4. Opportunity to correct errors: state practices

If a citizen submits an application with an incomplete, illegible, or missing "identifying number," or if the state cannot find a matching record in its other databases, each state will notify the applicant that there has been an error. But states have different means of delivering this notice. For example, some states send a letter; some follow-up with a phone call; and some send a new application form with any notification. Moreover, states also differ in the procedures by which eligible citizens may resolve an error. Some require the applicant to resubmit another voter registration form, affirming all information anew; others allow the applicant to resolve errors over the phone or by mailing additional information. Finally, states differ in whether errors may be corrected after the voter registration deadline. Some permit corrections after the deadline as long as the original application was timely; others do not.

The less robust the notice, and the less practical opportunity for an applicant to resolve an error, the greater the likelihood that any of the mistakes discussed above will remain unresolved through Election Day. And many of these minor errors can have serious consequences, including the potential to bar eligible citizens from the polls.

A state's decision as to whether to allow errors to be resolved after the voter registration deadline is likely to have severe ramifications in practice. Many voter registration applications will inevitably be submitted close to the voter registration deadline, so campaign intensity, media attention, and voter interest all heat up. These timely applications, however, may be derailed by immaterial errors. Depending on a state's policy, an immaterial error in the process for an application submitted at the registration deadline may preclude any practical opportunity to resolve the error, resulting in extra burdens on the voter or outright disenfranchisement.

Twenty-two states\(^{35}\) allow an applicant to resolve errors in the registration process even if the voter registration deadline has passed. (Vermont permits corrections to the identifying number after the deadline.) This correction period ranges from several days after notice of an error is sent, up through Election Day. Three states—Idaho, Minnesota, and Wyoming—will reject corrections submitted after the voter registration deadline, but will give the applicant the opportunity to re-register at the polls on Election Day.

In contrast, 10 states\(^{36}\) any correction submitted after the voter registration deadline will not be considered timely for an upcoming election. Iowa and South Dakota will reject any correction after the voter registration deadline if the mistake is on the part of the applicant, but if the new information corrects an error on the part of someone other than the applicant, it will be accepted after the deadline.

Illinois, Mississippi, and Utah leave the decision to the local jurisdiction to determine whether corrections will be accepted after the voter registration deadline. Louisiana will generally accept corrections within 21 days after the notice of an error is sent to the applicant, but has not decided whether corrections within 21 days will be accepted if the voter registration
Opportunity to Correct Errors in the Matching Process After the Voter Registration Deadline

<table>
<thead>
<tr>
<th>State of Origin</th>
<th>Matching Process After Voter Registration Deadline</th>
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<tbody>
<tr>
<td>Alaska</td>
<td>Idaho, Minnesota, Wyoming</td>
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<tr>
<td>California</td>
<td>Georgia, Kentucky, Oklahoma, South Carolina</td>
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<tr>
<td>District of Columbia</td>
<td>Montana, Nebraska, New Hampshire</td>
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<tr>
<td>Florida</td>
<td>Nevada, New York, Oregon, Rhode Island</td>
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<td>Maryland</td>
<td>Texas, Utah, Vermont, Washington, Wisconsin</td>
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<td>Michigan</td>
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<td>North Carolina</td>
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<td>Pennsylvania*</td>
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<tr>
<td>Virginia</td>
<td>Nevada, New York, Oregon, Rhode Island</td>
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* Pennsylvania has changed this policy see note 20, above.

These states allow voters to correct errors up to through the day before Election Day. MT, NH, and WI allow corrections after the voter registration deadline, and also permit Election Day registration.

These states only allow voters to correct errors under certain circumstances. IL, MI, and UT grant discretion to local election officials to accept or reject errors after the voter registration deadline. SD and IA only allow voters to correct errors if the inaccuracy was not the result of an applicant's error.

