

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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UNITED TO PROTECT DEMOCRACY et al.)
)
Plaintiffs,)
v.)
	Civil No. 17-02016 (RC))
)
PRESIDENTIAL ADVISORY COMMISSION ON ELECTION INTEGRITY et al.)
)
)
Defendants.)
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DECLARATION OF JOHN LINDBACK

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(*Pro hac vice* pending)
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DECLARATION OF JOHN W. LINDBACK

I, John Lindback, declare as follows:

1. I am an expert in effective election administration, with a particular focus and experience on voter registration databases and management systems.
2. I recently retired as the Executive Director of the Electronic Registration Information Center (“ERIC”), a consortium of states working to improve the accuracy of their voter registration databases and improve access for Americans to voter registration. Immediately prior, I worked at the Pew Charitable Trusts on improving the administration of voting, focusing primarily on how to improve voter registration in the United States for both voters and elections administrators.
3. Previously, I worked as the Director of Elections for the Oregon Secretary of State and Chief of Staff to the Alaska Lieutenant Governor. In both positions, I had policy and administrative oversight of statewide election systems, including voter registration databases and voting tabulation systems. I also served as President of the National Association of State Election Directors, an elected position.
4. I have served on the U.S. Election Assistance Commission (“EAC”) Standards Board and as the Chair of the EAC’s Standards Board’s Voluntary Voting Systems Guidelines Ad Hoc Committee.
5. My resume is attached as Exhibit A.
6. I am aware that on June 28, 2017, the Presidential Advisory Commission on Election Integrity (the “Commission”) sent letters to state election officials around the country seeking voter registration data (“the June 28 letters”). It is my understanding that the letter asked those officials to provide, to the extent they were “publicly available” under state law, “the full first and last names of all registrants, middle names or initials if available, addresses, dates of birth, political party (if recorded in your state), last four digits of social security number if available, voter history (elections voted in) from 2006 onward, active/inactive status, cancelled status, information regarding any felony convictions, information regarding voter registration in another state, information regarding military status, and overseas citizen information.”
7. As a former state election official, I have particular knowledge about the considerations that must go into creating a secure voter database. Policies and procedures must be established to determine where data will be stored, how to safely transmit data from one end-user to another, and who will have access to particular data, such as personally identifiable information including social security numbers (full or partial) and dates of birth. Firewall protection systems must be created to stop data breaches by outsiders, and back-up systems must be put in place to ensure that if data is lost, there is back-up data to take its place. Policies and procedures must be written and approved by governing authorities to establish rules on password protection, encryption, anonymization of sensitive data, acceptable use of hardware, procedures to follow if there is a data breach,

where and how the data will reside, and for the safe and secure transmission of data from one approved user to another.

8. Through ERIC, member-states coordinate efforts, share information, and make better use of government records and technology to enhance the integrity of their electoral rolls. ERIC uses publicly available information from the post office, death records, and vehicle registrations to assist states in maintaining more accurate voting roles. In setting up the ERIC system, it was essential to identify a data center with adequate and auditable security protections to house the data. And it was necessary to create a secure system for ERIC to accept data from the states, match the data on a continuous basis, and provide reports to members on voter registration records that are out of date due to the voter moving or death of the voter. Data is also provided to the states periodically on residents who are not yet registered to vote so that the member-states can provide information to them on how to register.
9. Had we not taken these steps, the risk of data breaches and/or accidental releases of sensitive data would significantly increase, and public trust in the system would be seriously damaged or completely lost. It is imperative that all individuals who transmit the data and use the data are trained and aware of the risks involved and the potential damage to individual voters if information in the databases is not adequately protected. In addition, policies and procedures must be put in place for disclosure of data breaches and/or accidental disclosures of sensitive data by approved users of the system. A determination must also be made about what security policies and procedures will be made public, as public disclosure of some aspects of system's security protocols could increase the risk of data breaches and disclosures. States were assured that their data will be kept as safe as possible by their participation in security planning and approval of all security policies by the ERIC Board of Directors.
10. The collections requested by the Commission, if successful, would result in the creation of an unprecedented national voter database with unprecedented amounts of personally identifiable information.
11. The risks of creating such a database are exponentially greater than the already large risks to personal privacy inherent in creating a state-wide system.
12. The Commission should create a set of security policies and procedures that are embodied in an Information Security Management Plan. The policies and procedures should be reviewed by information security experts who can provide valuable advice on risks to the data and mitigation procedures that should be taken to reduce risk. Any individual with access to the data should be trained on the risks and the proper procedures they must follow to work with the data.

