

Trump's voter fraud commission forced to pause data collection

By Evan Blake
12 July 2017

In the face of multiple lawsuits alleging the violation of laws and regulations surrounding federal data collection, Donald Trump's Presidential Advisory Commission on Election Integrity voluntarily halted its efforts to compile voter data on Monday.

The commission was established by Trump in May to investigate supposed voter fraud in the US, after Trump repeatedly made false claims that he lost the popular vote in the 2016 election due to "millions" of cases of illegal voting. In reality, there have only been a handful of voter fraud cases in recent years. The real purpose of the commission is to facilitate voter suppression on a wide scale.

Last month, far-right Kansas Secretary of State Kris Kobach, the commission's vice chairman, sent a letter to all 50 secretaries of state requesting swaths of data, including the full names of all registered voters, the last four digits of their Social Security numbers, drivers license numbers, party affiliations, addresses, birth dates, history of felony convictions, military status, and voting history dating back to 2006, all of which the commission intends to have "made available to the public."

While some states outright refused to provide any data, most have agreed to provide the commission with data that is already publicly available, including Arkansas, whose voter data has already been stored by the commission on a Department of Defense server in Huntsville, Alabama. Two lawsuits filed Monday, in addition to one filed last week, have prompted Kobach to temporarily pause the commission's data collection efforts.

The Electronic Privacy Information Center (EPIC) is suing the commission, accusing it of violating the privacy of American voters. EPIC filed for a restraining order last week against the commission, alleging that it

is violating the E-Government Act of 2002, which mandates that federal agencies establish security protections for any data collected containing personal information. Agencies must first publish a Privacy Impact Assessment that describes the purpose of the data collection and how the data would be secured, which the commission plainly failed to do.

In filing the lawsuit, EPIC urged a federal judge to block any further data collection, prompting Kobach to submit a court filing Monday stating that the commission voluntarily paused data collection efforts until the judge rules on the case. The court filing claims that the data stored in Alabama has been deleted, and that future data collected will be compiled on a secure server in the White House.

Also on Monday, the American Civil Liberties Union (ACLU) filed a separate lawsuit against the commission, asserting that it is also violating the Federal Advisory Committee Act (FACA), which requires advisory committees to hold their meetings publicly, make all records and reports available to the public, and have the composition of the committee "fairly balanced in terms of the points of view represented."

The Kobach commission is clearly violating these regulations, having kept their records and meetings secret and being composed for the most part of far-right figures who promote the discredited view that voter fraud is widespread in the US.

A third lawsuit, also filed Monday by the Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), is similar to that of the ACLU, accusing the Kobach committee of violating FACA. In addition, the Lawyers' Committee lawsuit alleges that Kobach himself is violating the Hatch Act, which stipulates that executive branch employees are not allowed to use

their “official authority” to influence elections.

Kobach, who is running for Governor of Kansas, has heavily promoted his role on Trump's voter fraud commission on his own campaign website, in television interviews and across social media.

Experts have also accused the commission of violating the Paperwork Reduction Act of 1980, which requires federal agencies to publicly explain their intentions and give advance notice whenever they send an information request to the states.

The hasty efforts of the Kobach commission to compile an immense amount of personal data, in the process trampling over democratic rights and legal processes, have exploded in their face. It has become increasingly clear that the purpose of the commission is not to eliminate nonexistent voter fraud, but to deepen the decades-long, bipartisan assault on democratic rights.

Prior to EPIC's restraining order request, the commission had already been rebuffed by many states, with 14 states and the District of Columbia having refused outright to provide any information and the remaining states either agreeing to provide the commission only with data that is available to the public, or supplying nothing pending review of their state laws to determine what data they can legally give the commission. Facing popular outrage at the privacy infringement, not a single state immediately acquiesced to the more egregious requests, such as drivers license and partial Social Security numbers.

Although the mainstream media has presented the withholding of data as a principled rebellion by the states against the Trump administration, the fact is that a majority of state governments are enacting their own laws aimed at voter suppression. While the Republicans have largely driven this campaign of voter suppression, the Democrats will not carry out a genuine struggle in defense of democratic rights or to protect the privacy of the American population.

Over the past few days, from July 7-10, the National Association of Secretaries of State met in Indianapolis to discuss common issues and adopt resolutions. Coming less than two weeks after Kobach sent his letter to all 50 secretaries of state, the meeting was notable for its timid response to the Trump administration's reactionary efforts to compile voters' personal data.

The resolution ostensibly meant to address Kobach's request for voter data merely states that the “Secretaries of State do hereby reaffirm their commitment to strengthening election cybersecurity and processes, and increasing voter participation.”

In recent years, the issue of voter fraud has been elevated to the status of a national crisis by Republicans as a means to enact strict voter ID laws, which disproportionately prevent minority, immigrant and younger voters—who tend to favor Democrats—from voting.

As of September 2016, 33 states have enacted some form of voter ID requirement, including Democratic-run Rhode Island and Hawaii. As of May, lawmakers in 31 states had introduced at least 99 bills restricting voting access, while new voter ID laws have been passed in six states, according to the Brennan Center for Justice.

As Secretary of State in Kansas, Kobach has pushed voter ID requirements the furthest of any state in the US. In order to register to vote, one must present proof of citizenship, such as a passport or birth certificate. Kobach was also the first Secretary of State to be granted the power to prosecute voter fraud cases, which he has used to convict six elderly citizens who mistakenly voted twice.

Through the voter fraud commission, Kobach intends to compile voter data and concoct thousands of false positives, in order to make the case that the deeply reactionary measures enacted in Kansas should be adopted nationwide.

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