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ELECTIONS

Republican states swore off a voting tool. Now they're scrambling to recreate it

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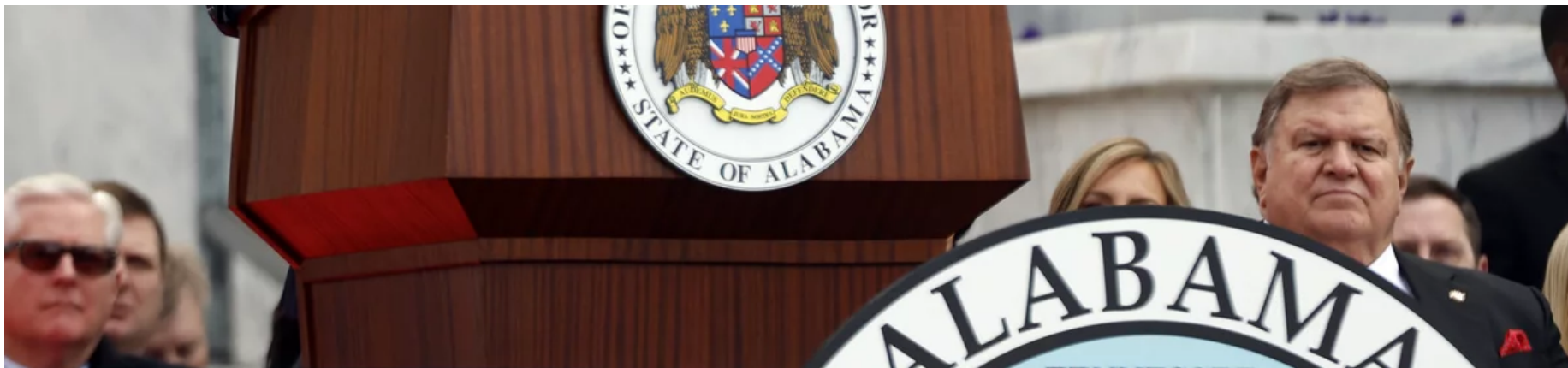
Miles Parks

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Alabama Secretary of State Wes Allen speaks during his inauguration on Jan. 16, 2023, in Montgomery, Ala. After pulling Alabama out of the Electronic Registration Information Center, Allen has now announced a new voter database.

Butch Dill/AP

Last month, Alabama Secretary of State Wes Allen stood at a podium at the state capitol in Montgomery and announced what he called a novel way for his state to keep its voter lists up to date.

The program, called AVID or the Alabama Voter Integrity Database, will use federal data, as well as voting lists from five other states, to monitor when voters move, die or illegally vote in two different states in the same election.

"We are the first state in the nation to implement a system like this," he said.

But his claim is missing a lot of context.

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AVID appears to mimic a bipartisan, cross-state partnership known as the Electronic Registration Information Center, or ERIC, which Alabama was a member of until Allen took office.

He and a number of other Republican secretaries of state abandoned the group earlier this year after the far right began targeting the organization with conspiracy theories. When he vowed to pull Alabama out, Allen himself repeated a conspiracy theory about the involvement of liberal billionaire George Soros in ERIC.



INVESTIGATIONS

How the far right tore apart one of the best tools to fight voter fraud

Nine states — all Republican-led — have now withdrawn from ERIC.

They all left without a plan to replace it.

And now, experts and election officials are watching a scattershot effort on the right to essentially recreate what the system produced, with many players — both

mainstream and fringe — throwing their hats in the ring to try to capitalize on the data void.

Many details about these evolving projects remain unclear, but the elections community is deeply skeptical that any of them will be able to fully replicate ERIC, which took millions of dollars and years to develop.

"These states have decided that instead of using a wheel, they're going to invent a spherical device that will allow them to easily transport and roll items from A to B," said Josh Daniels, a former Republican county clerk in Utah. "Political officials who made bad choices to exit ERIC now have to make up the difference by essentially reinventing ERIC but without the benefit of years of experience and a system that has improved over time."

