

The Civil Rights Center

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The Honorable Terence McAuliffe
Governor
Commonwealth of Virginia
1111 E Broad St,
Richmond, VA 23219

September 12, 2017

Dear Governor McAuliffe:

I write to request that you use your authority as Governor to terminate the participation of Virginia in the Interstate Voter Registration Crosscheck Program. Virginia's participation in Crosscheck is potentially resulting in hundreds of thousands of voters being illegally purged from Virginia and other state voter rolls.

On September 9, 2017, voting rights, civil rights and political activists convened Richmond to launch a statewide campaign to end Crosscheck in Virginia. Additional Stop Crosscheck events are being across the state from Alexandria to Virginia Beach.

Crosscheck is an unreliable and discriminatory. Allegedly, the program is intended to help states maintain voter rolls by identifying people who are no longer eligible to vote. Crosscheck works by cross-referencing voter information from participating states. Voters are matched by first and last name, and date of birth. States then receive lists of people believed to be registered in more than one state, as well as people believed to have voted in more than one state.

The program was created by Kansas Secretary of State Kris Kobach. Kobach regularly makes false or unsubstantiated claims about the extent of voter fraud in the United States.

As Secretary of State of Kansas he has implemented some of the strictest voter ID legislation in the nation. As a reward for his voter suppression success he has been appointed the Chairman of Trump's "Voter Integrity Commission."

The Crosscheck Program is terribly unreliable and falsely flags hundreds of thousands of voters in each participating state as ineligible. Twenty-seven states, with Republican controlled state legislatures, currently participate in Crosscheck.

Recently Florida, Oregon and Washington State have dis-enrolled from the program after finding that it leads to the false identification of millions of voters and results in an illegal and disproportionate amount of minority voters being purged from the voter rolls.

A statistical analysis of the program by researchers at Stanford, Harvard, University of Pennsylvania and Microsoft found that Crosscheck is absolutely unreliable. The study found that Crosscheck would eliminate about 200 legitimate register voters for every single person found to be registered in two states.

After examining voter lists from some of the participating states, investigative reporter Greg Palast established that the Crosscheck program is racially discriminatory. This study demonstrated that Black, Hispanic and Asian-American voters were significantly more likely to be eliminated from the voter rolls because the program has a built in racial bias due to its heavy reliance on similarity of names.

A report, by the Center For American Progress Action Fund, found that 50 percent of communities of color share a common surname, while only 30 percent of white people do. The report found that in Crosscheck's flagged lists, African Americans are overrepresented by 45 percent; Hispanic voters are overrepresented by 24 percent; and Asian voters are overrepresented by 31 percent.

A recent test of the accuracy of the Crosscheck Program by the state of New York demonstrates that extent of the program's potential to result in the illegal purge of millions of voters. In the test, Crosscheck produced a list of over 400,000 voters who were potentially ineligible to vote in New York state. An audit of the 400,000 names on the list found that, in fact only 30,000 of the people identified were validly eligible for a potential purge.

The high error rate of the Crosscheck Program, led in part to the creation of an alternative national list maintenance program. The Electronic Information Registration Center (ERIC), is used by 19 states and the District of Columbia to improve the accuracy of voter rolls. ERIC uses additional information, including middle names and the last four digits of social security numbers, to prepare significantly more accurate and reliable lists. Virginia already participates in the ERIC list maintenance program. In 2016 Crosscheck reported close to 300,000 potential ineligible voters in Virginia. After considerable effort and expense, the Virginia Board of Elections narrowed the list to approximately 74,000 people. The much more reliable ERIC identified less than 38,000 voters.

You have a progressive record in support of expanding voting rights. This has been most recently demonstrated by your historic restoration of rights campaign. Additionally, you showed continued leadership in support of voting rights by refusing to comply with the request of the Trump Commission for Virginia voter data. However, by participating in Crosscheck, Virginia is already submitting the requested data to Kobach.

We urge you to use your authority to end the participation of Virginia in the Crosscheck Program.

Sincerely,

Dee Hunter
Executive Director

Cc: Members of The Virginia State Board of Elections

Mark Herring, Attorney General

Ralph Northam, Lt. Governor

David Toscano, Minority Leader

Virginia Democratic State Steering Committee

Virginia NAACP

People Demanding Action

League of Women Voters

Virginia ACLU

Virginia Action Network

Richmond Crusade For Voters

Indivisible Virginia

Congressman A. Donald McEachin

Senator Mark Warner

Senator Tim Kaine