



## Voting & Survivor Privacy

The Supreme Court has emphasized the importance of voting, saying it is the key to preserving all other rights. NNEDV works hard to lift up the voices of survivors in policymaking so that their concerns are on the national agenda. And it's important for survivors to be fully aware of how their voter information is collected, used, shared, or sold, so they can make informed decisions about their privacy and safety when registering to vote or casting a ballot.

Depending on the state or territory process, when someone registers to vote, their voter registration record may be considered public record and available to a variety of individuals or groups. Voter registration records typically include personally identifying information such as name, home address, and political party affiliation. States and territories may also collect and make public other information, including the person's date of birth. All U.S. States and the District of Columbia allow some sort of access to these records, although who has access and what information is available varies across the country.

Privacy protections of voter records also vary. Voter privacy is important to survivors of domestic violence, sexual assault, stalking, or trafficking who are concerned about their personal information being released or accessed by an abusive person. Many survivors have to navigate a complex and confusing system to maintain their privacy and some, unfortunately, may have few choices other than not voting at all to avoid any possible safety risks. We think it is critical for survivors to have access to privacy protections that will help ensure they can vote and engage in our political system without fear.

### **Access to Voter Records**

Generally, almost all voter records include name, address, and party affiliation (if registered with a party), and may include additional personally identifying information. Some states have prohibitions on sharing certain types of information but these limitations vary and some states do not have restrictions.

All states allow some form of access to voter registration records for political parties and candidates for elected offices. Depending on the state you live in, your voter information may also be shared with law enforcement, government officials, businesses, scholars, journalists, and the general public. Some states limit who can access the records. For example, access may be limited only to residents of the state, to other registered voters, to non-profit organizations, or for research purposes. Most states, however, allow public access to some information about registered voters; and the information that is available usually includes current address – a piece of information that is particularly important to keep private for many survivors concerned about privacy and safety.

In addition to sharing or selling voter records, every state has a process for voters to check their registration status. These status checks can be done online by filling out a form with minimal personal information, such as name and zip code. The status checks often reveal the full current address of the voter. For survivors whose address privacy is connected to their personal safety, these easily accessible status checks can be a scary safety risk, especially if the abusive person may know the general area they are now in and could guess the zip code.

What makes this issue even more difficult is the existence of “Enhanced Voter Records,” which are compiled by data brokers who collect additional individual information from public records, commercial sources, social media sites, apps and websites to make voter records even more identifying. “Enhanced Voter Records” are frequently marketed to political campaigns and may include information on a voter’s purchasing habits, religious affiliation, recreational activities, and even public social media profile information.

Several states, however, allow personal information to be withheld from being shared if it is specifically designated as confidential. Many Address Confidentiality

Programs (ACPs)<sup>1</sup> work to prevent the sharing of their participants' voter records to keep survivors' addresses from being sold and accessible in voter lists. Many ACPs have significant challenges effectively controlling this data, however, so it is not a guarantee of privacy. A few states also limit the sharing of residential address information for certain professions, such as victim advocates, people who work in reproductive justice, police, and judges.

To find out what states have ACPs and to learn more about the specific protections available, check out our [Address Confidentiality Laws by State Chart](#), and reach out to the ACP you want to know more about.

For a detailed look at voter registration privacy protections in your state, check out the National Conference of State Legislatures' [Access To and Use of Voter Registration Lists Report](#).

### **Online Voter Registration**

Online voter registration has been implemented in 40 states, as part of a push to help citizens have additional and more accessible ways to register. The online registration process is meant to supplement (and not replace) paper registration. While this process can make registration easier for those with access to the Internet, which is a praiseworthy goal, it is important for survivors to think through any risks. If a survivor is concerned that their device is being monitored, they may want to consider using a separate device when registering, to help ensure their privacy.

Online registration systems often ask for the person's driver's license number or the last four digits of a Social Security Number, in an effort to verify their identity. But because abusers often have access to or may know this information, they can try to sabotage a survivor's ability to vote by entering false information. Survivors

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<sup>1</sup> Address Confidentiality Programs (ACPs) are programs administered by individual states enabling victims of domestic violence, and sometimes victims of sexual assault and/or stalking, to keep their current address hidden and use an alternate mailing address for a variety of public and official processes.

concerned with this can call their local Board of Elections to verify their information is correct.

To learn about online voter registration options in your state, check out the National Conference of State Legislatures' [Online Voter Registration Report](#).

