

Threats to Election Integrity

ERIC-CEIR-REVERE

Verity Vote

Executive Summary

The Electronic Registration Information Center, ERIC, and the Center for Election Integrity and Research (CEIR) are two entities that enjoy 501(c)(3) status. Widely known information is summarized first and followed by new information learned about these organizations from a series of FOIA requests submitted to several states.

Known Issues

- ERIC was founded in 2012 by David Becker while he was working at Pew Charitable Trusts. It was reported that Becker wanted to create a national voter list but realized that the states would not approve it. So, he created ERIC as a membership based organization as an alternative.
- Becker has behaved as a partisan-progressive. His bias was exposed in a probe of ethics violations while at the DoJ; he worked as the Director of a far left organization called People for the American Way and then went to work for Pew. After founding and running ERIC for several years, Becker claims that he stepped away from his role at ERIC. In 2016, Becker founded the “non-partisan” 501(c)(3), CEIR. However, Becker remains a “non-voting board member” of ERIC.
- ERIC has 31 member states who share information under the guise of cleaning voter rolls. In the 10 years since its founding, there is no evidence that ERIC leads to improved accuracy of voter rolls. In fact, ERIC has only a conditional requirement for voter list maintenance.
- ERIC does require all member states to contact 95% of the unregistered citizens identified in lists called Eligible but Unregistered (EBU). This results in significant swelling of voter rolls. EBU additions consistently exceed suggested removals by ten times.
- The ERIC membership agreement prevents member states from disclosing any information associated with ERIC or any related registration or maintenance activities, creating a veil of secrecy around the operations. This lack of transparency is a violation of the NVRA which specifically requires states to make these activities public.
- CEIR received more than \$70M from the Chan Zuckerberg Initiative in 2020.

New Findings

Below is a summary of the findings associated with Verity Vote's investigation and review of documents received in response to FOIA requests.

1. Member states not only provide ERIC with the voter registration records, states must also provide all DMV records. The DMV records include records of people who decline to register. This appears to violate federal law. The NVRA prohibits states from sharing any records that relate to a "declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered."
2. States are also sharing information about individuals, whether they registered or declined to register, when they were offered the opportunity to do so in "other agencies" such as the Department of Aging and the Department of Human Services.
3. ERIC is supposed to be governed by representatives from member states and managed by Shane Hamlin, executive director. FOIA records show that Becker is still involved in ERIC operations and continues to direct and delegate tasks involving ERIC.
4. ERIC is required to protect the sensitive PII of millions of people from 31 states, but records reveal that ERIC is sharing data with CEIR, the Zuckerberg funded organization.
5. CEIR is creating the lists of voters who should be targeted for voter registration efforts and laundering the lists back through ERIC for distribution to the states.
6. CEIR is promoting and launching a new, free service for election officials called REVERE, which is aimed at combating "disinformation" in real time; a task that no one could succeed at but is poised to distribute partisan propaganda. This tool will use cell phone and email information obtained from states to send targeted messages to voters.
7. The PA DoS filed a lawsuit against the PA Senate in which they disclose that access to confidential voter information is very dangerous because "bad actors who gain access to this information would have all the data they need to control the voters' registrations, and even their votes."

Deadline to Act

The ERIC Contract makes it difficult for members to resign. It prohibits resignation within 91 days of a federal general election. If member states plan to resign as a result of these findings, they must issue notice by the end of July.

History of ERIC

The Electronic Registration Information Center, ERIC, was created in 2012 by David Becker and Pew Charitable Trusts. Initially, seven states signed on to the program: Colorado, Delaware, Maryland, Nevada, Utah, Virginia, and Washington. More states continued to join under the guise that ERIC was the solution to voter list maintenance. Today, there are

31 “member states” (Original seven plus Alabama, Alaska, Arizona, Connecticut, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, West Virginia, and Wisconsin.)

According to IRS records, ERIC is an organization with just three employees. Shane Hamlin, the executive director lives in Oregon, Ericka Haas, who lives in Oregon, and Sarah Whitt lives in Wisconsin. ERIC has no physical office. ERIC’s mailing address is just a virtual office at 1201 Connecticut Ave, Washington DC. ERIC is not a government organization—it is a private corporation registered in Delaware. ERIC should be required to publicly disclose records regarding the transmission and storage of Personally Identifiable Information for citizens in all member states.

Unfortunately, after 10 years of ERIC, there is no evidence that it has led to an improvement in accuracy or clean voter rolls. That might be by design. There are strict requirements to contact “each and every” person who is “possibly eligible” but not registered to vote. However, efforts to improve the accuracy of voter rolls or remove ineligible voters only requires contact when the state independently validates the data provided by ERIC. ERIC’s own statistics show that they add about ten times more voter registrations (including those for people who have asked not to be added) to the voter rolls than they could ever cause to be removed from information provided to its member states.

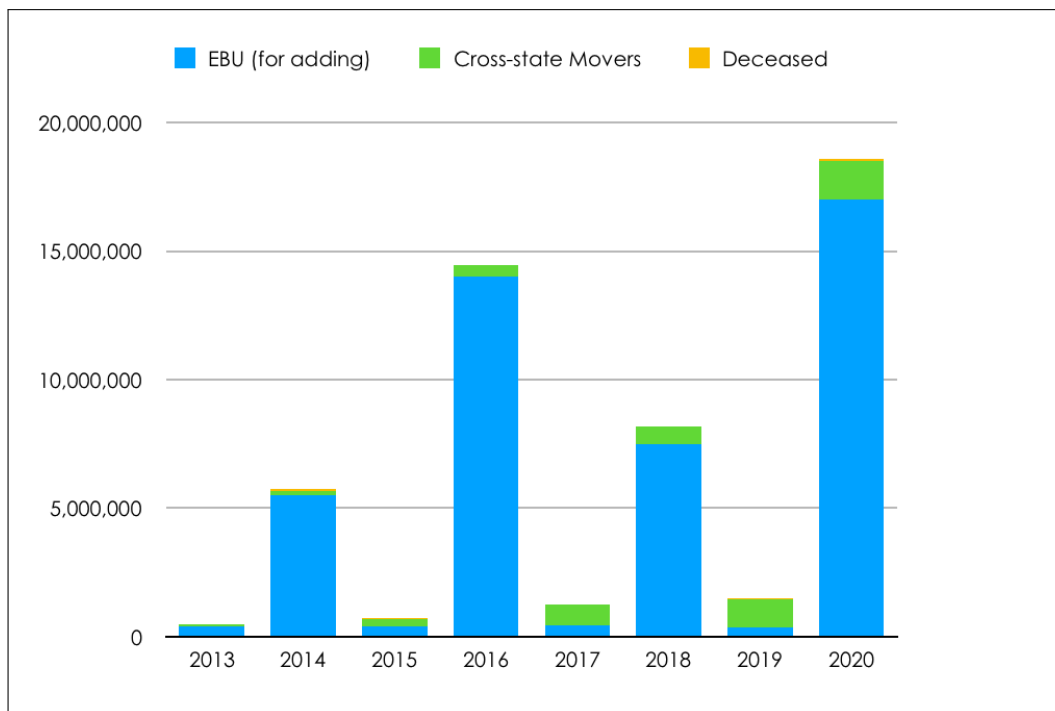


Figure 1: Plots contrasting additions and removals instigated by ERIC participation.

The US Election Assistance Commission published data from the 2020 Election Administration and Voting Survey (EAVS). All states are required to complete the EAVS survey which includes data regarding the total number of registered voters and voter list maintenance

reporting. A review of voter roll removals, upon change of residence, as a percentage of the voting age population does not show ERIC states engaging in more voter list maintenance than non-ERIC member states; instead the non-ERIC states outperform 2.3% to 1.9% in list removals as fraction of the voting age population (Fig. 2).

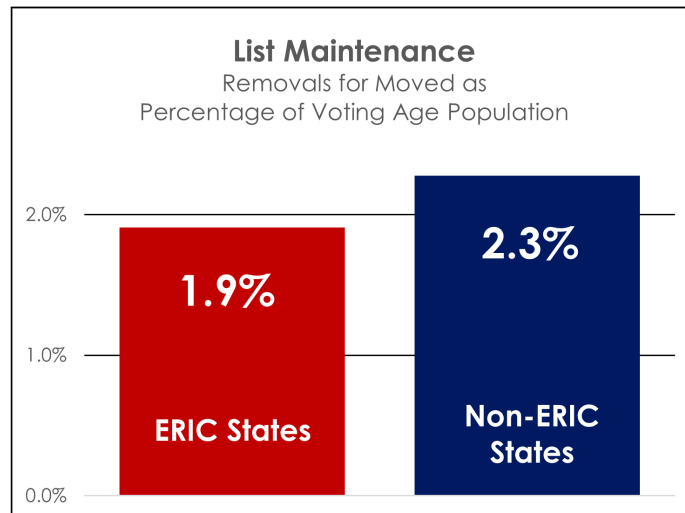


Figure 2: List Maintenance Reported on the EAVS

Interstate Crosscheck System

Prior to ERIC, there was a similar initiative called Interstate Crosscheck System which was organized by Kansas Secretary of State Kris Kobach. Crosscheck was sued out of existence by left wing groups, including the ACLU, claiming voter suppression¹. The plaintiffs pointed out a high number of false positive removal candidates and that the member states had to verify the lists. ERIC lists require validation by the counties just like the Crosscheck System. Despite the fact that ERIC receives far more personal identifiers/attributes/fields than the Crosscheck program received, they are still plagued by false positives. Therefore, states must still validate the data for possible dead people and possible movers before they even begin the process for contacting and confirming the move or death.

