

United States Senate

WASHINGTON, DC 20510

November 9, 2017

The Honorable Nancy Berryhill
Acting Commissioner
Social Security Administration
1905 9th St. NE
Washington, D.C. 20018

Dear Commissioner Berryhill:

We write to request information about the Social Security Administration's ("SSA") interaction with the Presidential Advisory Commission on Election Integrity ("the Commission").

On June 28, 2017, the Commission issued demands to forty-four states requesting information about state-level procedures for maintaining voter registration lists. Those demands were met with resistance from state election officials from both parties, and over forty states initially refused to provide the Commission with all of its requested data.

The Commission's partisan motives have become increasingly clear. It is vice-chaired by Kansas Secretary of State Kris Kobach, a leading propagator of false and unsubstantiated allegations of widespread voter fraud. Mr. Kobach was recently compelled to produce documents evidencing his intent to dismantle the National Voter Registration Act.¹ And in February, another commissioner-to-be, Hans von Spakovsky, decried the potential inclusion of Democrats and "mainstream Republicans" on the Commission, fearing they might stand in the way of his and Mr. Kobach's goal of voter suppression.²

Mr. Kobach's public statements and recent document productions as part of FOIA litigation suggest that SSA may be collaborating with the Commission. In July, Mr. Kobach indicated his plans to "bounce the states' voter rolls against the Social Security Administration's own database to find out how many of those people are actually on the voter rolls."³ And in private party litigation, the Commission recently released a *Vaughn* index confirming that, on August 17, 2017, the Commission had "email contact with SSA re: SSA data."⁴

¹ Sam Levine, *Kris Kobach Proposed Weakening Key Federal Voting Protections In Trump Meeting*, The Huffington Post, Oct. 5, 2017, at http://m.huffpost.com/us/entry/us_598dcd41e4b08a247273eb29.

² Letter, Response to FOIA Request on Voter Fraud, The Campaign Legal Center, Sept. 12, 2017, at <http://www.campaignlegalcenter.org/document/letter-response-foia-request-voter-fraud>.

³ Liz Stark and Grace Hauck, *Forty-four States and DC Have Refused to Give Certain Voter Information to Trump Commission*, CNN, July 5, 2017, <http://www.cnn.com/2017/07/03/politics/kris-kobach-letter-voter-fraud-commission-information/index.html>.

⁴ See entry 747, at <https://www.scribd.com/document/360511302/Vaughn-Index#>.

As our colleagues have recently noted,⁵ the apparent motive behind these data collection efforts is to implement a national version of the controversial “Crosscheck” program used by Mr. Kobach in Kansas, which has longstanding and well-documented problems with accuracy. Researchers from Stanford, Harvard, Yale, and the University of Pennsylvania found that Crosscheck’s methodology would wrongly identify 300 legitimate voters for every double voter that could be identified. In other words, Crosscheck “gets it wrong over 99 percent of the time.”⁶ Mr. Kobach and the Commission, however, view Crosscheck’s inaccuracy not as a bug in the program but rather a feature that legitimizes their efforts to purge eligible citizens from the voter rolls.

We are deeply concerned that SSA is becoming a cog in this Administration’s machinery of voter suppression. Full disclosure of any documents reflecting communication or coordination between SSA and the Commission is therefore necessary for Congress to provide appropriate oversight on this issue. Accordingly, we respectfully ask that you provide responses to the following questions and requests by November 30, 2017:

1. What communications has the SSA or its employees or representatives had with the White House, the Office of the Vice President, or White House Counsel’s Office regarding the Presidential Advisory Commission on Election Integrity, either before or after its formation? Please include any relevant documents or records of any such communications in your response, and describe the process by which such documents were searched for and collected.
2. What communications has the SSA or its employees or representatives had with the Commission (including any individual commissioner or Commission representative), either before or after its formation? Please include any relevant documents or records of any such communications in your response, and describe the process by which such documents were searched for and collected.
3. On June 28, 2017, the Commission sent requests to state election officials seeking an extensive set of state voter records. Was SSA consulted or advised in any way about these requests? Please include any relevant documents or records of any such communications in your response, and describe the process by which such documents were searched for and collected.
4. What coordination or communications have there been between SSA and the Commission regarding state voter data or SSA data? Please include any relevant documents or records of any such communications in your response, and describe the process by which such documents were searched for and collected.

⁵ Letter, Senator Amy Klobuchar et al. to the Presidential Advisory Committee on Election Integrity, Oct. 18, 2017.

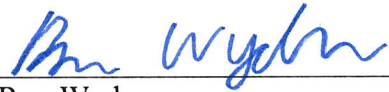
⁶ Ari Berman, *The Man Behind Trump’s Voter-Fraud Obsession*, The New York Times, June 13, 2017, at <https://www.nytimes.com/2017/06/13/magazine/the-man-behind-trumps-voter-fraud-obsession.html>.

5. What data or information, if any, has SSA shared with or made accessible to the Commission? If SSA has shared any data with the Commission, what steps has SSA taken to ensure its security?

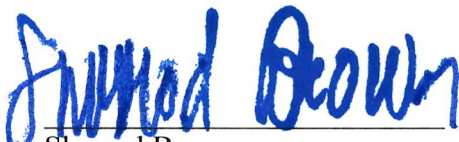
Sincerely,



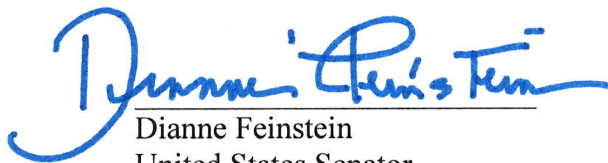
Sheldon Whitehouse
United States Senator



Ron Wyden
United States Senator



Sherrod Brown
United States Senator



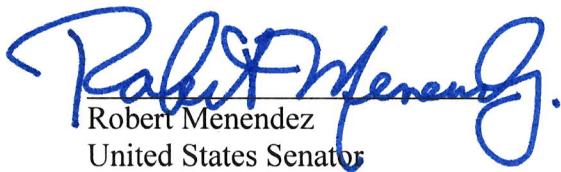
Dianne Feinstein
United States Senator



Thomas R. Carper
United States Senator



Richard J. Durbin
United States Senator



Robert Menendez
United States Senator



Amy Klobuchar
United States Senator



Michael F. Bennet
United States Senator

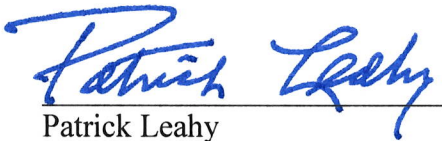
Al Franken
United States Senator



Bill Nelson
United States Senator



Richard Blumenthal
United States Senator



Patrick Leahy
United States Senator



Mazie K. Hirono
United States Senator