Note: Hawaii did not respond to the survey. North Dakota does not register its voters.

deadline has already passed. Because Georgia, Kentucky, Oklahoma, and South Carolina do not match or plan to match information from new voter registration forms to the motor vehicles or Social Security database before placing the registrant on the rolls, no correction process is necessary. Finally, neither Alabama, Connecticut, nor Ohio responded to the survey or reflected their correction policy in state law.35

Summary of findings

As the survey results reveal, a few states will implement HAVA's verification and matching provisions precisely as they were intended: to help clean the registration rolls, to provide first-time voters registering by mail with a convenient alternative means to confirm their identity, and to otherwise promote the smooth administration of a registration process enabling every eligible citizen to vote. Nebraska and Oregon, for example, report that they intend to use at least moderately flexible match criteria36 with ample opportunity to correct errors, and will impose only the consequences anticipated in federal law: the opportunity for first-time voters registering by mail to confirm their identity by other means if no match can be found. States like Minnesota and Wisconsin go further, by offering Election Day registration as an additional safeguard for their citizens.

35 Because of litigation in Connecticut pending at the time the survey was conducted, Connecticut materials in this report reflect only the practices codified in state statutes and regulations, and do not reflect the phone survey.

36 While these states intend to use flexible criteria for matching information on applications with driver's license numbers, they also intend to implement AAMVA's matching match criteria for applications with Social Security digits, which creates a substantial risk of error.
In contrast, the survey also shows that a few states intend to implement HAVA's verification and matching provisions in a manner that denies the intent of the law to create a new barrier. Iowa, South Dakota, Texas, and Washington, for example, all report that they will reject the application of citizens whose information cannot be matched, barring the applicant from the polls. And most of these states compound the burden by using a character-by-character exact match that is particularly likely to result in widespread disenfranchisement.

In the rest of the country, HAVA implementation seems to be mixed: some state policies fulfill the intent of the law, others create unnecessary hurdles for eligible voters. Fortunately, most state policies are not yet either codified or hard-wired. This report is intended not only to shed light on states' current intentions, but also to encourage them to bring their policies in line with best practice. To that end, we offer below specific recommendations for the proper implementation of HAVA's verification and matching procedures.
Recommendations

The Brennan Center's recommendations regarding state implementation of HAVA's verification and matching provisions are designed to facilitate the opportunity of every eligible citizen to register to vote smoothly and without undue burden, and to ensure that states maintain complete and accurate voter registration lists. The new verification and matching processes described in this report, like many other tools, have the potential to improve the voter registration process—or render it a hopeless mess.

New York City's recent experience suggests the scope of the disaster that could ensue if states make flawed verification and matching choices. In September 2004, New York City's board of elections sent 15,000 registration records to the state department of motor vehicles for verification. The DMV attempted to match the driver's license number on the voter registration form to a license number in its own database. 2,951 of those forms—19.6% of the total—could not be matched solely because of typos by city officials. (An additional 4% of the forms did not produce a match because of a nonmaterial error by the registrant, such as the transposition of a character in the driver's license number.) Moreover, the city attempted to match only driver's license number to driver's license number; had the city attempted to match additional fields such as name or date of birth, the potential for error would have increased.

It is essential to learn from such trials. If New York had chosen to reject voter registration applications that could not be exactly matched, up to 20% of eligible registrants could have been disenfranchised due solely to minor mistakes of election officials. Furthermore, New York's experience is not an anomaly. Peer-reviewed studies from other disciplines indicate that error rates of 20-32% are common in similar contexts.39

When voting rights are at stake, such error rates are unacceptable—but they are not unavoidable. By adopting good practices with respect to the verification and matching process, and forgoing bad practices, states may fulfill HAVA's mandate without jeopardizing the voting rights of eligible citizens. Our recommendations for how to accomplish this—whether through clear and transparent policy, regulation, or legislation—are laid out in detail below.

Recommendations for match criteria

Minor errors—things like typos, transpositions, and inconsistencies—occur frequently even in relatively "clean" databases. For example, one study found as many as 40 different spelling variations of "Fort Lauderdale" in a Florida social service database— and Fort Lauderdale, as Florida's seventh largest city, is presumably familiar to the Florida officials entering the social service data. For unfamiliar entities like surnames and random digits, error rates are likely much higher. Such errors could prevent a system from recognizing that two records reflecting the same individual should actually be matched.

