



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
HARRISBURG, PENNSYLVANIA 17120

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ATTENTION: Witold J. Walczak

AGENCY: ACLU of Pennsylvania

TO FAX NO: (215) 592-1343 and (412) 681-8707

DATE: March 31, 2014 TIME: 2:45 p.m.

FROM: Carol Aichele, Secretary of the Commonwealth

SENDER'S PHONE NO: (717) 787-6458

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MESSAGE: Interstate Crosscheck Voter Registration Program



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE

March 31, 2014

Wrold J. Walczak  
Legal Director  
ACLU of Pennsylvania  
313 Atwood Street  
Pittsburgh, PA 15213

Dear Mr. Walczak:

Thank you for your email and subsequent letter regarding the Interstate Voter Registration Data Crosscheck Program.

As indicated in the Department's responses to your Right-to-Know Law (RTKL) request, Pennsylvania joined the Interstate Voter Registration Crosscheck Program in 2013. This multi-state consortium is nothing more than the latest addition to the Commonwealth's general program of reasonable efforts designed to identify and remove the names of ineligible voters from the official lists of eligible voters by reason of a change in residence. Like all components of the list maintenance program established to improve the accuracy of the Commonwealth's voter registration rolls, the Interstate Voter Registration Crosscheck Program will be administered in accordance with applicable law, including particularly section 8 of the National Voter Registration Act (NVRA), 42 U.S.C. § 1973gg-6, and section 1901(d) of Pennsylvania's voter registration law, 25 Pa.C.S. § 1901(d).

In general terms, the Interstate Voter Registration Crosscheck Program enables participating states to compare their voter registration data and identify potential duplicate registrations. This crosscheck program is simply a uniform and nondiscriminatory tool reasonably designed to help Pennsylvania's county voter registration commissions to identify and examine the voter registration records of individuals who might no longer reside in the Commonwealth of Pennsylvania. The program will be administered precisely in the manner required by section 8 of the NVRA and Pennsylvania law.

The procedure that the Department of State is developing to implement the crosscheck will have very closely to protocols already in place for other components of the Commonwealth's list maintenance program. When the program identifies a voter registration record as a potential duplicate, the county voter registration commission would send the registrant a written notice. The notice would explain that the commission has received information suggesting the possibility that the registrant is no longer a resident of the Commonwealth of Pennsylvania. The notice would then afford the registrant the opportunity (1) to affirm that he or she continues to

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reside at his or her registered address; (2) confirm a new residence in the Commonwealth so that a change of voter registration to the proper residence might be effected; or (3) confirm that the registrant no longer resides in the Commonwealth such that his or her voter registration should be canceled.

If the voter registration commission receives no response from the registrant (or the notice is returned as undeliverable), the commission would (1) list the registrant as an "inactive voter"; and (2) begin the process prescribed by section 8(d) of the NVRA and 25 Pa.C.S. § 1901(d).

A registrant listed as an inactive voter retains the right to vote. An inactive voter is merely required to sign a written affirmation that confirms his or her address the next time he or she appears to vote. See 4 Pa. Code § 183.6. The registrant would thereafter be removed from the list of inactive voters.

Under federal and state law, no voter registration may be canceled unless (1) the registrant affirmatively requests that his or her registration be canceled; (2) the voter registration commission has proper proof that the registrant has died; or (3) after notice has been sent under section 8(d) of the NVRA and 25 Pa.C.S. § 1901(d), the registrant does not vote or otherwise communicate with county elections officials through two general (i.e., even-numbered year) elections - a period of up to four years.

The Department of State is still in the process of finalizing the procedures and forms needed to implement the crosscheck program, including the proposed duplicate voter notice. That is the reason that there are no Pennsylvania documents responsive to your RTKL request at this time.

Please be aware that the Department of State does not intend to recommend that the county elections officials take any action under the program until after the 2014 General Election.

I trust that the information provided in this letter answers your questions and provides reasonable assurance that the Department of State intends for the Interstate Voter Registration Crosscheck Program to seamlessly merge with the Commonwealth's existing list maintenance program designed to enhance the accuracy of Pennsylvania's voter registration rolls as required by the NVRA and Pennsylvania law.

Sincerely,

Carol Aichele  
Secretary of the Commonwealth

By First Class Mail and Fax