Plaintiffs were critical of the process for mailing postcards to voters who were identified as a potential match and asking them to confirm their address. This is the same contact and confirmation process that is used today in nearly every ERIC member state. Nevertheless, destruction of the Interstate Crosscheck paved the way for ERIC.

ERIC Member Agreement

To participate in ERIC, states must sign the member agreement. At least every 425 days, a member will receive a list of possibly eligible but unregistered voters, EBUs. The state must contact "each and every" person on the list and inform them how to register. This outreach to "possibly eligible citizens" is done with no validation or action by the state. There exists a requirement to contact each and every person on the list—no questions asked.

- a. 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

Figure 3: Member states must contact each and every possible “Eligible But Unregistered” citizen suggested to them.

As for voter list maintenance, section 5b says that the member need only contact voters if the state has independently **validated the data**. The member has 90 days to initiate contact with 95% of the validated records. If a state is unable to independently validate any of the records provided on the ERIC list—it seems they have no obligation to do any voter list maintenance.

- b. 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.

Figure 4: Member states only need to initiate maintenance of existing records if they have validated the data.

The agreement does not prevent ERIC from sharing the data with “agents, contractors or subcontractors.” There is no requirement for ERIC to disclose the names of the entities with whom they share this private information. The agreement prohibits member states from disclosing any information yet places no limits on when and where ERIC can share it.

- a. **Use and Protection of Data:** The Member and ERIC shall use their best efforts to prevent the unauthorized use or transmission of any private or protected Member Data; Additional Member Data; and data included in reports provided by ERIC (“ERIC Data”) (Member Data, Additional Member Data and ERIC Data shall be collectively referred to as “Data”) in its possession. The Member represents and warrants that all uses and transmissions of Data originating from the Member to ERIC and/or ERIC’s agents, contractors or subcontractors comply fully with applicable state, federal and local laws, rules and regulations. 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.

Figure 5: Use and protection of data.

Public Interest Legal Foundation (PILF) has a case pending in US District Court over the “protection of data” section of the ERIC agreement. PILF demonstrates that the member agreement violates the Public Disclosure Provision of the National Voter Registration Act of 1993, NVRA. The ERIC Membership Agreement prohibits members from disclosing records that they are legally required to disclose.

Wisconsin Audit Bureau Reveals ERIC Inaccuracy

Despite the secrecy built into the ERIC agreement, the Wisconsin Legislative Audit Bureau (LAB) provides a glimpse into the accuracy of the lists generated by ERIC. In an Election Administration Audit Report published in October 2021, the LAB reveals a 52% error rate in the ERIC data. From the report,

“In August 2019, WEC obtained ERIC data on registered Wisconsin voters who may have moved within Wisconsin.... It obtained these data for the time period from September 2017 through July 2019. These data included information on approximately 428,500 individuals, but WEC’s staff eliminated duplicate and erroneous records, which left information for 232,579 individuals in the data.”

That is an extraordinarily high error rate based on the vast amount of data shared with ERIC and the promises of ERIC’s entity resolution technology.

Improper Voters

There is no requirement to request or review data of voters who appear to have cast improper votes.

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.

Figure 6: Improper voters need not be addressed.

Other Agency Data

In addition to the requirement to share DMV and Voter Registration records, states must also agree to transmit data from “other agencies” to ERIC. The “other agencies” that perform voter registration vary but the NVRA specifically identifies: all offices that provide public assistance and all offices primarily engaged in providing services to persons with disabilities (Fig. 7).

3. State Agency Records. The Member shall use its best efforts to transmit, on a regular basis, data relating to individuals that exists in the records of other agencies within its jurisdiction that perform any voter registration functions, including, but not limited to, those required to perform voter registration pursuant to the National Voter Registration Act, 43 U.S.C. 1973gg-5 (“Additional Member Data”). Notwithstanding this section, a state’s failure to transmit Additional Member Data under this section shall not affect the Member’s compliance with this Section or its standing as a member of ERIC.

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Figure 7: Other State Agency Records

In Illinois, the “other agency” data shared with ERIC includes records from the Department of Aging, the Department of Employment Security, Department of Healthcare and Family Services and others.²

Illinois:

In addition to the voter files and motor vehicle records Members must provide to ERIC under section 2 of the Membership Agreement, Illinois, in accordance with state law, is required to transmit to ERIC identification records contained in the Department of Human Services, the Department of Healthcare and Family Services, the Department of Aging, and the Department of Employment Security databases (excluding those fields unrelated to voter eligibility, such as income or health information).

Figure 8: Illinois Other Agency Data

Entity Resolution

ERIC's matching software was developed by data scientist Jeff Jonas. Entity resolution is a more sophisticated way of doing fuzzy matching. Jonas mentions personal data like next of kin, spouse, and other "disclosed relationship" data. Since relationships are not disclosed on driver's license applications, it is likely that the relationship data he refers to is obtained from other "state agency" data as described in item 3 of the ERIC membership agreement pictured above.³ Relationship data is also available from commercial credit reporting agencies.

In a video describing his work with ERIC data, Jeff Jonas said, "Disclosed relationships. It's when you, when you are on-boarding the person for entitlements or in healthcare, and you learn their spouse, you're not guessing or deriving they're your spouse. They've told you. So as a disclosed relationship.", thus revealing the use of entitlement and healthcare data for entity resolution.

Jeff Jonas is described by Becker as the "Mastermind behind ERIC software". Jonas still serves on the Technology Advisory Board of ERIC and is also one of the original Board Members of CEIR.

EBU Lists—Declination & Registration Agency

The purported purpose of ERIC membership is to improve the accuracy of voter rolls by providing a way for states to identify interstate movers. Interstate sharing of private information of individuals who, by definition, are not on the voter rolls, does nothing to enhance list maintenance. If a state wants to reach out to unregistered voters within their state, they have all of the information necessary to do so. Voters receive no benefit from the interstate transmission of this personally identifiable information.

Regarding public disclosure of voter registration activities, the NVRA says that each state shall make all records concerning activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters publicly available. However, records that relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered are not permitted to be made public.

The Eligible But Unregistered (EBU) lists are reportedly created using the personal information obtained from DMV and other agency records. Providing a list of people who processed a transaction at the DMV—where they either register or decline to register—either reveals a record of declination or it reveals the agency with which the person interacts. Federal Law prohibits public access to this data, however, it does not specifically prohibit all disclosure. Providing ERIC with a list of identified individuals who processed a transaction with the Department of Human Services reveals the agency where that individual received service.

Any person who interacts with the DMV to get a license or state issued ID, interacts with a public assistance office, or requests services for persons with disabilities are offered the opportunity to register to vote. Many people choose to register but many others do not choose to register and decline when asked to do so. These individuals have expressed a desire to not be registered. Despite an individual's declination to register and despite federal laws that protect this data, "EBU outreach" specifically targets these people.

Becker Relationship with ERIC

ERIC is not the benign, non-partisan organization, governed by many states that it represents itself to be. ERIC was conceived and created by David Becker while he was at the Pew Charitable Trusts.

In an article, written in praise of Becker's work, the motives behind ERIC are disclosed.

"Becker saw that with the increasing divide in national politics, Congress would likely never pass legislation that created a national voter list, and a federal mandate for such a list would likely face stiff resistance from states themselves. Even engaging a reputable independent third party like Pew to run such an effort would face mistrust and opposition. Instead, Becker and his colleagues created ERIC as a non-profit membership organization in which each state that joins, signs a membership agreement that obligates them to specific actions. The members govern how ERIC is run—each member-state gets a seat on ERIC's board of directors".⁴

ERIC went live in 2012 with seven states.