### **Automatic Voter Registration**

Some states are trying to reduce registration barriers for eligible voters through the use of Automatic Voter Registration (AVR), which may impact survivors who are concerned about their privacy. In states with AVR, eligible citizens are registered to vote automatically upon accessing certain services from government agencies, like applying for a driver's license, unless they affirmatively opt-out or decline. Those agencies then transfer voter information electronically to election officials. In most states that have implemented AVR, the main governmental agency involved in registering voters is the Department of Motor Vehicles (DMV). Currently, under Section 7 of the National Voter Registration Act (NVRA), any state office that provides public assistance or operates state-funded programs that serve individuals with disabilities must offer opportunities to register to vote. Now some states with AVR are also considering expanding the types of government agencies that can *automatically* register voters, including to other state-designated agencies covered under NVRA so that people can be registered when they apply for health insurance, food stamps, housing programs and other benefits.

Implementation of voter registration processes differs from state to state with different federal and state laws that may control the process. Primarily, the differences are whether it's an opt-in or an opt-out process and where in the process that choice is made. For example, in Oregon, people who interact with the DMV will get a follow-up letter in the mail explaining AVR and that they must respond within a certain timeframe in order to opt-out of being registered. Alternatively, in California, voters can decide whether to register or not while at the DMV.

Ensuring that every eligible voter who wants to vote can vote is an important goal and a key tenet of democracy. It's also incredibly important that eligible voters be made aware of how their personal information is shared, both publicly and behind the scenes, so that they can make an informed decision about how the automatic registration process may impact their privacy and safety. They should also be given information about any available privacy protections in their state. This will help ensure that survivors have a chance to assess any risks associated with the automatic registration process, and determine what works best for them. Because once they have registered, their personal information may be obtainable by the public, accessible online, and even be available for purchase. All eligible voters should be informed of how they can opt-out or enroll in an address confidentiality or voter privacy program.

For more information and to see a list of states using AVR, check out the National Conference on State Legislatures' [Automatic Voter Registration Report](#).

### **Voting Safely & Privately**

It's also important to think about the act of voting, and how survivors can exercise their right to vote in ways that prioritize their safety and privacy.

### ***Voting by Mail & Absentee Ballot***

In general, all states offer an absentee ballot process, and the [requirements to get an absentee ballot differ from state to state](#). In two-thirds of states voters can request an absentee ballot without providing any reasons for needing an absentee ballot; one third of states have more onerous requirements. Some states offer a permanent absentee ballot list: once voters ask to be added to the list, they will automatically receive an absentee ballot for all future elections.

A few states offer eligible voters the option to request a mail-in ballot, and in others the state mails ballots automatically to every eligible voter and voting by mail is their standard voting method. And many states are temporarily shifting to vote by mail options to help people vote while staying safe and healthy during the

COVID-19 pandemic. The drop off locations will vary, but generally, these ballots can be returned by mail, dropped off at a polling place, or designated drop box. Voting by mail can also be helpful to survivors who are concerned they may run into their abuser at the polling place, or to those who are working, are in school, or parenting and unable to easily get to their polling place on Election Day. Mail-in voting may also give survivors a chance to more privately cast their vote without fear of an abuser looking over their shoulder at the polls, monitoring or trying to influence their choice. On the other hand, abusers may try to sabotage a survivor's ability to vote by mail. While voter fraud is rare, states all have criminal penalties and such acts can be reported to the [state or territorial election office](#), along with a request for information on how to still participate in the election. For more on this topic, see the National Conference on State [Legislatures Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options](#)

### ***Voting at the Polls***

For survivors who are concerned they may run into their abuser at the polls, they can consider a number of possible safety planning options (in addition to mail-in voting mentioned previously). One option is to think about the abuser's schedule and time their trip to the polls when they know the abuser will likely be busy. Some states offer early in-person voting, which provides even more options with respect to the times and varied locations survivors can safely go vote.

According to [a recent study](#), 44 states guarantee the right to secrecy in voting in their state constitutions, and six states and the District of Columbia have statutes that reference secrecy in voting. There are specific exemptions that each state offers related to secret voting, and these primarily were created to help voters with disabilities or those needing translation assistance request help in the voting booth if they wish. For survivors who may be traveling to the polls with their abusive partner, vote monitoring or intimidation can pose a serious challenge to their right to participate in the democratic process. Poll workers should be trained to ensure that everyone's right to cast a secret ballot is protected, which can be helpful in mitigating such invasions of privacy.

## **The Struggle to Maintain Privacy**

For survivors and others concerned about their privacy, it's critical that the voter registration process and voting process include up-front information so individuals are fully aware of what related privacy risks exist. Many people do not realize that their voter registration record may be publicly available online and that it may include identifying information. Voters should also be given more options to maintain their privacy when registering to vote. These options should either be created or enhanced so they are easily accessible and available to all eligible voters.

Currently, survivors who have high privacy risks have few options and may have to forfeit their ability to participate in the voting process because they need to keep their address from becoming publicly available. Lack of privacy is an extremely unfortunate reason for someone to not be able to vote, and is something that should be addressed so that all citizens can exercise their constitutional right to engage in the political process. If your state or territory currently does not offer adequate privacy protection options for individuals, reach out to your state or territorial coalition for information on how to advocate for such changes.

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