

Congress of the United States
Washington, DC 20515

July 18, 2017

The Honorable Kris W. Kobach, Vice Chair
Presidential Advisory Commission on Election Integrity
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Kobach,

We write to express our serious concerns with your June 28th request to the States for voter registration data because of the substantial risk it poses to the privacy and security of the personally identifiable information of the American people. At a time when the personally identifiable data of Americans is under constant attack from hackers and criminals seeking to engage in identity theft, the Commission's request to collect and centrally store the personal data of hundreds of millions of Americans poses risks that cannot be fully mitigated. For this reason, we urge you to withdraw your request for information immediately.

The threat of data breaches and theft of personal information is more serious than ever. In 2016, there were a record number of data breaches with the number of reported incidents increasing by 40 percent over 2015.¹

Your letter requests personally identifiable information of all registered voters in the United States, including names, addresses, dates of birth, and the last four digits of Social Security numbers, among other information. According to the FBI, names, dates of birth, and Social Security numbers are among the most critical pieces of information criminals need to commit identity theft.² Other federal agencies have determined that even partial use of social security numbers, such as the last four digits, increases the risk of identity theft or fraud.³ Your letter specifically asks for this information as well as additional information such as voter history to the extent that it is publicly available. It is worth noting that States take varying approaches as to how this information is shared with the public, with some imposing significant restrictions on its use and others imposing virtually no restrictions.⁴

We are also deeply concerned about the manner in which the Commission proposes States transmit this information to you. Your letter suggests that one option for States to send this information is by email. As reports have indicated, the email address you offer does not appear to use basic security protocols that would at least limit the ability of hackers to gain access to what

¹ *2016 Was a Record Year for Data Breaches*, Olga Khanf - <https://www.bloomberg.com/news/articles/2017-01-19/data-breaches-hit-record-in-2016-as-dnc-wendy-s-co-hacked>

² <https://www.fbi.gov/investigate/white-collar-crime/identity-theft>

³ <https://oma.od.nih.gov/forms/Privacy%20Documents/Privacy%20Newsletters/2013/Privacy%20Pulse%20-%20June%202013%20SSN.pdf>

⁴ National Conference of State Legislatures, 2016. *The Canvass, Issue 66*, pp. 1-3. Available at http://www.ncsl.org/Documents/Elections/The_Canvass_February_2016_66.pdf

is transmitted.⁵ This demonstrates a stunning disregard for the sensitivity of the information you are aiming to collect and unnecessarily puts hundreds of millions of Americans at risk.

Centralizing all this information in one location also raises serious security concerns. The U.S. Intelligence Community has concluded definitively that during the 2016 election, Russia actively attacked the U.S. in an effort to obtain access to voter registration information, targeting as many as 39 States.⁶ Housing all of our country's voter registration information in one place creates a single point of attack for hackers, including foreign powers that may attempt to influence election outcomes. It is not at all clear what security measures you plan to put in place to protect the information you propose to collect and store, aside from your comments to the media that it will be stored on a secure server.⁷ It is also not clear that it would be possible to fully protect this information once it is in the hands of the federal government. As the 2015 Office of Personnel Management data breach made clear, personally identifiable information stored by the federal government is not immune from attack.

The federal government has an obligation to protect the personally identifiable information of the American people. We believe your June 28th request to the States would do the opposite by ignoring the critical need for robust security protocols when transmitting and storing sensitive personally identifiable information and by centralizing it in one place. While more than half of the States in our country have indicated they will not comply and the request was recently put on hold pending a lawsuit, we nevertheless urge you to withdraw this overly broad request due to the risk it poses to the sensitive data of millions of Americans.

Thank you for your consideration of our request and we look forward to your timely response.

Sincerely,



Anna G. Eshoo
Member of Congress

cc: The Honorable Mike Pence, Chair, Presidential Advisory Commission on Election Integrity

⁵ *Trump's Election Fraud Commission Asked States to Send Sensitive Voter Information Over Insecure Email*, Dell Conger - <http://gizmodo.com/trumps-election-fraud-commission-asked-states-to-send-s-1796535568>

⁶ *Russian Cyber Hacks on U.S. Electoral System Far Wider Than Previously Known*, Michael Riley-Jordan Robertson - <https://www.bloomberg.com/news/articles/2017-06-13/russian-breach-of-39-states-threatens-future-u-s-elections>

⁷ *Kris Kobach Wants Every U.S. Voter's Personal Information for Trump's Commission*, Brian Lowry - <http://www.kansascity.com/news/politics-government/article158871959.html>

Doris O. Matsui

Doris O. Matsui
Member of Congress

Juan Vargas

Juan Vargas
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Grace F. Napolitano

Grace F. Napolitano
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Sheila Jackson Lee
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Frederica S. Wilson
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Chellie Pingree