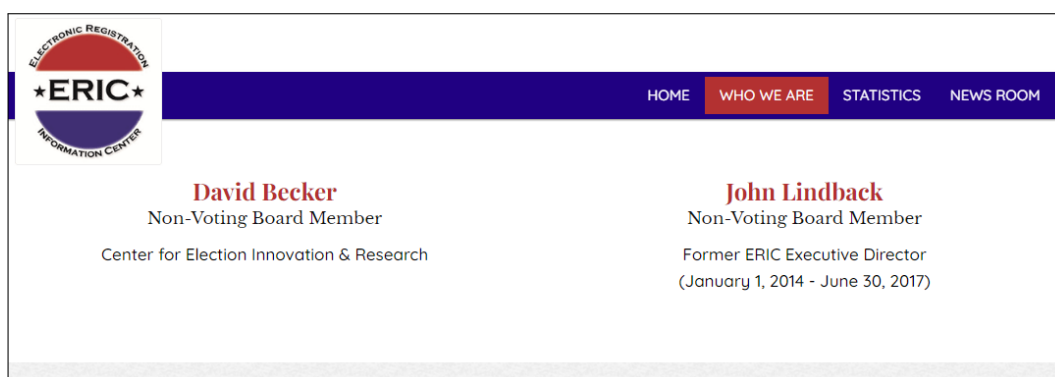


Figure 9: The ERIC website lists David Becker as a non-voting board member.

While Becker now claims to be simply a non-voting member of the ERIC board, emails obtained by FOIA requests show he still has a great deal of control over the ERIC organization and the daily operations. ERIC reported only two employees in 2019. An executive director and a systems engineer who both made less than \$125,000 per year. The website now shows three employees with the addition of Sarah Whitt from WEC.

David Becker's Background

Prior to joining Pew Charitable trusts and founding ERIC, Becker worked in the Department of Justice. In 2005, while working as a trial attorney in the Voting Section of the Civil Rights Division of the DoJ, Becker contacted the city of Boston offering his services to defeat a lawsuit brought by the DoJ for voting rights infractions. His actions were reported to the DoJ's Office of Professional Responsibility (OPR). Brad Schlozman, who was acting head of the Civil Rights Division in 2005 said, "It was the most unethical thing I've ever seen. Classic case of someone who should have been disbarred".

Hans von Spakovsky, who worked at the Justice Department as counsel to the Assistant Attorney General for Civil Rights confirmed the report of the ethics complaint, "In his role with the DoJ, he was supposed to be non-partisan, but his emails uncovered in the Boston investigation revealed nasty, disparaging remarks about Republicans. Very unethical and unprofessional. I would never hire or trust him."⁵

After leaving the DoJ, Becker became the Director of a far left organization called People For the American Way. PFAW reports that they have "deep expertise in fighting the Right" and are "committed to redoubling our efforts to invest in the next generation of progressive champions." Becker does not report his time at PFAW on his LinkedIn page or in his CEIR bio⁶.

In 2016, Becker founded CEIR which is another organization that enjoys 501(c)(3) status. According to IRS records, Becker was the founder and only employee of CEIR through 2019. By June 2022, the electioninnovation.org website showed ten employees and positions open to hire. Records show that CEIR received \$905,000 from Democracy Fund for "operating expenses" from March 2017 through May 2021.

Becker Control of ERIC Operations

There are multiple emails in which Becker takes the leadership role in coordinating and directing ERIC activities. If the member states believe that Becker has no say in the operations, they are being deceived. In these examples (Fig. 10 and Fig. 11)" Becker organizes events from his CEIR email with ERIC members and writes of hoping to work with them.

From: David Becker <dbecker@electioninnovation.org>
Sent: Tuesday, January 28, 2020 11:49 AM
To: Haas, Ericka; Helms, Clay; Choate, Judd; Christopher.Ramos@delaware.gov; Stroud, Terri; Thomas, Kyle; Wagner, Mary; Peters, Chrissy; Wendland, Justus; Vigil, Mandy; Rock, Rob; Holmes, Stuart; Westfall, Brittany; Kitts, Jodi; Albence, Anthony; Sandvoss, Steve; Rayburn, Kevin; Burhans, Heidi; Thorley, Wayne; Grandjean, Mandy; Tlachac, Matthew; steve.trout@oregon.gov; Kersey, Donald; Wolfe, Meagan; Hamlin, Shane; Whitt, Sarah; john.lindback@gmail.com; 'Petty, Janine'; Gail Fenumiai; Matthews, Maria I.; Fitz-Patrick, Christie; jared.dearing@ky.gov; sherri.hadskey@sos.la.gov; Brater, Jonathan (MDOS); david.maeda@co.hennepin.mn.us; Moser, Michael; jmarks@pa.gov; Ted.Bromley@ct.gov; Andino, Marci; justinlee@utah.gov; will.senning@sec.state.vt.us; chris.piper@elections.virginia.gov
Cc: Jacob Kipp; Erica Frazier
Subject: ERIC Board -- Super Bowl plans and EBU research
Flag Status: Flagged

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear ERIC folks,

Really looking forward to seeing many of you this weekend! And it gives me an opportunity to reach out to you about to very important, and OBVIOUSLY related, things.

First, as we've mentioned to many of you, CEIR is planning out its most robust EBU research and assistance to date, and we're aiming to have very clear plans available to all of you WELL before EBU season in the late summer. We're hoping to work with as many of you as possible, particularly the new states, to show how effective your outreach is at both registering voters, and doing it cheaply and efficiently. As before, we'll be doing all the heavy lifting on this, and giving you plenty of time to review and contribute to the details. For now, we just need to know if you're interested in learning more, and we'll have a short webinar to follow up with all those interested sometime later this spring.

Figure 10: Email from Becker on plans for Super Bowl

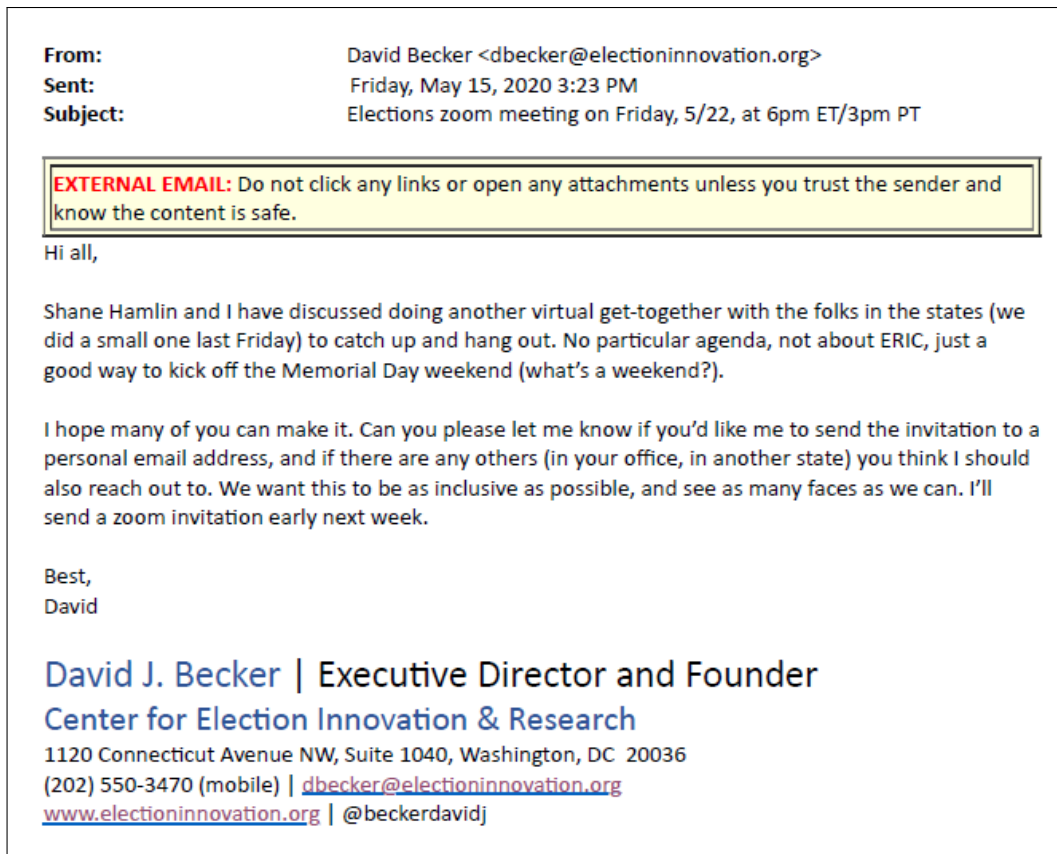


Figure 11: Email showing that Becker is coordinating ERIC meetings

As revealed in video posted in April 2020, Becker hosted a 57 minute meeting with DoS representatives from ERIC states discussing ERIC EBU Outreach. During this recorded web meeting, branded as CEIR, Becker makes numerous comments on behalf of ERIC. All the while, the Executive Director of ERIC, Shane Hamlin, is on the call but does not say a single word. When an attendee inquired about the status of California's ERIC membership, Becker responded and said that he is "personally going to be very active in continuing to try to bring California on board" as an ERIC member state. Hamlin says nothing. Another attendee asks how to report undelivered mail to ERIC and Becker responds.