The Brennan Center therefore recommends that in the verification process, states employ "substantial match" criteria capable of compensating for typographical and other common database-related errors in every field compared. AAMVA and the SSA should do the same. Whether the process of matching voter registration information to information in other databases is automated or manual, that process must account for inevitable mistakes and minimize the risk that these "false negatives" create hurdles for eligible voters. There are many technologies and procedures available to help account for mistakes, from the most sophisticated software to manual double-checks involving common sense. Whichever the particular matching procedure that a state chooses for verification purposes, the Brennan Center strongly recommends that it reflect the following standard: an individual's voter registration information will be deemed "matched" if a reasonable person would find it substantially likely that a record in an existing government database refers to the same individual on the registration form.

Recommendations for addressing failed matches

Even with a "substantial match" protocol, states will inevitably fail to find matches for a significant number of eligible citizens who provided accurate information on their registration forms. There are many reasons for this: a match protocol that remains imperfect, an address change more recent than the last DMV entry, mistakes in Social Security records, and so on. Driver's license and Social Security databases are immense government systems that are not compiled for national identity or elections purposes. These databases will yield errors when used for these ends. Indeed, the Social Security Administration's Director of Information Exchange and Computer Matching has admitted that at least 10% of the information obtained when attempting to match identifying information in the SSA's database with other identifying data may be inaccurate. 41

Given the potential for error even under favorable circumstances, the Brennan Center strongly recommends that an applicant be registered despite the failure of the state to find a match. Indeed, such a policy is required to make sense of HAVA. A failed match should produce only the single consequence expressly identified in the statute: a citizen registering by mail and for the first time in a given jurisdiction is subject to an identification requirement, unless the state is able to match the information in her registration form. The match thus serves as one means by which the state may identify a voter; if the match fails, the state must use some other means of identifying the voter. There are several readily available alternative means to confirm a voter's identity—including matching her signature to the signature on her registration card, requesting documentary ID for first-time voters who register by mail, or requiring the voter to swear to her identity under penalty of perjury.

Recommendations for addressing forms with incomplete information

HAVA states that a voter registration application may not be processed unless it includes an identifying number—primarily, the number of the applicant's current and valid driver's license, or if the applicant has none, the last four digits of her SSN. If the applicant has neither, the state must assign the applicant a unique voter registration number. HAVA then

41 In general, a more exacting standard should be used when seeking to remove names from the list because "false positive" matches would disenfranchise eligible voters in that count. Further recommendations for purge practices are described below.

42 Remarks of Poo Monaghan, Director of Information Exchange and Computer Matching of the Social Security Administration, at the February 2004 meeting of the National Association of Secretaries of State.

43 For an explanation as to why this policy is required by HAVA, see http://www.urban.org/UploadedFiles/healthcare/SSNVsVoterID_01_01_05.pdf.

44 This is what HAVA's sponsors expressed in the Congressional record. Senator Saxby Chambliss described the verification provision by saying, thus "The law of the individual providing proof of identity, states may also electronically verify an individual's identity against existing state databases," 146 CONG. REC. S18812 (Daily ed, Oct. 15, 2000) (statement of Sen. Chambliss) (emphasis added).
expressly reserves to each state the discretion to determine whether the information provided by an applicant on a form is sufficient to meet the HAVA requirement that this number be provided.

The Brennan Center recommends that states exercise this discretion to protect eligible citizens from disenfranchisement because of insubstantial error. Some voter registration applications will inevitably be submitted by eligible citizens without an identifying number because the form is unclear, because the citizen has lost her driver’s license or does not know the number when she completes the form, or for some other reason. As one of HAVA’s chief sponsors explained, a missing or incomplete number need not become an insurmountable hurdle:

][Nothing in (the verification section of HAVA) prohibits a State from accepting or processing an application with incomplete or inaccurate information. [This section] specifically reserves to the States the determination as to whether the information supplied by the voter is sufficient to meet the disclosure requirements of this provision. So, for example, if a voter transposes his or her Social Security number, or provides less than a full driver’s license number, the State can nonetheless determine that such information is sufficient to meet the verification requirements, in accordance with State law. . . . Moreover, nothing in this section prohibits a State from registering an applicant once the verification process takes place, notwithstanding the fact that the applicant provided inaccurate or incomplete information at the time of registration. . . . or that the matching process did not verify the information.