Under penalty of perjury, I declare that the foregoing is true and correct to the best of my knowledge and belief.

A handwritten signature in cursive script, appearing to read "John W. Lindback".

John W. Lindback

Executed this 5th day of October, 2017

Exhibit A

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Stayton, Oregon 97383

Phone 503-569-7575
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John W. Lindback

Professional experience

2014- 2017 ERIC, Inc. Washington, DC
Executive Director, Electronic Registration Information Center

- Served as first full-time Executive Director of interstate consortium of states that worked together to identify voter registration records that were outdated or inaccurate and identify individuals who are not yet registered to vote.
- Oversaw expansion of the organization from seven states to 20 states and the District of Columbia.
- Created and managed systems for personnel management, budgeting, accounting, contracting and management of ERIC's database of records from participating states' voter files and Department of Motor Vehicles driver files.
- Managed the creation of ERIC's first Information Security Management Plan, which included an extensive set of policies and procedures related to keeping ERIC data, including personally identifiable information, secure. Policies and procedures cover keeping data secure while it resides in the ERIC database and keeping data secure during transmissions between ERIC and participating states.
- Worked daily with ERIC contractors on issues related to data management, data security, and financial management of the organization.
- Represented ERIC during state and national meetings of elections officials, including providing briefings on ERIC's growth and status.
- Worked daily with ERIC officers and the ERIC Board of Directors on policy setting, organizational management, and expansion of ERIC to include more states.

2009- 2014 Pew Charitable Trusts Washington, DC
Senior Officer, Elections Team, Pew Charitable Trusts

- Lead portfolio of elections activities related to voter registration with most work focusing on upgrading voter registration in America, including the creation of the multi-state Electronic Registration Information Center (ERIC), a co-operative data exchange that helps states identify voter registration records that are outdated and inaccurate.
- Help state and local elections officials identify solutions to serious problems of inaccuracy, inefficiency and high costs in America's voter registration systems.
- Provide logistical and technical assistance to states in the formation of the non-profit Electronic Registration Information Center, including establishment of administrative systems and hiring staff.
- Work with IBM technical staff on technical requirements and processes for creation and distribution of ERIC reports to the states.

- Regularly give presentations to national, state and local associations regarding the latest research on voter registration in America and solutions, developed, with Pew's assistance, by elections officials and elections experts.
- Serve as a liaison between the Pew Elections Team and state and local elections officials throughout the United States.
- Assist members of the Pew Elections Team with other elections projects, such as development of the new Elections Performance Index, a mechanism to assess the performance of states on key indicators related to the administration of elections, and the Voter Information Project, which works with Google, Yahoo, and Microsoft to make polling place and ballot information accessible to voters on the internet.

2001- 2009 Office of the Secretary of State Salem, OR
Director of Elections

- Served as policy and administrative director of the Division of Elections, which enforces laws relating to the conduct of elections and campaign finance disclosure for the State of Oregon.
- Administered and enforced laws and processes relating to voter registration, qualifications of state candidates, issuing ballots, counting votes, recounts, certification of elections, and investigations of alleged irregularities.
- Administered and enforced laws related to campaign finance disclosure for all candidates running for state and local office in Oregon, including examination of thousands of reports filed by candidates and assessing penalties for insufficient disclosure.
- Traveled to Albania in 2003 at the request of the US State Department to speak to political leaders and confer with elections administrators about the importance of creating effective and independent elections administration agencies within government, including agencies to administer campaign finance disclosure laws and regulations.
- Administered and supervised all voter education conducted by the Elections Division, including publishing state voters' pamphlets before each statewide election, which were distributed to 1.8 million households.
- Administered and enforced Oregon's ubiquitous initiative, referendum and recall process, which included processing and verification of petitions, administration of the ballot title process, and investigations of complaints related to signature fraud.
- Sponsored and supervised creation and implementation of a \$10 million voter registration and election management system to service Oregon's 36 counties.
- Sponsored and supervised creation of a system to allow candidates and political committees to file campaign finance disclosure reports online and give the public instant, online access to the information.
- Administered all investigations of complaints related to elections and referred cases for prosecution.
- Supervised 18 employees, including the employee evaluation process and training.
- Served as the chief spokesman for the Elections Division with the media, which included frequent newspaper, television and radio interviews.
- Administered the Elections Division's annual budget of \$3 million.