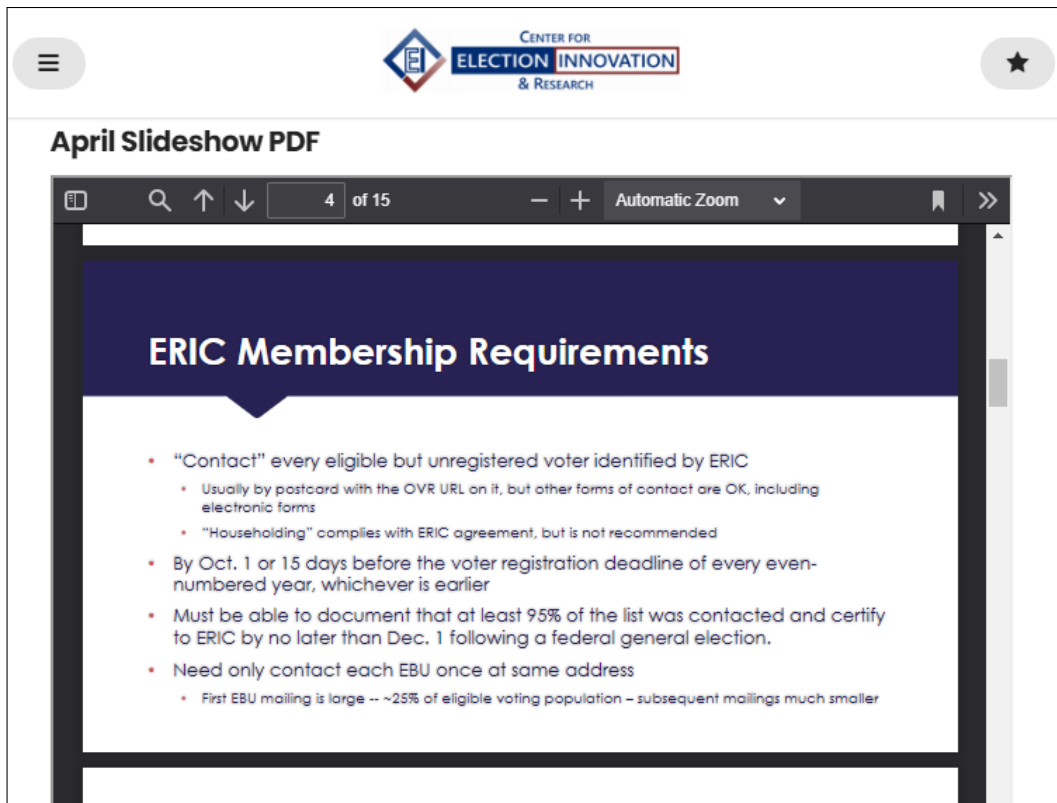


Figure 12: ERIC membership requirements reviewed during CEIR web meeting.

The ERIC bylaws describes the role of the Executive Director. "The Board of Directors shall hire an Executive Director who shall serve as the chief executive officer of the Corporation. The Executive Director shall have day-to-day responsibility for the management of the staff and programs of the Corporation, including carrying out the Corporation's goals and Board-approved policies." Records show that Becker, merely a non-voting member of the board, is managing programs and operations in violation of the bylaws.

ERIC's innovation, according to Becker, is not that it enables different database platforms to communicate with one another. "[The] technology is pretty cool, but it's not really groundbreaking. The real innovation is in the governance model." These records show that Becker controls the governance model.

Zuckerberg's Connection to ERIC Data

It is widely known that Mark Zuckerberg donated \$350M to Center for Tech and Civic Life (CTCL) to effectively privatize significant parts of the election in several key cities for the 2020 election. Many state legislatures have recognized the damage done by the highly partisan distribution of funds to mostly Democrat counties. Some analysts argue that Zuckerberg bought the election.

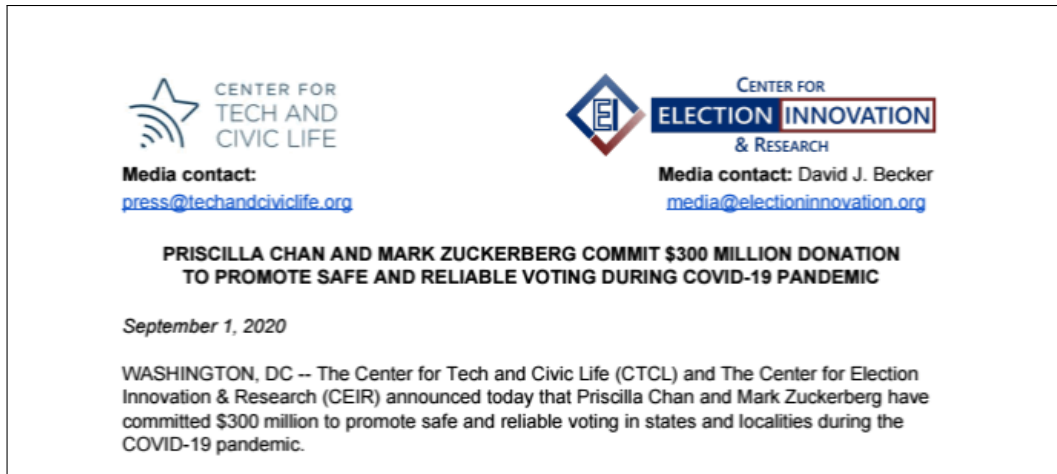


Figure 13: Joint Announcement between Center for Tech and Civic Life and the Center for Election Innovation and Research.

What people aren't talking about is the other nonprofit that received \$70 million of Zuckerberg's questionable funding. The Center for Election Innovation and Research, CEIR, mirrored the CTCL pattern but, instead, funneled money to mostly progressive secretaries of state in order to gain access to data needed to inflate the Democrat voter rolls and drive Democrat turnout. Pennsylvania's Department of State received \$13 million from Zuckerberg through CEIR. Michigan's DoS received nearly \$12 million.

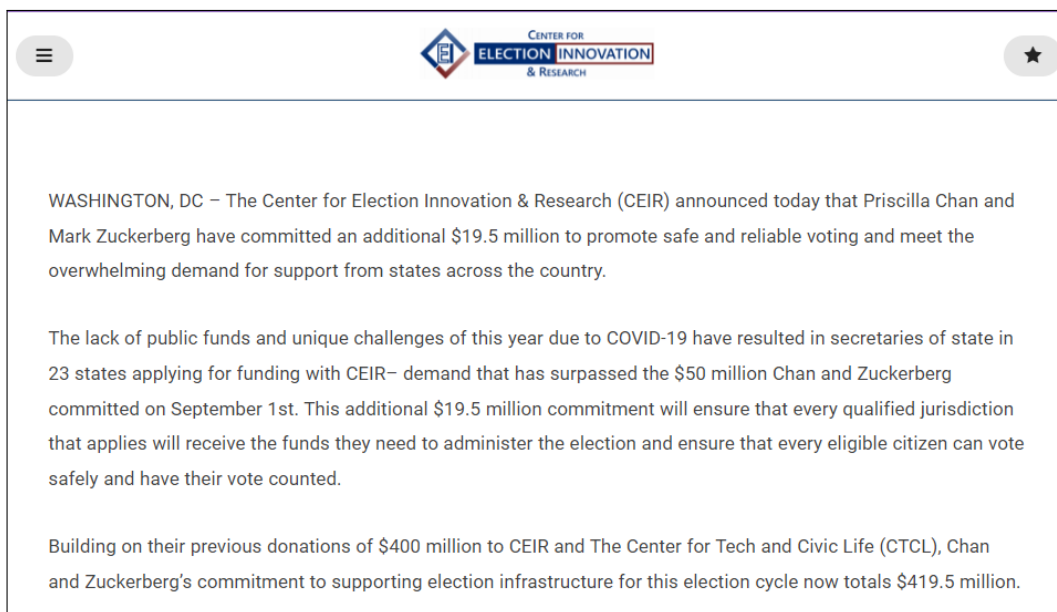


Figure 14: CEIR Press Release Announcing Additional Zuckerberg Funding

ERIC Data Shared with CEIR

An email received from a FOIA request submitted to the GA Secretary of State's office reveals that ERIC is transferring EBU data to CEIR. This is NOT voter registration data but data from people who have chosen not to register to vote. CEIR is creating targeted mailing lists from the EBU data. See below email from Jenny Lovell, former research manager of CEIR. She explains that the data from GA should be sent to ERIC for transfer to CEIR. That transfer process is reversed so GA can download the mailing lists from ERIC. Lovell is now a data lead with Democracy Works.