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Josh Daniels, a former clerk in Utah

ERIC began a decade ago as a partnership between Democratic- and Republican-led states, and it gives its members access to the same federal data Allen cited for Alabama's use.

The compact also facilitates data-sharing between its two dozen or so member states and crucially does so by matching unique identifiers so election officials can feel confident the reports it produces are good enough to act on.

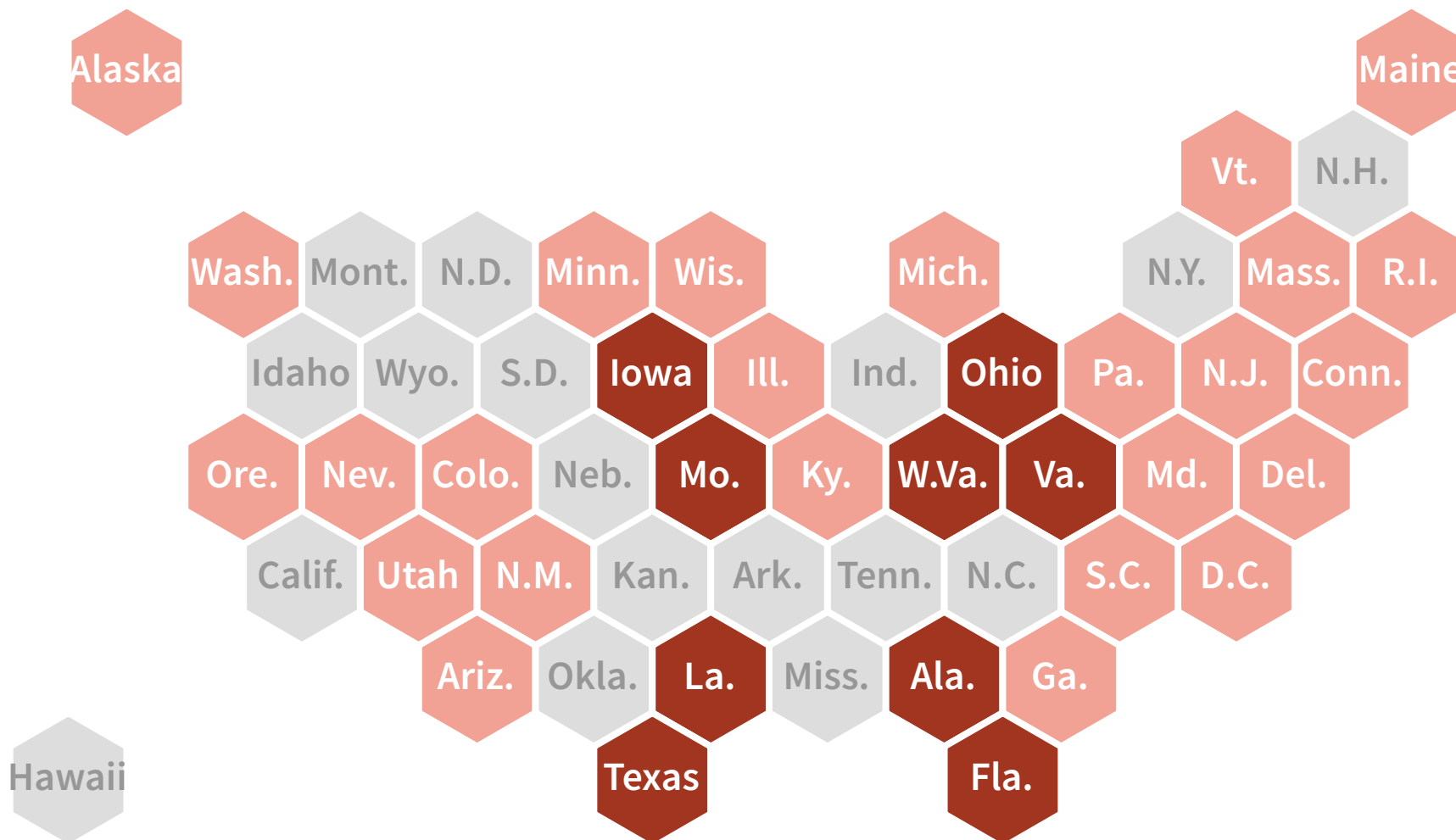
But records reviewed by NPR indicate that recent data-sharing agreements touted by Allen, whose office did not respond to an interview request, as well as other Republican secretaries of state may lack enough detail to yield reliable results.