Chellie Pingree
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Tim Ryan

Tim Ryan
Member of Congress

Jim Cooper

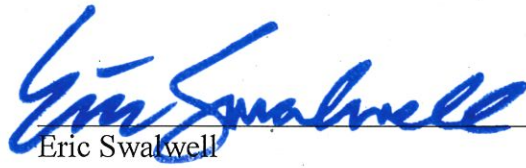
Jim Cooper
Member of Congress

James P. McGovern

James P. McGovern
Member of Congress



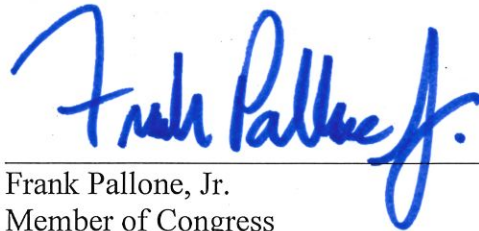
Steve Cohen
Member of Congress



Eric Swalwell
Member of Congress



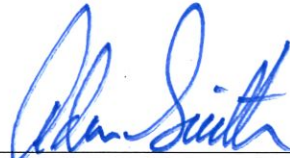
Jackie Speier
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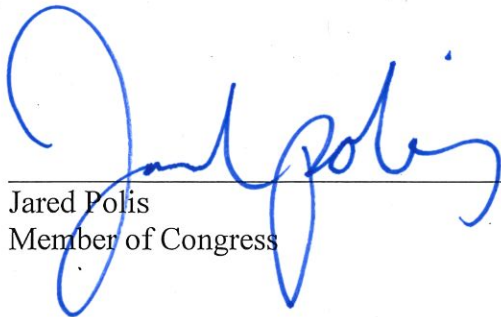
Frank Pallone, Jr.
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Michelle Lujan Grisham
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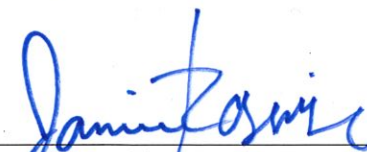
Adam Smith
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Jared Polis
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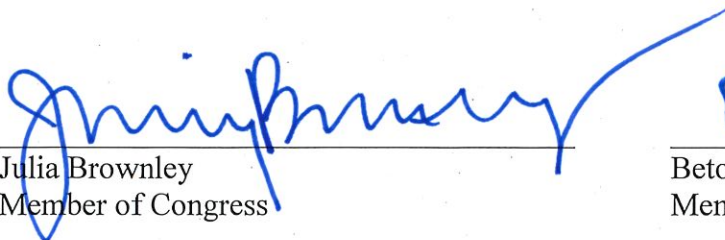
Robert A. Brady
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Jamie Raskin
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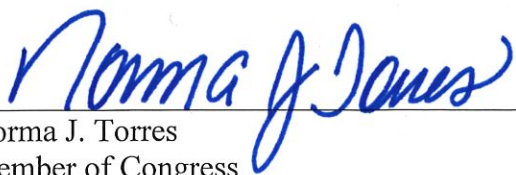
Ted Lieu
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Julia Brownley
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Beto O'Rourke
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Norma J. Torres
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Bobby L. Rush
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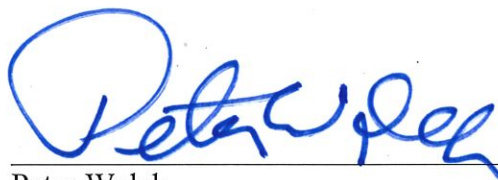
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Val Butler Demings
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Niki Tsongas
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Peter Welch
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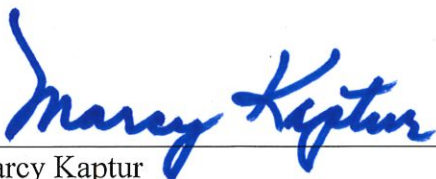
Carol Shea-Porter
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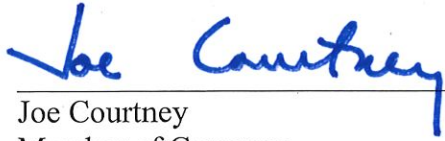