The Brennan Center recommends that states construct applications with missing or incomplete information, consistent with the law, so that eligible citizens may still become registered. If an application has a missing or illegible identifying number, but the appropriate number is discovered during the match process, states should process the form as if the number had been legibly provided in the first instance; there is no need to penalize the voter if the information can be found by other means.

Furthermore, if no identifying number is found during the match process, the state should presume that the applicant has no such number, assign a unique voter registration number, and proceed with registration. If there is any lingering doubt about an applicant’s identity, especially for first-time voters registering by mail, the state may still ask her to provide some sort of identification before voting—but at least she will be registered, and able to resolve any doubt at the polls.

Recommendations for correcting errors

The attempt to match information on a registration form to information housed in a large government database compiled for a different purpose is inherently error-laden. And because errors introduced into large databases tend to persist and create unanticipated problems, it is best to ensure ample opportunities to correct any errors, with minimal burden on the voter.

Brennan Center for Justice
The Brennan Center recommends that whenever there is any error on a voter registration application or in the verification and matching process, state officials notify the applicants—not only by mail to all valid addresses on file, but also by phone if a valid phone number is available. The Brennan Center also recommends that states allow applicants to resolve errors by phone, by mail, or in person, without submitting a new form (which may present new opportunities for error). The state should make the correction process as straightforward as possible, to increase the chance that errors are caught and corrected quickly.

Furthermore, in order to ensure that voter registration applications near the end of an election cycle are not unduly prejudiced, the Brennan Center recommends that states process corrections to timely applications up through Election Day, even if the correction itself is submitted after the voter registration deadline. If a correction arrives too late to be represented on the poll books, it should be accepted and processed, so that any provisional ballots cast can be evaluated against the most recent, most accurate registration information.

Other recommendations for voter registration databases and the registration process

In addition to the four most salient categories of findings addressed in detail above, this survey revealed several additional important ways in which state policies and practices differ with respect to voter registration and the interaction with the statewide voter registration databases. Based on our research, the Brennan Center makes the following additional recommendations:

Inputting and Storing Voter Registration Information

- Data entry audits. One of the primary sources of error in the registration process is data entry. States should conduct regular audits of information entered into the voter registration database, including procedures for checking the electronic records against original paper applications.

- Online voter registration. One means of reducing errors in data entry is to allow applicants to enter their own registration information. Arizona provides, and Washington has just proposed, an online gateway through which eligible citizens may register to vote. With appropriate security protocols, such online systems offer not only greater convenience, but also greater accuracy as well. Even if applicants are not able to register online, they should be able to view and confirm their registration information in the system through a secure public portal.7

- Real-time synchronization. Although the Election Assistance Commission has confirmed that a single central voter registration database accessed by local terminals is “more closely akin to the requirements of HAVA,” the survey reveals that a small minority of states continue to maintain local databases that are regularly synchronized at the state level. To the greatest extent possible, the official state records should be

7 For model legislation on such public access portals, see https://www.brennancenter.org/ programs/downloads/HAVA/P
table_accessPortal魔龙包992
July_09_21_05.pdf.

Making the List
updated immediately upon any local change, so that there is no confusion regarding a citizen's official voter registration status.

- Security log. The state should keep an electronic log of all database transactions, to ensure database security and to correct processing errors. These records should indicate the date and time of each transaction, the identities of the persons who accessed the system, the identities of the persons who authorized the transaction, and the reason for any modification to existing information.

- Information privacy. States should adopt strict protocols for access to voter records stored in the database, including different levels of security to restrict access to information to authorized individuals for discrete authorized purposes. Sensitive personal information, such as a voter's social security or driver's license number, or the information provided by domestic violence victims, should be subject to greater protection.

