

**Presentation by Kansas Secretary of State Kris W. Kobach  
to the  
Presidential Commission on Election Administration**

September 20, 2013

**Part I. The Interstate Crosscheck (“The Kansas Project”)**

**Overview of the Crosscheck**

The interstate crosscheck is a tool used by a growing number of states to compare voter registration data across state lines for two purposes:

- (1) to identify possible duplicate records, and
- (2) to identify possible double votes.

As part of the nationwide voter registration system, a person who moves from one state to another and registers to vote in the new state is requested to provide his/her address in the previous state so the record can be canceled there. If the person fails to provide the previous address, or if the registrar fails to send it to the previous jurisdiction, or if the registrar in the previous jurisdiction fails to act on the cancellation notice, a duplicate record exists.

The interstate crosscheck compares records between states to find these duplicates. In addition, if the voter history in the records indicates a possible double vote, then the information is sent to the respective secretaries of state so that they may determine if, in fact, there was an election crime committed.

**History of the Crosscheck**

In December, 2005, at the Midwest Election Officials Conference in Kansas City, the four secretaries of state representing Kansas, Nebraska, Missouri and Iowa signed a Memorandum of Agreement to coordinate efforts and share costs in several areas: training of election officials, testing of election systems, improvements in security of election processes, uniform protocols for international observers, and crosschecking of voter registration data. Since then the crosschecking of voter registration data has grown into a program that includes more than half the states in 2014. Those states include every region of the country.

2005—Testing of crosscheck program with four original states

2006—First actual crosscheck with four states

2007—Second crosscheck with 6 states

2008—Third crosscheck with 10 states  
2009—Fourth crosscheck with 12 states  
2010—Fifth crosscheck with 13 states  
2011—Sixth crosscheck with 14 states  
2012—Seventh crosscheck with 15 states  
2013—Eighth crosscheck with 22 states  
2014—Ninth crosscheck with 26 states (as of today)

### **Growth in Amount of Data in Crosscheck**

|      |           |  |
|------|-----------|--|
| 2006 | 4 states  | 9,000,000 records compared (approximate <sup>1</sup> ) |
| 2010 | 13 states | 30,807,681 records compared                            |
| 2012 | 15 states | 45,247,823 records compared                            |
| 2013 | 22 states | 84,877,703 records compared                            |

### **Procedure Used in Crosscheck**

1. States pull data on January 15 each year using prescribed data format
2. Upload data to secure FTP site (hosted by Arkansas)
3. As soon as all state files are uploaded, Kansas SOS IT department pulls data, runs comparison, uploads results to FTP site in early February
4. Each state downloads results from FTP site, processes results according to state laws and regulations
5. Kansas deletes all other states' data

### **Processing Results**

Each state processes the results according to its own laws and regulations. Many states mail NVRA-style confirmation notices to voters who appear to have moved to another state. This requires a comparison of registration dates—the state with the older registration date mails confirmation notices. Mailing a confirmation notice to an out-of-state registrant either results in the removal of the voter from one state's rolls if the voter confirms the new registration, or results in the voter being placed on the Inactive list, as defined in NVRA. Being Inactive means the registrant is subject to cancellation after the second federal general election succeeding the mailing of the confirmation notice. Most states work through their local election officials in managing the voter rolls.

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<sup>1</sup> 2006 records compared is an estimate because in the first few years of the program Iowa hosted the comparison, and we do not possess statistics indicating the exact number of records processed.

States also share additional information in cases of possible double votes. Many secretaries of state are not prosecutors, so they collect evidence (signatures, etc.) and refer the cases to local or state prosecutors. Sometimes federal prosecutors are involved.

The amount of time and resources committed by states to processing the results varies. Some states work the results very hard, some focus on duplicates, some focus more on double votes, and some may not expend many resources on the results. But there is value to states being participants in the crosscheck even if they choose not to process the results because other states benefit from the comparison with their records.

### **How Can a State Join the Crosscheck?**

The Chief State Election Official signs the Memorandum of Understanding (MOU). The CSEO assigns two staff members: 1 election administration person and 1 IT person.

Staff members will:

- participate in annual conference calls and email exchanges
- pull voter registration data in January
- receive crosscheck results and process them
- instruct local election officials
  - (mailing confirmation notices, responding to requests for addresses and signatures on poll books, etc.)

### **What is the cost?**

States pay no fees to participate. The only expense is the time spent by the administrative person and database management person in extracting and uploading the data and in processing the results.

## **Part II. The 2012 Election Experience and Line Length**

The 2012 election season in Kansas was unusual for two reasons. First, the state legislature failed to produce new district maps before adjournment as required by the Kansas Constitution, so a panel of three federal district court judges drew the maps, which meant that the final district lines were not known until early June, 2012. Second, Kansas was implementing a 2011 law that requires voters to provide photographic identification when voting. The voter education media campaign and training programs for county election officers and poll workers that are required to implement such a significant change increased the amount of preparation needed for the presidential election. However, through the coordinated efforts of our 105 county election offices and the Secretary of State's office, the election went smoothly.

## **Voting Line Lengths**

The state election office did not receive reports of significant long lines, and from conversations with county election officers, the issue of long lines did not appear to be a major concern in Kansas in 2012. Historically, when voters experience waits of more than thirty minutes we will begin to field complaints, and waits of more than an hour are rare.

The only reports of voters waiting for any periods of time approaching an hour were in some localized satellite advance voting sites in the Kansas City and Wichita areas. These were busy voting locations that had been intentionally placed in high-traffic facilities such as malls. No one wants long lines, and election administrators make every effort to prevent them, but there are times when they are unavoidable. If long lines are to occur, the preferable time is during advance voting when the voters have made a choice to vote at that time and place. Most of them still have options to vote at other advance voting sites or on election day.

## **One Approach: Combining Photo ID and Electronic Poll Books**

Based on my personal observation of polling places in the 2012 election, the combination of photo identification and electronic poll books significantly speeds up the voting process and reduces line length. Nearly half of Kansas' counties use electronic poll books, many with the optional capability to scan driver's licenses. If voters come to the polls with driver's licenses in hand in compliance with the photo ID requirement, their licenses can be scanned and their registration information immediately brought up on the poll book screen. This helps in processing voters quickly and avoiding long lines. There is no need for the poll worker to ask the voter to spell his or her name, and there is no need to flip through the pages of a traditional poll book.

A photo ID requirement and the acquisition of electronic poll book technology are needed to implement this approach. It is essential that poll workers are well trained on the administration of photo ID and the use of electronic poll books. Also essential is an effective voter education program so voters come to the polls with their ID documents, preferably driver's licenses, in hand.

## **Conclusion**

The Presidential Commission is to be commended for its work in identifying ways to improve the American voting experience. We appreciate the broad-based approach the Commission has chosen and for listening to ideas from a variety of sources. I am thankful for the opportunity to contribute to the discussion.

I invite more states to join our efforts in the interstate crosscheck program to improve the quality of the information in their voter registration databases. Also, I recommend consideration of a combination of a photo ID policy with electronic poll books as a method of improving the voting experience and preventing long lines.