Dwight Evans
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Marcy Kaptur
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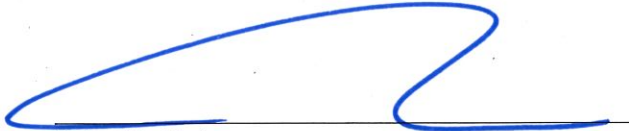
Dina Titus
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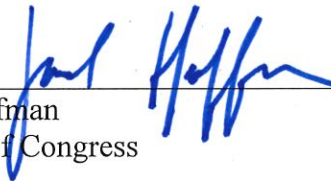
John K. Delaney
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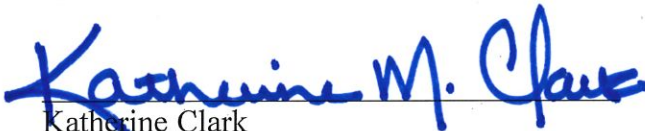
Alan Lowenthal
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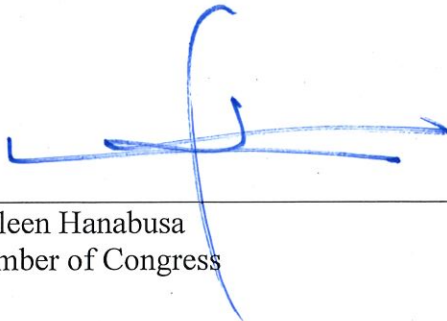
Jared Huffman
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Katherine Clark
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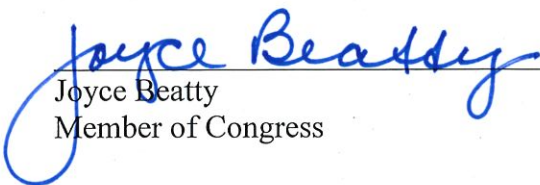
Yvette D. Clarke
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Colleen Hanabusa
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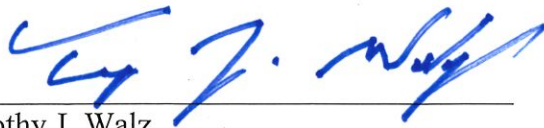
Brenda L. Lawrence
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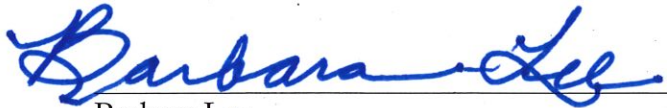
Grace Meng
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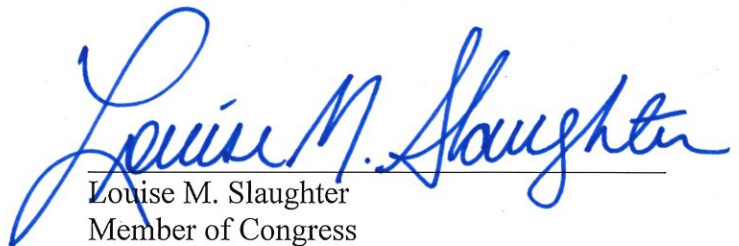
Timothy J. Walz
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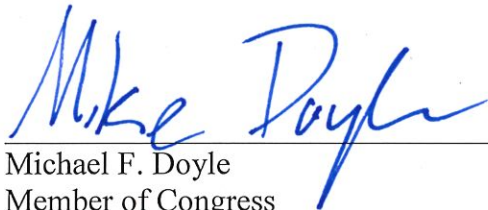
Ro Khanna
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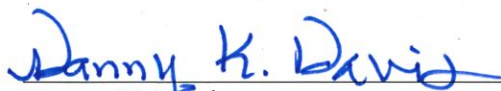
Eleanor Holmes Norton
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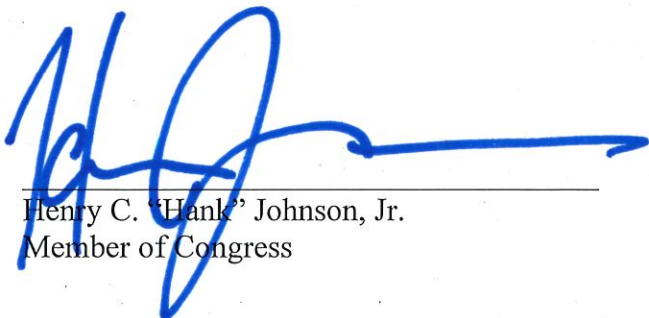
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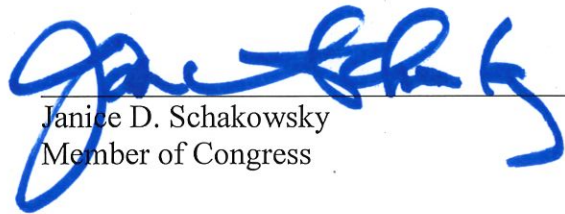
Betty McCollum
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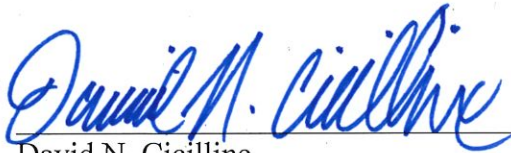
Diana DeGette
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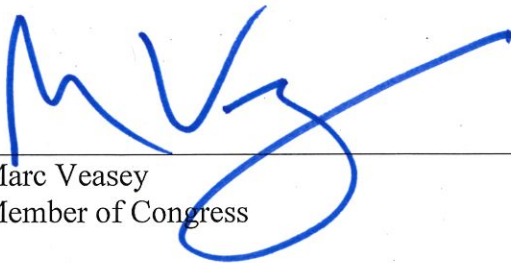
Janice D. Schakowsky
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