Information Collected on the Voter Registration Application

- Registration forms. As is apparent from the forms reproduced in the Appendix to the report, many states' voter registration forms are cluttered and confusing. A reasonable voter looking at these forms will often be uncertain about the information requested or required. For example, some forms may lead voters to believe that they may submit a recent out-of-state driver's license when such a license will not in fact be accepted; other forms do not clearly state how the voter should indicate that she has no driver's license or Social Security number. Voter registration forms should clearly label all mandatory and optional information, and explain the consequences of errors or omissions.

- Non-driver's identification card number. Only 14 states\(^4\) specify on the form that voters may provide a non-driver's state ID card number rather than a driver's license number. Allowing other government-issued identification suits both the history and the purpose of HAVA's verification provisions.\(^4\) An individual's authorization to drive a car does not reflect upon her eligibility to vote: HAVA selected the driver's license number because—like a non-driver's ID number issued by a state licensing authority—it is a commonly available personal number verified by the government as belonging uniquely to a particular individual.

The Match Process

- Transparent standards. This survey was made necessary by the fact that the process and criteria by which most states will implement HAVA's matching provisions is not expressly provided in statute or regulation or publicly available policy guidance. States should develop uniform, non-discriminatory, and specific procedures that maximize election officials' ability to find matching records—and they should do so in a fashion transparent to the public.

4...
- Searching additional databases. Congress designed HAVA's matching procedures to help establish a unique identifying number for each individual in the voter registration database, and to serve as one means of verifying the identity of a first-time voter who registers by mail. HAVA specifies the motor vehicle and Social Security databases as targets of the matching process, but other government databases may suit these purposes just as effectively. If information on a voter registration form cannot be matched with the motor vehicle or Social Security databases, states should attempt a match with other reliable government records that uniquely identify citizens, including records of agencies registering voters under the NVRA.

Procedures at the Polls

- Identification acceptable at the polls. The matching process represents just one way to confirm the identity of a voter. When the state cannot find a match, it should look to non-burdensome alternative methods, including signature matching, sworn affidavits, or, as a last resort, documentary proof of identity. Any of these methods should suffice to serve as proper identification.

- Meaningful provisional ballots. Some states will apparently still issue voters a provisional ballot which is certain—at the time it is issued—to be void. For example, Texas will issue a provisional ballot to voters who arrive at the polls without identification, but that ballot will only be counted if identification was provided at the polls. These ballots are deceptive because the voter believes that she has cast a valid ballot, but the ballot is actually meaningless. States should reconcile their election law so that a provisional ballot will be counted if the information submitted with the ballot comports with information timely submitted on the voter's registration form.

- Database access at the polls. By statute, the statewide voter registration database represents the only official list of registered voters. Election officials should therefore be able to access the database at polling places on Election Day. Polling place access to a searchable database will reduce the number of registered voters whose names cannot be found on a printed page, reduce the number of provisional ballots, enable poll workers to determine quickly and easily if a voter is in the correct polling place, and generally facilitate a smoother election process with shorter lines. Jurisdictions like Forsyth County, Georgia, have already reported tremendous success with such programs.50

Recommendations for voter registration databases and continuing list maintenance

Although the body of this report addresses only verification and matching for purposes of "making the list," states may attempt to match voter registration records with records in other databases for other list maintenance purposes as well. For example, states will attempt to match voter registration records with records of other databases to account for voters who become ineligible because of death, criminal convictions, or relocation. These

databases, too, are imperfect. And just as record matching may be beneficial or detrimental in placing voters on the list, matching may be beneficial or detrimental in taking them off of the list of active voters (or, better, labeling them as inactive). We therefore make the following recommendations for using databases for other list maintenance purposes:

Ensuring accuracy of records

• Using other databases to correct records. We recommend that states attempt to match registration records with records of other government databases in order to flag voter registration information that may need to be corrected, supplemented, or updated. Voters must be notified, of course, before any such change is made, but the process should help keep the registration database as accurate as possible. All available reliable databases should be consulted for this purpose, including those of social service and disability agencies.