"I'm not skeptical that they will fail; I know they will fail," said Arizona Secretary of State Adrian Fontes, a Democrat and a former local election official. "ERIC is a system that was very carefully engineered by some of the best [experts] in the country to make sure that we could have a good system to achieve the ends that all of these folks that withdrew were asking for."

Which states are ERIC members – and which have pulled out

Nine Republican-led states have withdrawn from the ERIC partnership — Louisiana in 2022, followed by eight more this year.

Member states Withdrawn states



Credit: Nick McMillan/NPR

"That's the red flag"

Around the same time Alabama's Allen announced AVID, a number of other Republican secretaries of state announced new data-sharing agreements as well — with some even taking veiled shots at ERIC in the process.

"This is a major new development as states look to move beyond the old model of sharing voter data through an unaccountable third-party vendor," said Ohio Secretary of State Frank LaRose, as he announced partnerships with Virginia, West Virginia and Florida.

The states agreed to share many aspects of their voter rolls with each other, including name, date of birth and voting history.

But the documents formalizing the agreements — many of which NPR reviewed after they were acquired through records requests by the left-leaning transparency group American Oversight — don't include what experts say is a critical component for reliable data comparison: driver's license data. That's a key difference from ERIC, and is important because that data typically contains both a person's driver's license and Social Security numbers.

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Michael Morse, an election law professor at the University of Pennsylvania who has researched ERIC and voter registration, said the moment he noticed states weren't sharing DMV data as part of these new agreements, he stopped taking the efforts seriously.

"That's the red flag. As soon as they say that, it's the end of the game," Morse said.

One of the reasons ERIC took so long to develop and roll out is because getting state DMVs on board to share that data is complicated by specific privacy laws. But voter registration lists alone don't generally have enough unique identifiable information to confidently say a voter in one state is the same as one in another state.

"The driver's license data helps integrate voter registration lists by supplementing them with this unique identifier that we often lack," Morse explained.

Without that harder-to-get data, Morse and election officials who spoke to NPR said these new agreements look very similar to a now-defunct program known as Kansas Crosscheck. That program also attempted to compare state voting lists in order to clean voter rolls and find fraud but ran into trouble because of false positives and security concerns.

"We've analyzed Crosscheck and it wasn't successful," Morse said. "I can't see a case in which the state-by-state agreements that don't involve the sharing of confidential information ... can be more accurate than ERIC. They can't be."

In an interview, Ohio's LaRose, who had praised ERIC before pulling his state out in March, conceded that the new partnerships will involve less data being shared between states, but he says Ohio will use them as a starting point for investigations.

"Imagine a massive Excel file or Excel sheet where we make sure that the data columns are lined up the right way, that we have the definitions of those data fields in such a way that they're usable," LaRose said. "And if we find a first, middle, last name and date of birth that matches between us and another state — that somebody with those first, middle and last name and date of birth voted in both states — then that gives us then the ability to launch a more detailed, hands-on, less automated investigation."



ELECTIONS

The far right's growing influence and 4 other takeaways from NPR's ERIC investigation

It also appears the Republican partnerships are only aiming to recreate the portions of ERIC that align with their political interests.

ERIC provides its member states data that helps election officials both clean up their voter rolls and find voter fraud, but also expand access by notifying states when a person has moved to a new district but hasn't yet registered to vote.

But as an NPR investigation detailed, that second prong related to access has now become a flashpoint in far-right conspiracies. And it appears the Republican state officials are abandoning it for now.

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State agreements viewed by NPR don't include any requirements about registering eligible voters. And West Virginia, another former ERIC state, confirmed to NPR that its "primary focus with the [partnerships] is on the fraud component," according to Mike Queen, deputy chief of staff for Secretary of State Mac Warner.