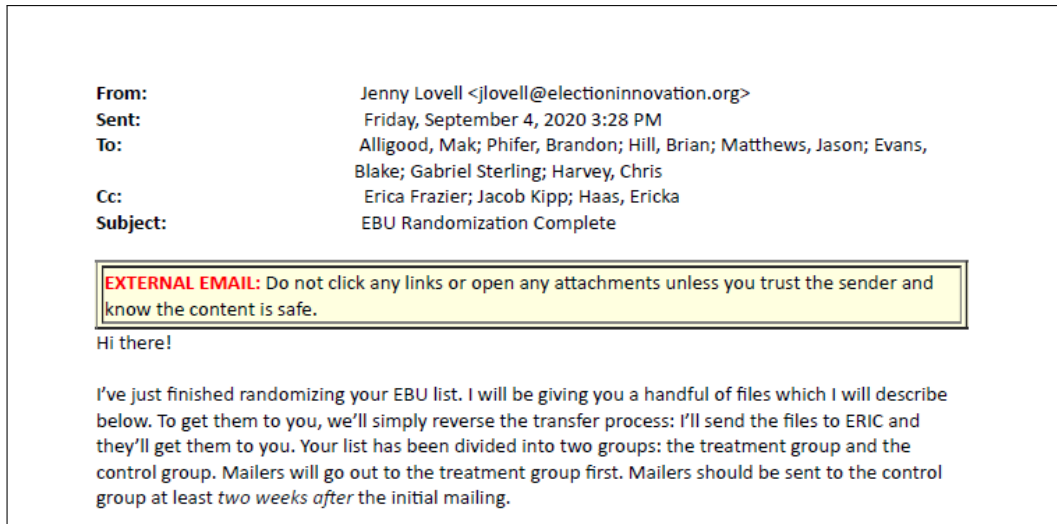


Figure 15: Email showing that ERIC is transferring EBU data to CEIR

A document, also received through FOIA request, shows the timeline and includes the transfer of ERIC data to CEIR. CEIR, funded by Zuckerberg, creates the lists used for voter registration outreach.

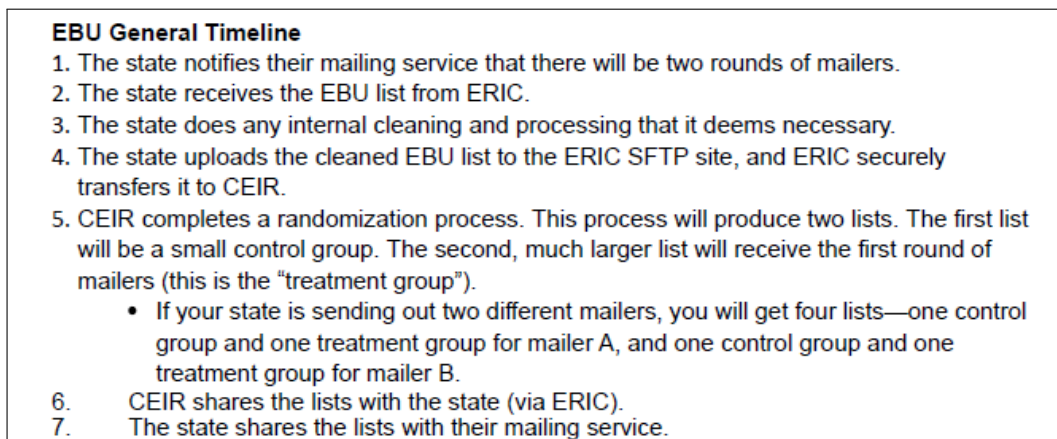


Figure 16: Steps for reaching the eligible but unregistered (EBU) targets.

Has this transfer of data been disclosed to the state legislators who authorized ERIC mem-

bership? Are those state legislators aware of the CEIR's funding sources? Do states want to give private data to an organization funded by Zuckerberg or Democracy Fund? Many have worried about the disclosure of the critical data shared with ERIC. The FOIA records provide proof of that disclosure. Voter rolls are public records, however, people who choose not to register to vote likely have an expectation of privacy. Some people do not register to vote solely to protect their privacy.

The hashing of the last four digits of a Social Security number provides little protection. The hash is deterministic for a given input: if a bad actor knows what type of hash is being used, they can generate the ten thousand possibilities present in four digits and map the hash to the the four digit ending.

Notice that the disclosed ERIC Data Flow diagram does not show the data flow to CEIR.⁷

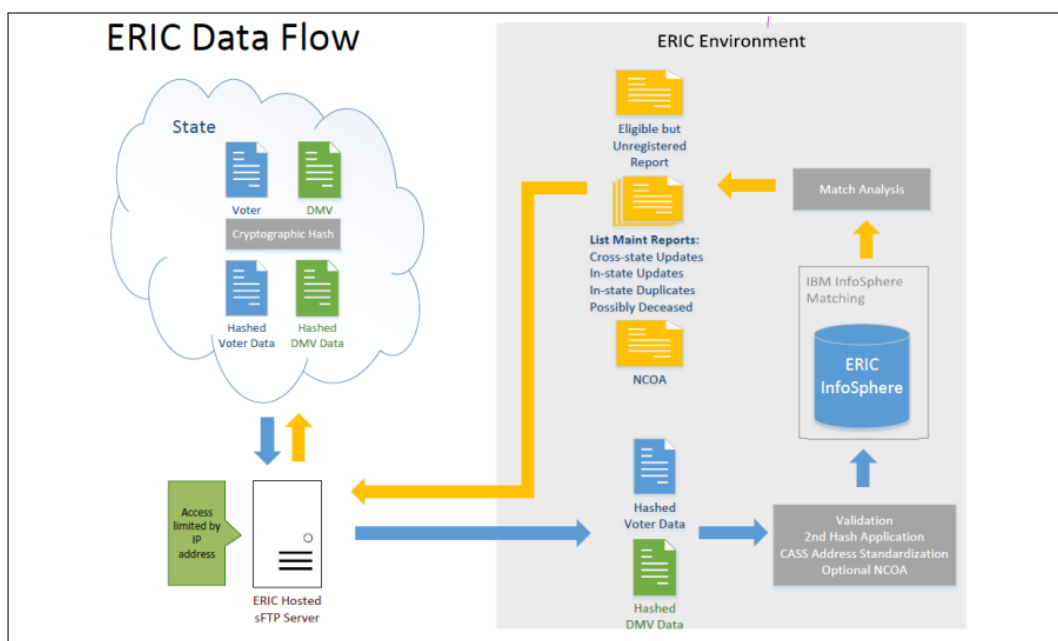


Figure 17: Disclosed ERIC Data Flow diagram does not show the data flow to CEIR.

The email below tells ERIC member states that they need to attend one of the CEIR meetings regarding EBU.