Database purges

• Uniform procedures. Most controversial purges or attempts to purge the voter rolls occur outside of a regular process that citizens can monitor and evaluate. States should establish uniform, transparent, non-discriminatory, and regular procedures for purging the voter rolls. The procedures should specify how, and under what conditions, databases will be used in the purge process.

• Accurate match criteria. Most states will attempt to match database information in order to find, in the database of registered voters, records of citizens who have become ineligible. Removing a voter from the rolls is in many ways the inverse of placing a citizen on the rolls, and requires inverse matching criteria. As shown above, in verification, a "false negative" (an improper failure to match) could keep an eligible citizen from voting—and so a flexible protocol should be used to minimize the chance of an improper failure. In purging, the opposite is true: a "false positive" (an improper match) could keep her from voting—and so an exacting protocol should be used to minimize the chance of an improper match. When matching for purposes of purging, states should conclude that a voter may be ineligible only if there is no reasonable doubt that she is the person listed in a record in a database of ineligible persons.

• Notice and opportunity for correction. While the match criteria appropriate for verification and purging are very different, the appropriate opportunity to correct errors is identical. In either case, the voter must be notified of any problem that arises in the matching process, and afforded a practical and reasonable opportunity to respond, before the results of an attempted match may be used to impose an additional burden or to block access to the polls entirely. To ensure that such problems are resolved well in advance of any election, states should not purge voters from the database within 90 days of an election, unless the voter has become ineligible during that period.

51 Notification should be made by a certified, first-class letter to the last known address, along with a postage pre-paid return card.
52 This recommendation is similar to that made by the Midwestern Legislative Conference of the Council of State Governments in its August 2003 report, which recommended that "[p]rocedures governing the purging of duplicate registrations should include sufficient notice to affected voters and an opportunity to correct errors in a timely fashion."
Use of all relevant sources of information. HAVA directs states to look to agency records on felony "status" when seeking to determine the eligibility of voters who have been convicted. This must include not only records of conviction, but also records pertaining to the restoration of voting rights. States should ensure that any search for voters rendered ineligible by conviction includes clemency records as well as, where applicable, records indicating whether citizens have completed their terms of incarceration, parole, or probation.

Authorization to remove names. States should develop clear rules to ensure that only authorized state officials have the ability to remove names from the database and that these "purges" can be audited and monitored. The database should prevent any one person, acting alone, from removing names from the list. The purging of any voter record must be authorized by at least two officials (preferably with different political affiliations and at different levels of government).
Methodology

During the summer and fall of 2005, the Brennan Center conducted an extensive phone survey, successfully contacting elections officials in 46 states and the District of Columbia. The survey was conducted by research associates, legal interns, paralegals, and attorneys, closely supervised by staff attorneys. In each case, the surveyors attempted to contact the individual designated by the state as responsible for determining how new voter registration applications are or will be processed once the voter registration database is in use. The title and position of this official varied from state to state; the appropriate individual was often an election official in the office of the Secretary of State charged specifically with HAVA implementation. Where it was necessary to speak with multiple officials in order to determine state practice—for example, when several statewide officials shared responsibility, or when the state deferred substantial portions of the registration process to county officials—the surveyors attempted to contact these individuals as well. In some states, surveyors spoke first with an election official with general knowledge of registration policy, and then with a second official versed in the technical aspects of the database and matching process.

Because the status quo was changing so rapidly throughout 2005, the survey questions reflected anticipated practices for the registration and/or matching process in 2006 in each state. More specifically, the survey addressed: the process by which information from voter registration forms is collected and entered into the state’s database; the procedure for addressing forms with missing or illegible information; the procedure for matching information against data in other state records, if matching occurs; the procedure for correcting any errors in the process; and the consequences, if any, of an attempted match.

The verification and matching process is sufficiently new that practitioners and advocates have not yet established common, agreed-upon jargon; that is, different officials describe the same practices using different language. For example, consider a voter for whom the state cannot find a match, but who may vote a valid ballot upon presentation of ID at the polls. In one state, an official will describe such a voter as “not registered”; in another, the voter is “provisionally registered”; in a third, the voter is “registered, but flagged.” Due to this lack of common language, the Brennan Center employed a flexible survey instrument. Surveyors used a written guide, but did not follow this guide mechanically; rather, they were instructed to ask appropriate follow-up questions, in order to best understand the actual practice—and the effect on the voter—in each state. The survey was designed to be completed in approximately 30 minutes. The surveyors took detailed notes of each call to memorialize the state’s response.

