



HELPING AMERICA VOTE

Statewide Voter Registration Databases

When Congress first began looking into the election system following the 2000 presidential election, it became clear that poorly designed and administered registration systems posed a very significant problem. Hundreds of thousands of eligible voters were disenfranchised because their registration applications were not being processed and because of other systemic problems.

In 2002, Congress passed a set of election reforms known as the Help America Vote Act (HAVA). Among these changes, Congress mandated that states establish a statewide computerized voter registration list. Specifically, the law requires each State to implement a “single, uniform, official, centralized, interactive computerized statewide voter registration list...in a uniform and nondiscriminatory manner.” The system is to be “defined, maintained, and administered at the State level” and must contain the “name and registration information of every legally registered voter in the State.”

Most states requested waivers from this new federal requirement for the 2004 elections. Today, more than three years after its passage, the full impact of HAVA’s reforms has yet to be realized.

The 2004 election was far from perfect. Although voter turnout approached record levels, the election system showed signs of stress and voters faced real problems. Reports demonstrate that registration-related issues were the most commonly cited problem by voters in 2004. These problems – from failures to fully process registration applications in time to bureaucratic requirements that blocked voter registration – kept eligible voters from casting votes.

As of January 1, 2006, all states will be required to have a statewide voter registration database. If done right, these databases hold the potential to reduce registration-related problems, enfranchise eligible voters and help elections run more smoothly. But many states are already behind in getting their databases up and running and there is little agreement on how a good database should work.

While statewide voter registration databases are an important tool for streamlining election administration, they are no panacea. State election officials are going to need to work closely with local officials and other concerned individuals and organizations to design systems that ensure fairness, transparency and efficiency.

In this report, the League of Women Voters offers a set of recommended operational and management practices for election officials as they work to build good voter registration systems. These recommendations were first outlined in an earlier League publication in the Helping America Vote series, *Safeguarding the Vote*, and remain instructive and timely today. Drawn from interviews with election officials and other experts conducted in the spring of 2004, this report outlines a set of practices that can provide useful guidance in developing a more secure foundation for a key component of election administration – voter registration databases.

RECOMMENDATION #1: Establish electronic transmission of voter information to the election authority from motor vehicle and other agencies offering voter registration.

A well-run registration system will provide an electronic link between the election agency and the agencies specified in the National Voter Registration Act (NVRA) as registration agencies, including agencies serving persons with disabilities and public assistance agencies.

Electronic transmission is timelier and more accurate than physical transmission. In Michigan, the information is transmitted instantaneously since the motor vehicle and the election authority share the same database. Electronic transmission also eliminates the need to enter the data a second time, thus reducing costs and minimizing the opportunity for clerical error.

Jurisdictions that transmit voter information from one agency to another electronically are much less likely to experience registrations falling through the cracks. Conversely, voters in jurisdictions that still transfer paper applications are far more likely to show up at the polls believing they have registered, only to find their names are not on the list. States that fail to provide for electronic transmission will likely have far more provisional ballots, increasing their post-election administrative burden. A large number of Los Angeles County's provisional ballots are cast by voters who registered at the motor vehicle agency but whose registrations either got lost in the system or were not processed in time.

MODEL PRACTICE: Michigan's Qualified Voter File is a unified database shared by the state election agency and the motor vehicle agency. Changes and updates made to the voter registration record are automatically made to the driver's license record, and vice versa (in Michigan the address for voter registration and motor vehicle registration must be the same). Electronic transmission allows new registrations and updates to be processed in real-time and significantly reduces the likelihood of losing applications in transmission.

RECOMMENDATION #2: Ensure the registration process enfranchises all eligible citizens.

The voter registration process can assure good administration of the election process, or it can serve as a barrier to voter participation. The design and implementation of a statewide computerized voter registration system holds great promise if it is properly designed to ensure enfranchisement of all eligible citizens.

In creating a statewide database, states must establish where responsibility lies for adding, deleting and updating voter records and specify, in law or regulation, the rules for determining both eligibility and ineligibility.