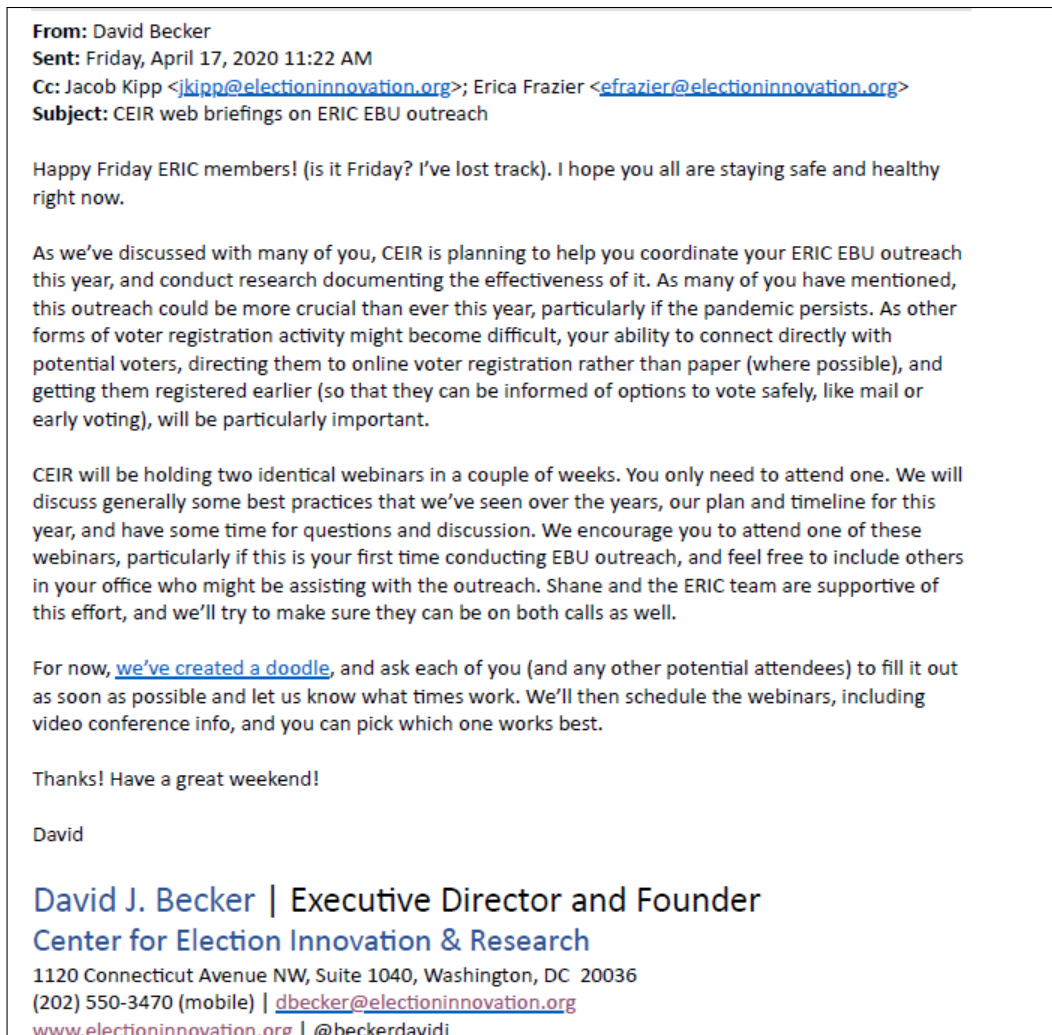


Figure 18: Becker email to ERIC member states regarding meeting to discuss ERIC EBU

CEIR recruited states to share data for the purpose of research. Becker said a full research report would be published in Spring 2021 and that the findings would be shared with media outlets and lawmakers. In a web briefing, Becker said, "If there is something very wrong, there is always the chance that we won't publish." No report was published or posted on the CEIR website.

New CEIR Project—Using ERIC DATA

One of the most unsettling discoveries from the Georgia FOIA records was the roll out of a new CEIR program to combat "disinformation." The CEIR pitch is that this "free service" will enable states to communicate with voters via text message and email. Giving this type of power and access to a partisan organization that is funded by Zuckerberg would be a disaster for our nation and could make the CTCL impact look like child's play.

"This year, Becker is conducting a small pilot program to test a new technology designed to assist state election officials in combating foreign and domestic

disinformation on social media and email. The system is intended as a response tool for neutralizing misleading posts about such topics as voting times, reports of COVID exposures, and long lines at polling centers. However, in keeping with the maxim that the best defense is a good offense, Becker suggested that the system can also be used proactively to disseminate true and accurate information that helps voters better navigate the confusing circumstances of the election."

In the GA FOIA (pg 1285) Becker says,

"CEIR has built a new, secure electronic messaging tool called REVERE, which will enable states to draw on phone numbers and email addresses contained in the voter file, and send texts, emails, and even voicemails to any set of voters (a particular precinct or county, older voters, etc.) rapidly. This will allow states to proactively communicate with voters about how to vote effectively (deadlines, early voting, etc.), send links to official websites (drop box and early voting locations), and rapidly respond to disinformation."

This tool is built for use with the data shared by ERIC member states. CEIR has agreements like the PA agreement in other states. While CEIR and ERIC come as a package deal, this is incredibly dangerous.

In September 2020, David Becker said, "the threat of disinformation could greatly diminish voters' confidence in democratic process." CEIR is engaged in "more effective civic outreach to adapt processes to our new reality, combat disinformation, and inform voters of their options." Becker reported that the Zuckerberg funds would allow "CEIR to further scale up this work."⁸

Is it proper to entangle the private motivations of CEIR and ERIC with the governmental role to execute elections, placing the power to judge what is disinformation, and whom to distribute it to, in the hands of this public/private partnership?



Figure 19: The REVERE program promises an easy way for election officials to reach voters.

Exiting ERIC

Louisiana Secretary of State Kyle Ardoin announced in January 2022, that they were suspending the state's participation in ERIC. Ardoin cited "Reports about potential questionable funding sources and that possibly partisan actors may have access to ERIC network data..." The records obtained by Verity Vote show that these are no longer just concerns but verified facts.

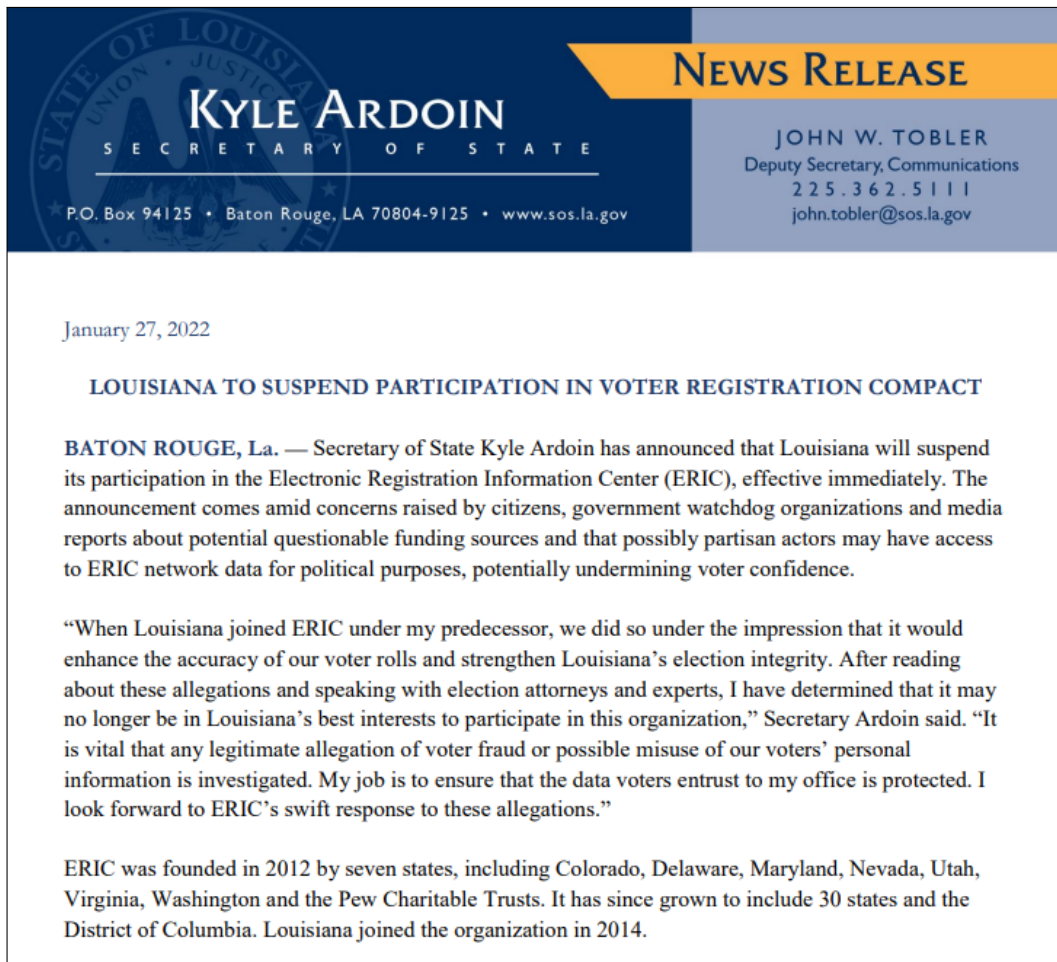


Figure 20: Louisiana suspends participation in ERIC.

The ERIC Contract makes it difficult for members to resign. It prohibits resignation within 91 days of a federal general election. If member states plan to resign as a result of these findings, they must issue notice by the end of July.

Section 7. Resignation.... A member must provide a minimum of 91 days notice before their resignation is effective, provided however, that any notice of resignation that would otherwise become effective during the 91 days preceding a federal general election will not be effective until the first business day following the federal general election...If the sole reason for member's resignation is

a material breach by ERIC of the Membership Agreement, member may not issue a notice of resignation in accordance with this section unless: a) it has provided written notice to ERIC of the alleged breach; and b) within thirty (30) days (or such other time specified in the Membership Agreement) of receiving such notice from member, ERIC is unable to cure the breach or determines the breach cannot be cured.

