Revere assists state and local election offices rapidly communicate with voters by leveraging existing data and communications technology to quickly, easily, and securely reach targeted populations to inform them about important election-related issues and help dispel disinformation.”²³

²⁰ https://pdf.guidestar.org/PDF/Images/2020/813/815/2020-813815137-202121049349301762-9.pdf?_gl=1*1pzvi29*_ga*MTUyOTFwMDk5OC4xNjc0MDUwNDQ3*_ga_5W8PXYGXB*_MTY3ODEzODg1NC44LjEuMTY3ODEzOTY2My41MS4wLjA.&_ga=2.79065948.933638219.1678138856-1529100998.1674050447

²¹ <https://eoldn.org/about/>

²² <https://www.youtube.com/watch?v=CcgABF1ggA&t=156s>

²³ <https://www.linkedin.com/in/jacobkipp/>

Staff

ERIC operates with three paid employees:

Shane Hamlin, Executive Director. Hamlin was previously the Assistant Director of Elections in Washington state.

Ericka Haas, Systems Engineer and Technical Liaison: Haas was previously a Business Analyst with the Oregon Secretary of State's office.

Sarah Whitt, Systems and Data Specialist: Whitt previously managed Wisconsin's statewide voter registration system for the

Research Advisory Board

Dr. Charles Stewart: Stewart is a Professor of Political Science at the Massachusetts Institute of Technology, where he helped to develop Pew Charitable Trust's Elections Performance Index. According to his MIT biography, his "research on measuring the performance of elections and polling place operations is funded by Pew, the Democracy Fund, and the Hewlett Foundation."²⁴

Dr. Lisa Bryant: Bryant chairs the Political Science department at Fresno State University. According to her university website, she "has worked with several non-partisan organizations, such as Pew Charitable Trusts and the Democracy Fund, to better understand voter behavior and increase voter registration and turnout."²⁵ She was previously an elections expert at the Carter Center.

Judd Choate: Choate is the Director of Elections for Colorado.

Donald Kersey: Kersey is the General Counsel for the West Virginia Secretary of State.

Stuart Holmes: Holmes is the Voting Information Systems Manager for Washington state.

Privacy and Technology Advisory Board

Jeff Jonas, Senzing Founder and CEO

Glenn Newkirk, InfoSENTRY Services President

Rebecca Wright, Barnard College, Director of Vagelos Computational Science Center

Controversies

The large amount of sensitive data provided to ERIC by its member states and the role of the organization in maintaining voter rolls may violate a number of federal statutes. The Help America Vote Act (52 U.S.C. § 21083) provides the authority and obligation to create and maintain electronic voter registration files to each state's chief election official:

"Each State, acting through the chief State election official, shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide

²⁴ <https://polisci.mit.edu/people/charles-stewart-iii>

²⁵ <https://socialsciences.fresnostate.edu/polisci/fac-staff/full-time/bryant.html>

voter registration list defined, maintained, and administered at the State level that contains the name and registration information of every legally registered voter in the State,” and,

“The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis.”

There is no provision in the statute that authorizes any state to outsource these obligations to a third-party entity. The law also obligates state election officials to ensure that any unauthorized access be secured against: “The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.”

In late 2022, the Thomas More Society sued the states of Wisconsin, Minnesota, and Pennsylvania, alleging that their contracts with ERIC violate the Help America Vote Act.²⁶

The outsourcing of voter registration list maintenance to ERIC may also violate the National Voter Registration Act, which protects from disclosure the identities of individuals who decline to register to vote:

“Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote” (52 U.S.C. § 20507), and

“The fact that the applicant has declined to register will remain confidential.” (20504(c)(2)(D)(ii))

The ERIC membership agreement may also violate the public disclosure provision of the NVRA:

“Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” (52 U.S.C. § 20507). In contrast, the membership agreement requires that:

“The Member shall not use or transmit any ERIC Data for any purpose other than the administration of elections under state or federal law. Should a Member receive a request to disclose ERIC Data and determines that it is legally obligated, in whole or in part, to comply with such request, it shall not make the disclosure without first obtaining a court order compelling it to do so, a copy of which shall be provided to ERIC.”

Finally, the provision of Department of Motor Vehicles data to ERIC to conduct list maintenance may constitute a violation of the Driver’s Privacy Protection Act (18 U.S.C. 2721), which protects such information from disclosure.²⁷

On September 27, 2022, Democratic Colorado Secretary of State Jena Griswold’s office mailed postcards to 30,000 non-citizens encouraging them to register to vote. According to a contemporaneous media report, “The error happened after department employees compared a list of names of 102,000 people

²⁶ <https://thomasmoresociety.org/thomas-more-society-challenges-state-contracts-with-the-electronic-registration-information-center-eric/>

²⁷ <https://www.law.cornell.edu/uscode/text/18/2721>

provided by the Electronic Registration Information Center, a bipartisan, multistate organization devoted to voter registration, to a database of Colorado residents issued driver's licenses."²⁸

Conclusion

The Electronic Registration Information Center bills itself as an efficient and cost-effective mechanism for states to maintain accurate voter rolls. While it has been effective at identifying many potentially improper or invalid voter registrations, certain aspects of its operations are more dubious. It was founded by the liberal Pew Charitable Trusts, potentially with funding that originated from George Soros' Open Society Foundations network. Its founder, who remains influential within the organization, has a history of left-wing activism and unethical conduct. It shares the vast amount of sensitive personal data it receives from member states with another liberal non-profit, the Center for Election Innovation and Research, which was a key player in the "Zuckerbucks" scandal. It is far more effective at swelling voter registration rolls than at keeping them clean. Finally, its receipt and use of voter data from member states may violate the Help America Vote Act, the National Voter Registration Act, and the Driver's Privacy Protection Act.

²⁸ <https://www.usnews.com/news/politics/articles/2022-10-10/colorado-30-000-noncitizens-got-vote-registration-mailer>