States must assign each voter a unique identifier, a change that will significantly reduce the deadwood on voter lists over time by allowing states to track voters as they move within the state. State election officials can either create their own system by assigning randomly

generated numbers to each new voter or piggy-back on another system such as the motor vehicle agency numbering system.

In establishing rules for the voter registration process, the state should ensure that information is used to complete accurate registrations, rather than setting up obstacles to the voter registration process. For example, if a voter registration applicant fails to provide a driver's license number or inadvertently transposes numbers, the database administration system should help correct that application so it can be processed and accepted. The state should have a transparent administrative process that includes information on the acceptance or rejection of applications.

HAVA requires that a voter registration application include the driver's license number, or the last four digits of the Social Security Number (SSN) if the applicant has not been issued a current and valid driver's license. The appropriate number can be provided by the applicant or by the state's databases. The chief state election official and the official responsible for the state motor vehicle authority are required to enter an agreement to match data, and the motor vehicle official must enter a similar agreement with the commissioner of Social Security.

As HAVA is silent on how states should treat the results of this database matching, states must determine how to conduct these matches as well as what to do with the results. According to the Social Security Administration (SSA), at least ten percent of the information obtained as a result of matching the name and last four digits of the SSN will likely be inaccurate. Two types of errors may result: First, matching the last name and the last four digits can produce multiple apparent matches, called "false positives." In addition, errors such as inaccurate name spellings and transposed numbers can result in the appearance of no match.

Given this high rate of inaccuracy, it would be a mistake to reject voter applications when there is no identical match; doing so would almost certainly result in disenfranchising eligible voters. In the event the attempt to match produces no match, states have the option of assigning a randomly-generated unique identifier. In the event that a database match produces information suggesting ineligibility, such as when the voter's last four SSN digits and name correspond to someone who is deceased, states should develop procedures for following up with the applicant to verify the information. (See "Purging of Voters Lists" for a more detailed discussion of the challenges involved in database matching.)

Matching with motor vehicle records poses other difficulties: addresses are likely to be different; driver's license numbers may be accidentally transposed by the applicant; and the types of data may be different. All of these indicate the need for officials to use DMV data to supplement the registration process rather than use it as a reason to reject an applicant. To resolve inconsistencies, election officials will need to follow up with the voter by mail or other means.

CHECKLIST FOR STATEWIDE VOTER REGISTRATION DATABASES

- ✓ Ensure that state agencies that engage in voter registration activities, including the Department of Motor Vehicles (DMV), disability agencies, and public assistance agencies such as Medicaid, are fully and electronically integrated in the computerized system.
- ✓ Establish clear lines of responsibility for adding, deleting and updating voter records.
- ✓ Establish clear procedures for using information provided by other databases, such as DMV data, to supplement the information provided by voters, thereby helping to correct an application so it can be processed and accepted, if the applicant is eligible, instead of rejected.
- ✓ Provide security measures that prevent unauthorized access to the database, protect voters' sensitive information and require tracking and documentation of all transactions, including by whom and when.
- ✓ Establish clear voter registration processing guidelines to ensure that procedures are followed uniformly throughout the state. Ensure that the process is transparent.
- ✓ Establish strong safeguards against erroneous purging that are clearly stated and uniformly applied. Guard against erroneous matching with incomplete data and provide notice to the voter before any purge.
- ✓ Give voters access to review and check their own individual voter records.



Election officials would be well-advised to study the matching process, particularly at the beginning, to determine the reliability of the information received from either the motor vehicle agency or the SSA.

While HAVA gives the state responsibility for defining, maintaining, and administering the official voter registration list, local registrars will likely retain responsibility for important steps in the process. A well-run registration system will necessarily involve close cooperation between state and local offices. States must spell out the details of processing voters and take steps to ensure the procedures are followed uniformly throughout the state.

MODEL PRACTICE: In California, the state searches the motor vehicle database to pull the driver's license number, which then is added to the voter record. The state also compares voter records to health records. The practice not only helps the voter, it also ensures more accurate records.

RECOMMENDATION #3: Protect voter privacy and database security.

HAVA requires that the appropriate "State or local official shall provide adequate technological security measures to prevent unauthorized access to the computerized list..." States therefore must establish strict rules for administering the database and ensure each locality adheres to those rules.