PA Lawsuit Reveals Voter Registration Vulnerabilities

The Commonwealth of Pennsylvania, Department of State and Veronica Degraffenreid filed a case in Commonwealth Court against Senators Cris Dush, Jake Corman, and the Pennsylvania State Senate Intergovernmental Operations Committee (Case No. 322 MD 2021). The Department of State argued that releasing the list of registered voters would allow bad actors to control the voters' registrations and even their votes. This reveals what the DoS believes to be serious vulnerabilities of the Commonwealth's voter registration system.

"The disclosure of this sensitive, personally-identifying information carries real risks of identity theft and financial fraud, especially when compiled together for all nine million Pennsylvania registered voters in one dataset...In analogous situations earlier this year where voter data was shared outside official election channels, data breaches occurred. This information also enables bad actors to conduct targeted voter intimidation efforts. Moreover, bad actors who gain access to this information would have all the data they need to control the voters' registrations, and even their votes, and thus, the Subpoena actually increases the risk of disruption to elections and to registered voters' attempts to cast their vote".⁹

The DoS described concerns about serious vulnerabilities in the Pennsylvania voter registration and mail ballot systems. They reveal that bad actors who gain access to information about registered voters could use that information to control the their registration file and even their vote. These concerns must certainly apply to eligible but unregistered Pennsylvanians as well. Knowledge of the DoS reported vulnerabilities are even more alarming when considering the Pennsylvania Department of State Directive from 2018 which makes it clear that counties may not reject voter registrations based on a non-match between the identifying numbers provided by the applicant and the official database numbers.

If the county received an online registration where the last four digits of the SSN do not match the records of the Social Security Administration for the name and date of birth provided, the county may not reject the registration.¹⁰ That voter must be registered. Pennsylvania has no voter ID requirements, so there are numerous unverified active voters on the voter rolls. Based on the DoS assertions about control of the votes (ballots) by bad actors, these unverified voters pose a particular threat to election integrity in the Commonwealth. Believing as the DoS does and with the stakes so high, why would the DoS authorize release of data to CEIR or even ERIC?

Pennsylvania's Agreements with CEIR

The laws and rules for the conduct of elections are supposed to be determined by legislators. Instead, Boockvar used her office to make rules, change laws and expand her authority by giving away private data to CEIR in exchange for Zuckerberg's money. Zuckerberg donated at least \$70M to CEIR, \$13M of that, nearly 20%, went to the PA Department of State. While PA legislators have taken action to prevent the funding of voter registration and election activities by partisan outside organizations, they are now considering expanding the relationship with ERIC.

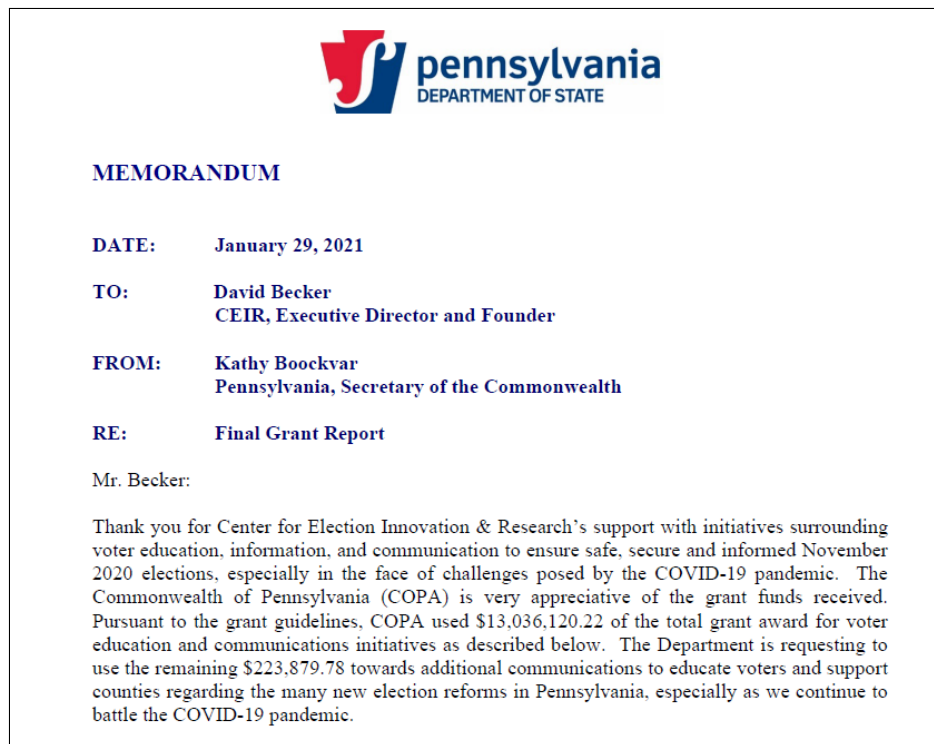


Figure 21: Screenshot of DoS Letter to CEIR Regarding Grant Spending—confirming the \$13M received

The \$13 million grant was purportedly for voter education to ensure safe and secure voting in the face of a pandemic. In reality, it was a well-funded media blitz executed mostly in Philadelphia and Allegheny counties. The messaging primarily focused on promoting voting by mail in heavily Democrat areas of the state. The DoS even spent \$400,000 dollars on aerial banners flown around the city skylines.

EBU Contract with CEIR in PA


Boockvar signed the "EBU outreach" contract with CEIR the day before her office received \$12 million grant from CEIR. In what appears to be an exchange of \$12 million of Zuckerberg funds, Boockvar agreed that CEIR shall:

"own all right, title and interest, including all copyright interest, in and to any work product created in connection with the Grant project ("Project Work Product"), for example, communications, paid media, etc. Grantee hereby grants CEIR a nonexclusive, irrevocable, worldwide, royalty-free license to use any Project Work Product in connection with its research, educational initiatives, or other work. In addition, should CEIR wish to conduct research to study the initiatives funded by the Grant, for example, measuring the impact of the educational communications, Grantee agrees to cooperate with CEIR, including providing data, as CEIR reasonably requests." This is just an excerpt from the CEIR contract signed by Boockvar on September 29, 2020."

The eligible but unregistered (EBU) data is data from PA residents that have chosen not to register to vote. Boockvar gave the personally identifiable information (PII) of millions of Pennsylvanians to CEIR through the relationship with ERIC. CEIR's activities were funded by Zuckerberg. Boockvar also agreed to keep details of the CEIR funders and relationships strictly confidential.

"Grantee shall, and shall cause any of its affiliates, partners, trustees, directors, officers, employees, volunteers, agents and representatives, to keep strictly confidential and protect from disclosure i) any information Grantee receives from CEIR relating to CEIR's funders or funding agreements or arrangements; (ii) any information Grantor identifies as confidential at the time of disclosure, except to the extent that any such information identified in (i) and (ii) above has been publicly disclosed; (iii) as required by law, in which case Grantee will provide reasonable advance notice to CEIR; or (iv) with the prior written consent of CEIR. Grantee understands and agrees that that Grantor shall be entitled, to the fullest extent permitted by law, to seek equitable relief such as an injunction or specific performance for any breach of this provision."

These agreements for data sharing did not end when Boockvar resigned. PA is still sharing the data. On April 5, 2021, Veronica Degraffenreid, Acting Secretary of the Commonwealth, signed an amendment to the CEIR contract. Degraffenreid was comfortable sharing data about voters and citizens who have chosen not to register to vote with Zuckerberg funded CEIR but went to court to keep that data from the PA Senate.



MEMORANDUM

DATE: September 14, 2020

TO: David Becker
CEIR, Executive Director and Founder

FROM: Kathy Boockvar *Kathy Boockvar*
Pennsylvania, Secretary of the Commonwealth

RE: Grant to support additional ERIC outreach

Mr. Becker:

Thank you for the opportunity to partner with the Center for Election Innovation & Research to support additional ERIC outreach in the lead up to the 2020 general election. The Commonwealth of Pennsylvania (COPA) is requesting a grant for the following activity and providing the information you requested:

1. **Contact Information:**
 - a. Name: Kimberly Mattis
 - b. Title & Agency/Gov't Affiliation: Director, Bureau of Finance and Operations, PA Department of State
 - c. Phone: work- (717) 772-5193 or cell- (717) 364-5798
 - d. Email: kmattis@pa.gov
2. **Fund Delivery:** The COPA requests the funds be sent directly to the state. Wire information can be provided upon request to facilitate this transfer.
3. **Outreach Project:** The COPA is completing outreach to additional citizens included on the ERIC "EBU refresh" list.
 - a. We will mail 4 x 6 postcard notifications to 2,114,865 eligible citizens identified by ERIC.
 - b. Each postcard will cost approximately \$0.34 including printing and postage.
 - c. In total, the estimated project costs are \$719,054.10.

Grant Request Amount: \$719,000.00

Should you have any questions or need additional information, please let us know.

Figure 22: Letter to CEIR about ERIC EBU Outreach.