Officials in West Virginia also said they are working to piece together other ways to get data to update their voter lists.

Earlier this year the state paid the credit monitoring service Experian more than \$19,000 to pilot a program to help find out-of-date registrations on its lists, and officials are also exploring whether a national driver's license data partnership run by the American Association of Motor Vehicle Administrators can be used to update rolls. Alabama also says it plans to use that partnership for voting list maintenance, but the state has not provided more details on that work.

Conservative activists are seeking a bigger role

It's not just states themselves that are exploring new election data avenues.

The far right has attempted to capitalize on states leaving ERIC, with conservative activists offering to provide their own ways to maintain voter lists.

Maybe the most prominent effort is called EagleAI Network.

The software, which was created by a retired Georgia physician, uses "all public information," according to a planning document reviewed by NPR, and compares state voter lists to other things like newspaper obituaries, property records and rooftop and street pictures.

"EagleAI quickly and efficiently joins extremely large, reliably sourced, publicly available, multi-state and national data sets and points out registration irregularities that then needs evaluation, confirmation and resolution by your County Department of Elections staff and Boards of Election members," the document reads.

Morse, of the University of Pennsylvania, referred to these sorts of efforts as "vigilante maintenance," and said they seem to have many of the same shortcomings as the state partnerships.

"If you see the issue here as you need confidential administrative data to successfully match people across all lists, then you see that the public is not positioned to take over that job. It doesn't work," Morse said. "We may think it should work and we want it to work and we want the public to be involved in that way. But if we want that, we have to address the underlying privacy laws that we have that prohibit that."



Conservative attorney Cleta Mitchell speaks about election integrity at a South Carolina Republican Party event in Myrtle Beach on Aug. 27, 2022. Mitchell has been a key critic of ERIC who's now pushing an alternative called EagleAI.

Gerard Albert III/Myrtle Beach Sun News/Tribune News Service via Getty Images

Many of the far-right figures instrumental in building a backlash against ERIC are now pushing for Republican-led states to use EagleAI, according to material compiled by the nonprofit, left-leaning investigative group Documented and first reported by NBC News. That includes Cleta Mitchell, a prominent conservative attorney who has built a constellation of election denial groups across the country and who helped push false narratives about ERIC on her podcast.

"I think that probably we could get some of the secretaries of state who have withdrawn from ERIC to take a look at this," said Mitchell of EagleAI in March, following a demonstration of the software to a local election integrity group. "You know, I think that they're looking for an alternative."

NPR reviewed emails indicating that West Virginia state election officials have been briefed on the software, and emails acquired by Documented indicated similar briefings may be occurring in other states as well.

Another company trying to jump into the void left by states leaving ERIC is called Fractal. It was started by a man named Jay Valentine, who is a frequent contributor to the fringe conservative website The Gateway Pundit, which NPR found to be instrumental in building false narratives about ERIC.

"We currently manage 1.7 billion voter records, that we believe is the largest such system in existence," wrote Valentine, in a pitch email for Fractal to Texas Secretary of State Jane Nelson on May 23, the same day the Texas House passed a bill that cleared the way for the state to pull out of ERIC. That email was obtained by American Oversight and shared with NPR.

A few months later, Nelson appeared to share an article of Valentine's with her elections staff, with the subject line "interesting article." The article falsely claims that the 2020 election "was a fraud." NPR reached out to the secretary's office for comment Thursday but has not received a response.

In an interview with far-right podcast host Steve Bannon, Valentine said Fractal has received some funding from MyPillow founder Mike Lindell, a prominent election conspiracy theorist.

Voter registration data has long been fertile ground for conspiracy theories, because every year millions of Americans move or die and it's virtually impossible for the country's election lists to stay completely up to date. That's not the same thing as fraud occurring, Morse noted, but for those interested in pushing the narrative that elections can't be trusted, pointing out inaccuracies in the system serves the same purpose.

"The fear is that if you naively mash voter registration lists together, it sounds great and you just generate the appearance of fraud," Morse said. "It's just so easy to do [voter list maintenance] in a poor way and it's so hard to try to do the same thing in a more reliable way."

voting stories