Creating a protocol for access to voter records should be part of establishing a regulatory framework for administering the database. This protocol would create hierarchical levels of access to the database, giving certain users discrete authority to perform certain tasks. Not all election staff have authority to perform the same functions. Very few staff, for example, would have authority to remove names from the list.

On the one hand, of course, the registration list will be a very public document: Almost every state allows political organizations and parties to purchase the list, which contains voters' addresses, party affiliation and voting participation history. On the other hand, information such as the voter's driver's license number or SSN requires strong protection. The database must be structured in such a way as to accomplish both goals.

As with the administration of voting machines, thorough and rigorous documentation of all operations is necessary to ensure public confidence in the security as well as the accuracy of the list. List administrators must be able to track who has accessed the list as well as what transactions, such as updates and additions, have been performed, and when.

Protecting database security includes providing physical protection as well. Moreover, the server should be in a protected location that does not offer public access.

MODEL PRACTICE: In Michigan, local election officials have authority to add, delete and update voter records; however,

any change must ultimately be approved by the state in order to be made official. Michigan also has in place rules governing which employees can perform which tasks.

MODEL PRACTICE: In the District of Columbia, the chief technology officer can monitor both successful and unsuccessful attempts to enter the voter registration database. In addition, all users are now required to change passwords on a monthly basis in order to prevent former employees from gaining access or allowing others to gain access to the database.

RECOMMENDATION #4: Require transparency in the administration as well as in the creation of statewide voter registration systems.

A computerized voter registration system is more than just a database — the details of its creation and administration will determine if and how well the rights of eligible citizens are protected. Many states are seeking consultants to help them write the "Request for Proposal" (RFP) for technical assistance in constructing the registration system; some states are developing the database themselves. In either case, the process for designing the system should be public and transparent. It should involve stakeholders, including the local election officials, parties, voter advocates and the public. These stakeholders should have a voice in defining the system — particularly the procedures for adding, deleting and modifying records.

In many states, involving local election officials at the beginning of the process will reduce the likelihood of problems when it comes time to implement the system. Such officials bring a practical understanding of the registration process and will have insight on the details of the system's construction.

States may divide up the administrative work between state and local officials differently. For example, in Michigan the localities submit voter information to the state which has ultimate authority for adding and deleting voters to the database. In Kentucky, the state has authority to remove registrations while localities have authority to add and update registrations. In the end, however, the state has sole responsibility for the system and for ensuring its accuracy.

MODEL PRACTICE: Pennsylvania made both the initial study of what would be required to create a statewide list as well as the RFP publicly available. Soon after Pennsylvania began implementing its statewide system, the state contracted with a private firm to review and evaluate the implementation process. The firm conducted a thorough review of the system and made dozens of recommendations for improvements. The state posted the report on its Web site.

RECOMMENDATION #5: Require tracking and documentation of all changes to the database.

States should have a method for monitoring all changes — additions, deletions and updates — made to the list.

PURGING OF VOTER LISTS

In 1993, Congress passed the National Voter Registration Act (NVRA) to expand the opportunities for eligible citizens to register to vote. In addition, the NVRA encouraged states to coordinate voter records with other databases in order to keep lists accurate and up-to-date. At the same time, however, the law also established safeguards to prevent eligible voters from being erroneously purged.

HAVA adopts the NVRA list maintenance standards. Nothing in HAVA alters the requirements under NVRA to protect voters from erroneous purges.

The consequences of flawed list-cleaning procedures were clearly evident in November of 2000 when thousands of Florida voters found themselves unable to vote after they had been purged from the rolls based on erroneous information sent to county election officials by the Secretary of State.

In 2000, the Florida Secretary of State's office contracted with an outside firm to match voter registration records against felony records. Not only was the underlying data from the Florida Department of Law Enforcement unreliable, but the matching criteria were so broad that thousands of eligible voters were erroneously tagged as felons. The resulting match had an error rate of approximately 20 percent. Despite the inaccuracy of the information, the state made the data available to the counties and encouraged them to use the information to purge the voting rolls.