- Served as liaison with the Oregon Association of County Clerks, which includes semi-annual training for county elections officials and regular coordination with association committees and officers.
- Served as President of the National Association of State Elections Directors in 2008. Was also elected by peers to the Executive Board of the U.S. Elections Assistance Commission's national Standards Advisory Board.
- Served as an advisor to Design for Democracy, a non-profit organization that promotes better design of ballots and other election materials.

1995- 2001 Office of the Lieutenant Governor Juneau, AK
Chief of Staff to the Lieutenant Governor

- Provided administrative oversight for the Lt. Governor of the Alaska Division of Elections, including the director's office and four regional offices. Responsibilities included daily oversight and consultation with the director and other employees on elections policies, procedures and statutory requirements, serving as the Lieutenant Governor's liaison with the legislature on matters relating to elections, and serving as the Lieutenant Governor's chief contact with the press on elections matters.
- Supervised the state's transition in 1998 from punch card to optical scan voting technology and oversight of a successful effort to "depoliticize" the Division of Elections after Lt. Governor Ulmer took office.
- Served as the Lt. Governor's liaison with the National Association of Secretaries of State.
- Supervision of the Lieutenant Governor's personal staff of 9 employees, including the preparation of all written materials and speeches, press relations, constituent relations and public outreach.
- Daily administration of the Lieutenant Governor's office, including budget, personnel and travel.
- Advisor to the Lieutenant Governor in her capacity as state government's policy leader in all matters relating to information technology, including the development of the State of Alaska's e-government strategies and telecommunications systems.
- Liaison for the Lieutenant Governor to the Alaska Legislature and the National Association of Secretaries of State (NASS). Duties include testimony on behalf of the lieutenant governor before committees and lobbying legislators personally on her behalf. Regularly attended NASS meetings and was delegated authority to vote on her behalf at business meetings.

1993- 1995 University of Alaska Southeast Juneau, AK
Public Information Officer for University of Alaska Southeast

- Handled daily media relations with newspapers, radio stations and television stations throughout Alaska. Duties included providing timely responses to media questions, issuing press releases and providing story ideas to reporters and editors about campus programs, faculty and students.
- Developed and implemented campus public relations strategies, which included long-term promotional efforts and short-term responses to difficult

circumstances or hot situations. This required a close and trusted working relationship with the chancellor and his staff.

- Wrote and designed all campus publications and promotional materials, including the annual catalogue, course schedules, program promotions, employee and parent newsletters, brochures, letters and speeches for the chancellor, newspaper advertising and radio advertising.
- Supervised the campus' full-time publications designer.

1991- 1993 Alaska Legislature Juneau, AK
Aide to House Finance Committee, Rep. Kay Brown

- Served as staff to budget subcommittees chaired by Rep. Brown. Duties included financial analysis of state department budgets and preparation of subcommittee recommendations.
- Assisted Rep. Brown with personal legislation, constituent relations and press relations. Duties included assisting constituents, writing letters, press releases and guest columns for newspapers and serving as Rep. Brown's press contact.

1988- 1991 State of Alaska OMB Juneau, AK
State of Alaska budget analyst

- Analysis and preparation of recommendations on budgets for the Departments of Commerce and Economic Development, Public Safety and Corrections. Duties included gaining a thorough knowledge of every aspect of the departments' budgets and consulting with department personnel on solving budgetary problems.
- Writing, editing and supervising the publication of the Executive Budget Book, an executive summary of the Governor's budget proposals that was distributed to the public, legislature and the press.

Education 1972 - 1976 University of Arizona Tucson, AZ
Bachelor of Arts in Journalism

- Activities at the University of Arizona included four years as a member of the intercollegiate debate team. Competed in tournaments throughout the United States and won numerous awards in debate and extemporaneous speaking.

October, 2005 Harvard University Cambridge, MA
Leadership for the 21st Century

Attended Kennedy School of Government Executive Education program that focuses on qualities and strategies for developing personal leadership skills.

References

David Becker, director of Elections Initiatives, Pew Charitable Trusts:
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Bill Bradbury, former Secretary of State, Oregon: 503-504-5029.
bbsalmon@mac.com

Fran Ulmer, former Lt. Governor, Alaska: 907-748-4228.
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Kim Elton: Former editor of the Juneau Empire, former Alaska state senator,
907-321-5256. ptlouisa@gmail.com