After reviewing the survey responses and each state’s relevant statutes and regulations, Brennan Center attorneys then prepared summaries of the pertinent state practices. In most states, existing statutes and regulations address few of the relevant questions. Survey notes were therefore used to fill in the inferences; thus, information in this report that does not reflect existing statute or regulation was derived from the interviews. Occasionally, information from the interviews seemed to conflict with existing state law; these inconsistencies
—which may reflect misunderstanding on the part of the interviewer, the interviewee, or both—were noted in the summaries, but state policy as reflected in statute and regulation was deemed controlling.

Each relevant summary was then distributed by email to the appropriate respondent, with a two-week opportunity for the relevant election officials to correct misunderstandings and to add information on policy decisions made since the surveys were conducted. Twenty-one of the officials who received these draft descriptions of state policies returned those descriptions with minor revisions or affirmations of their accuracy. Relevant modifications were included in the attached summaries, except in the few instances in which the suggested revision was contradicted by existing state law. Where a state’s stated practices remained unclear, the Brennan Center attempted in early 2006 to follow up with particular election officials. Such clarifications were also incorporated in this report.

Since this research was conducted, states may also have substantively changed their policies; to the extent that such changes are communicated to the Brennan Center, they will not be reflected in this summary of findings, but will be reflected on an ongoing basis in the individual state descriptions collected in the Appendix, available online.

In addition to surveyed facts and legal provisions for each state, the attached summaries contain the most recent available copy of the relevant pages of each state’s voter registration form and instructions. The applicable sections have been highlighted. In California, Delaware, Massachusetts, Missouri, New Mexico, Nevada, and Ohio, a state-based form was not available online; summaries for those states include the federal voter registration form and the relevant state instructions. In Wyoming, each county uses a different form; the form included in the Wyoming summary is only a sample.
Scope of State Summaries in Appendix

The state-by-state summaries attached to the electronic version of this report and available at www.brennancenter.org describe states' standard voter registration practices, from the time a voter fills out an application form up through the time that she casts a vote in a general election. The summaries reflect the information obtained by surveying election officials and the relevant laws and regulations in each state. At times, the information from these sources appears inconsistent or contradictory. This may reflect the fact that election officials may have been articulating some of the policies discussed in this report for the first time. This confusion underscores the need for concerted attention to implementing the voter registration database process and the importance of adopting clear policies that protect the rights of eligible citizens to vote.

These summaries reflect usual state practice, and may not account for certain special circumstances. The summaries of states’ identification requirements, in particular, are tailored to individuals who vote in person in a regular election on Election Day. States may provide different requirements and procedures for voters who vote by mail, vote absentee, or vote early. These different procedures are not reflected here. Similarly, this report does not capture different procedures that may govern special elections or municipal elections.

This report also does not reflect many of the different means by which a state may confirm an individual’s voter registration information other than by matching to motor vehicle or Social Security records. For example, several states compare a voter’s signature at the polls to the signature submitted on a registration card. Some states also mail a non-foreshadowable confirmation card to the address on the voter’s application; if the card is returned as undeliverable, the application may be rejected. Other states authorize a physical canvass of applicants’ homes. Such practices are beyond the scope of this report.

Finally, this report does not reflect the means by which a state may remove voters from the voter registration rolls, or the means by which a state will flag certain voters as “questionable” or “inactive.” For example, the report does not describe ongoing state database maintenance practices, such as purging of voters who have become ineligible or inactive. Nor does the report address challenge procedures or their aftermath.
Report Glossary

The verification and matching process is sufficiently new that practitioners and advocates have not yet established common, agreed-upon jargon; that is, different officials describe the same practices using different language.

To compare apples to apples, this report defines terms consistently across states—even if a different descriptive word is used by a particular official or within a particular state. This glossary explains how terms are used within this report.