Several counties then purged voters from the registration records without bothering to verify the accuracy of the information.

The lesson from Florida is simple: database matching to remove felons, deceased voters and duplicates, cannot, in itself, substitute for an accurate verification process. Accordingly, states and local election officials must build sufficient time into the list-cleaning process to conduct proper verification. And the reliability of the underlying data should always be checked before it is used. (See page 4 for details of the settlement agreement between the state of Florida and the NAACP.)

Still, even using stricter standards, database matching is not foolproof; further verification is advisable. Providing notice to the voter before any purge is carried out allows that voter to correct an error before it results in erroneous purging. ■

This monitoring might include electronic signatures within the database or it might include a requirement for thorough documentation.

MODEL PRACTICE: In the District of Columbia, the voter registration database tracks who made changes — additions, updates, deletions — to the voter registration records.

RECOMMENDATION #6: Conduct accurate voter registration list maintenance.

Elections are a unique governmental function; the use of database technology in election administration will require different procedures and more stringent safeguards than in other areas of government.

Nothing in HAVA allows election officials at the state or local level to bypass protections intended to prevent voters from being disenfranchised for administrative errors, specifically, the protections for voters established in the NVRA. Under NVRA, election officials are prohibited from removing a voter who they believe has moved unless the voter confirms the information in writing. Nothing in HAVA alters this safeguard.

Even if it appears that several records belong to a single voter — who has moved from one jurisdiction to another and registered after each move — the election official cannot remove any of the apparent duplicates without written confirmation by the voter.

NVRA requires states to perform list-cleaning procedures to keep voter registration lists current and accurate, including obtaining data from other sources such as the National Change of Address program, death records and felony records. While this data can provide useful information, it must always be verified. Stories abound of people who have died continuing to receive Social Security checks posthumously and, conversely, people still very much alive erroneously being included among the dead. One jurisdiction in 2000 matched the voter list against a tax assessor's list and required voters whose addresses did not match the assessor's list to vote by provisional ballot at the central election office. However, the assessor's list was ten years old, and some of the addresses identified by the assessor as invalid or "vacant lot" had since been developed into residences. Voters should not be penalized for inaccurate or out-of-date record keeping.

The polling place on Election Day can be a key point in the list-cleaning process if voters are allowed to update their registration information when they come in to vote. Poll worker training should, therefore, include easy-to-follow guidelines on how to note change of address, spelling corrections and other changes. Election officials must be vigilant in following up on this information.

MODEL PRACTICE: The following rules for determining multiple registrations, sometimes known as "duplicates," were taken from the settlement agreement between the state of Florida and the NAACP. Following this model will guard against faulty matches.

To determine multiple registrations, the state may match:

- the last name, first name, least common denominator of the middle name, and the date of birth (DOB);
- full nine digits of the SSN, last name, and either first name or DOB;
- driver's license or state ID number, and last name;
- SSN and last name, or DOB; or
- Florida ID and last name, or DOB.

In applying these matching criteria, the following conditions apply:

- the last name in both records must be exact;
- the DOB in both records must be exact;
- there can be no conflict in race data or gender data; and
- there can be no conflict in SSN — transpositions will not be accepted.

Of course, the data that is matched against the voter registration list must be accurate.

RECOMMENDATION #7: Give voters access to review and check their voter records.

Voters can and should be a part of the process to ensure the accuracy of their voter records. Voters should be able to view their registration information in order to check the accuracy of the address, party affiliation, voting jurisdiction, polling place and age.

In smaller jurisdictions, voters can call the registration office to obtain their voter information. In larger jurisdictions, the administrative burden can be reduced by making a copy of this information available on a Web site.

Encouraging voters to check their registration information for accuracy prior to the deadline should allow for a reduction in the number of provisional ballots cast during an election. The more voters who can straighten out registration problems prior to the election, the fewer voters whose eligibility will be in doubt on Election Day.

MODEL PRACTICE: Virginia's elections Web site allows citizens using a personal identification number to view their voter registration information, including their proper polling place, online. Voters do not view this information directly in the database, but review a public copy of this information.
