

Written Testimony of Max Hailperin on SF 3665 (Classifying Data in the SVRS), 3/16/2022

This bill would seriously damage the privacy of Minnesota voters, including some who fear for their personal safety. I am particularly concerned about those who have made “a written request for removal of the voter’s record” as provided by M.S. 201.13, subd. 4. Although that statutory language specifically indicates the request would be for *removal*, the rest of the sentence mandates that “the county auditor shall *inactivate* the record of the voter in the statewide voter registration system.” (Emphasis added.) As such, the bill would include such a voter’s record among those newly made public—inactivated records are currently not public.

A voter who has requested removal would reasonably expect that this request protected their data from disclosure. This reasonable expectation could have been formed in reliance upon an authoritative web page, titled “I Fear for my Personal Safety,” in which the Secretary of State’s office has for years suggested this option. Based on current law, that page describes the request “for removal” as *more protective* of privacy than the request for “withholding the voter’s name from the public information list” under M.S. 201.091, subd. 4. Thus a voter fearful for their personal safety might logically—at any point in the past years—have opted *not* to make the request for withholding, which the present bill would have honored. Instead the voter would have requested removal, achieved inactivation, and thereby received no protection at all under SF 3665. This is a serious problem.

For completeness, I will mention that the same web page describes a third, even more extreme form of privacy protection, the Safe at Home program. That program is sufficiently onerous that many people concerned for their personal safety do not participate. Nor is it relevant to this bill, which only concerns the classification of data within the Statewide Voter Registration System. In accordance with M.S. 5B.06, “the name and address of a [Safe at Home] program participant must not be listed in the statewide voter registration system.”

The bill would create additional privacy problems beyond the disclosure of information concerning voters who have explicitly requested their removal. I have focused on that scenario because it suffices to show how important it is that your committee not advance this bill. Please leave existing protections intact.