DoS Withheld Responsive Public Records

On March 18, 2021, a Right to Know (RTK) request was submitted to the PA Department of State. The request was for records related to the DoS and CEIR and included:

- A digital copy of the signed agreement for the CEIR Funds.
- A digital copy of a report submitted to CEIR documenting how the CEIR funds were utilized by the Department of State.
- Copies of emails to/from employees, representatives, or volunteers with CEIR.

The DoS granted the request and provided some records but did not provide any emails. At that time, Verity Vote had no evidence that emails existed so was unable to appeal the RTK. Recently, records were obtained from the Department of State in Georgia which show that the PA DoS, in fact, had responsive records that were not produced. This is a violation of the RTK Law. The Department of State did not produce records that were responsive to the request and did not deny the request. The agency is obligated to produce all responsive records for which there is no exemption. Fig. 23 contains a screenshot showing just one of many emails from CEIR to various states that included PA.gov recipients. Jonathan Marks from the Department of State is on the distribution for the sample

email below.



Figure 23: Excerpt of email from Becker at CEIR to Jonathan Marks, PA DoS. The PA Department of State withheld records in Violation of the RTKL.

Michigan EBU Outreach in 2020

In November 2018, Michigan voters adopted proposal 18-3 which amended the MI constitution to allow automatic voter registration when applying for, updating, or renewing, a driver's license or a state issued non-driver identification card. See official language below:

The following is the official language as it will appear on the November 2018 general election ballot:

Proposal 18-3

A proposal to authorize automatic and Election Day voter registration, no-reason absentee voting, and straight ticket voting; and add current legal requirements for military and overseas voting and postelection audits to the Michigan Constitution

This proposed constitutional amendment would allow a United States citizen who is qualified to vote in Michigan to:

- Become automatically registered to vote when applying for, updating or renewing a driver's license or state-issued personal identification card, unless the person declines.
- Simultaneously register to vote with proof of residency and obtain a ballot during the 2-week period prior to an election, up to and including Election Day.
- Obtain an absent voter ballot without providing a reason.
- Cast a straight-ticket vote for all candidates of a particular political party when voting in a partisan general election.

Should this proposal be adopted?

☐ YES

☐ NO

Figure 24: Proposal that amended the Michigan Constitution and so changed the State's voting.

The Michigan automatic voter registration law became effective in December 2018. Section 168.493a gives the Secretary of State authority to make voter registration the default selection when people apply for, renew, or update a driver's license, chauffeur's license or an official state non-driver identification card. This law authorizes automatic voter registration unless the individual takes the overt action of declining to register. However, the law limits this automatic voter registration (AVR) to three types of transactions associated with Michigan vehicle code. The ballot proposal was specific in the language describing the type of transactions that would enable the AVR.

In September 2019, Secretary Benson began the roll out of automatic voter registration for mail based transactions. Benson said, "The Department of State will be adding automatic voter registration for mail-based transactions in the coming months." In September of 2020, Benson further expanded automatic voter registration by sending the mailer below to tens of thousands of Michiganders who had previously declined to register. Here, a person would be registered if they discarded, ignored, or even if they never received the mailer. What statutory authority Benson had to register people by this method is unclear. This appears to be an overly liberal interpretation of the automatic voter registration authorization granted in 168.493a.



Figure 25: Michigan EBU Mailer.

As the mailer indicated, approximately thirty days after the mailers were sent, over 114,000 people were automatically added to the voter rolls. This was an unprecedented spike in single day new registrations. See below the new registrations by date from February 2016 through November 2020.

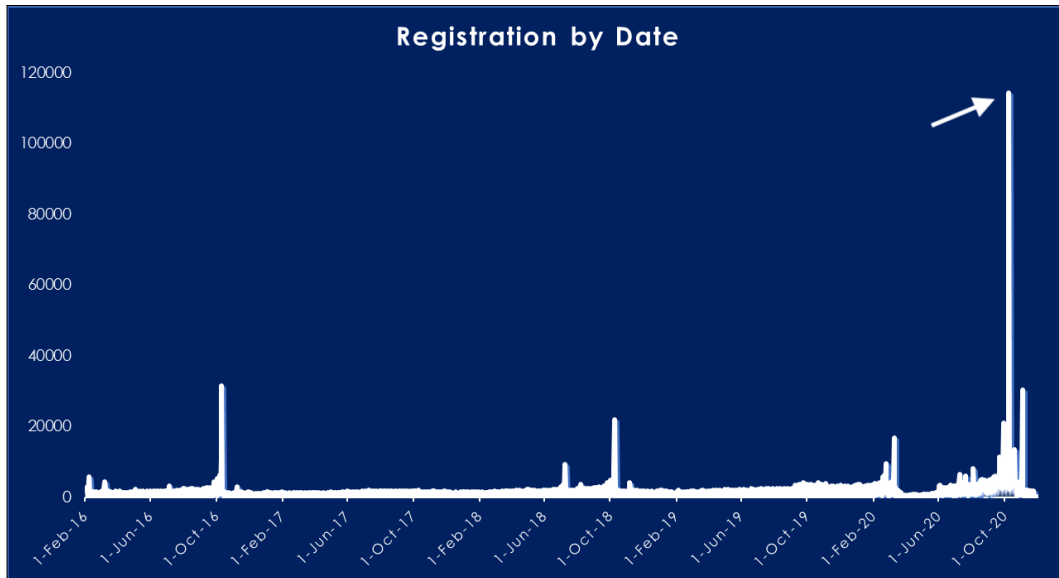


Figure 26: (Source: Michigan SoS December 2020 QVF)

Some of the 114K registrations added on October 9, 2020, may have requested or desired to register. However, only about 22K of the 114K newly registered voters actually voted in the 2020 General Election. The QVF History data shows a remarkably low turnout for this subset of newly registered voters.

EBU Research and Grants

Many of the member state representatives that agreed to allow CEIR to provide the lists for the ERIC required EBU outreach did so under the guise of a research study. Becker said that CEIR would share the research findings and best practices with election officials, voters, media organizations and lawmakers. The scheduled release of the report was Spring 2021. When selling the study to ERIC members, Becker said they would definitely publish the results, but, "If there is something very wrong, there is always the possibility that we won't publish." The EBU report was not published. This begs the question, was something very wrong with the results or did CEIR want the EBU data for some other activity?¹¹

State	Net Grant Amount
Arizona	\$ 4,788,444
Connecticut	\$ 2,100,000
DC	\$ 811,835
Florida	\$ 287,454
Georgia	\$ 5,591,800
Illinois	\$ 2,762,777
Iowa*	\$ 1,075,000
Kentucky	\$ 1,600,000
Maryland	\$ 575,000
Massachusetts	\$ 200,000
Michigan	\$ 11,939,365
Minnesota*	\$ 1,500,000
Missouri	\$ 1,129,391
New Jersey	\$ 6,180,001
New Mexico*	\$ 768,748
New York*	\$ 5,000,000
North Carolina	\$ 1,141,241
Ohio*	\$ 1,128,090
Pennsylvania*	\$ 13,260,000
Rhode Island*	\$ 632,189
South Carolina	\$ 1,071,797
Vermont	\$ 312,615
Washington	\$ 405,000
Total	\$ 64,260,747
* Final grant amount pending. Any unspent funds are to be returned, reducing the total grant.	

Figure 27: CEIR grant amounts by state.

References

- ¹ <https://www.rollingstone.com/politics/politics-features/the-gops-stealth-war-against-voters-247905/>
- ² A copy of the ERIC agreement was found here: https://ericstates.org/wp-content/uploads/2020/02/ERIC_Bylaws_01-2020.pdf
- ³ https://www.youtube.com/watch?v=iBVaTqN_Wj4
- ⁴ <https://theamericanleader.org/leader/david-becker-making-elections-more-secure/>
- ⁵ <https://legalnewsline.com/stories/555822683-mark-zuckerberg-beneficiaries-promoting-fair-elections-not-exactly-non-partisan-as-advertised>
- ⁶ http://files.pfaw.org/uploads/2018/06/PeopleFor_Annual-Report-2016.pdf
- ⁷ https://www.myfloridaelections.com/portals/fsase/Documents/Conference%20Presentations/2018/ERIC_FL_2018-15-5.pdf
- ⁸ <https://www.axios.com/mark-zuckerberg-priscilla-chan-election-security-a4950a93-2efd-42a6-9d7a-5fcc763f9214.html>
- ⁹ https://www.aclupa.org/sites/default/files/field_documents/final_petition_for_review.pdf
- ¹⁰ <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/HAVA%20Matching%20Directive%202018.pdf>
- ¹¹ https://ericstates.org/wp-content/uploads/2019/01/FINAL_ERIC_2017_Annual_Report.pdf

End of Report
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