DMV: the agency in each state responsible for maintaining motor vehicle license records, which is usually the same agency responsible for issuing state non-driver’s identification cards.

Identifying number: the driver’s license number, state non-driver’s identification card number, full Social Security number, or last four digits of the Social Security number, as appropriate within each state.

SSA: Social Security Administration.

SSN: Social Security number.

SSN-4: last four digits of the Social Security number.

States: includes the 50 states and the District of Columbia.
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Registration Deadline

Forms must be received 30 days before an election. A voter may also register in person at the appropriate county auditor's office up to 15 days before an election to vote absentee at that election.

Database Implementation Status

With in-house staff and occasional technical consultation, Washington is currently constructing a bottom-up statewide voter registration system, in which forms processed at the county level are periodically uploaded to and reconciled with the central database.

Entering Voter Registration Information

Who inputs voter registration information? County auditors generally review and enter information from voter registration forms in their jurisdictions into each county system, which is periodically uploaded to the state.

What happens to voter registration forms submitted at state registration agencies? Forms received by the Department of Licensing ("DOL") or another voter registration agency are transferred to the appropriate county auditor for review and entry.

How are most applications submitted? Washington reported that in 2004, 43% of applications were submitted by mail, 21% were submitted in person to election officials, 18% were submitted to the DOL, 2% were submitted to other voter registration agencies, and 17% were submitted by other means.

Voter Registration Form

The relevant portions of the voter registration form are included at the end of this section.

Processing of Forms Without Identifying Numbers

How will the state treat an application with an affirmative indication that the applicant has no valid identifying number? The applicant will be assigned a unique voter registration number. If the applicant is otherwise eligible, she will be considered registered, but if she applied by mail, she will have to show identification at the polls.

How will the state treat an application without an identifying number and without an affirmative indication that the applicant has no such number? If uncorrected (see below), the application will be rejected.

How will the state treat an application listing an identifying number that is either incomplete or illegible? If uncorrected (see below), the application will be rejected.
Matching Against Motor Vehicle and Social Security Records

What fields from the voter registration form will the state seek to match to motor vehicle or Social Security records? Identifying number, first name, last name, and date of birth. 3

How precise is the match standard? Washington has not yet set precise criteria for matching information on applications with a driver’s license or state ID number, but generally plans to use an exact match standard; this standard may allow for variations on the applicant’s first name. Washington will use the standard AAMVA criteria to match information on forms with Social Security digits: exact match of the SSN-4, first name, last name, month of birth, and year of birth.

How much human intervention is involved in determining whether information is matched? The matching process will be fully automated.

Description of matching process: Upon entry of a new registration, application information is sent electronically to the state. For forms listing a driver’s license or state ID number, the system will automatically return records from the DOL with an exact match of the identifying number, last name, and date of birth; the standard may allow for variations on the applicant’s first name. 3 State officials will send unmatched application information back to the county for follow-up. Each county has the option to conduct a second match attempt through a direct connection to the DOL by looking up the identifying number directly in the DOL database, but no statewide rule mandates such a second attempt.

Forms listing SSN digits will be automatically checked against the SSA database through the standard AAMVA process; the county elections official will submit an entered record to the DOL database, which will automatically submit the appropriate fields to the SSA and return a code indicating whether the record was successfully matched or not.

Matches for forms with driver’s license or state ID numbers are completed within minutes. The SSN match is completed within 24 hours, and often much more quickly.

What are the consequences of the state’s failure to find a match for a voter registration application? An application with unverified information will be rejected. 12

Notice and Opportunity to Resolve Errors

Does the applicant have the opportunity to correct a missing or incomplete identifying number, without submitting a new form? Yes. The applicant may correct missing or incomplete information at any point within 45 days of the day the application was submitted. 13

Does the applicant have the opportunity to resolve a failed match, without submitting a new form? Yes. The applicant may submit information to resolve a failed match at any point within 45 days of the day the application was submitted. 14
If information on an otherwise timely application is corrected after the voter registration deadline, is the correction timely? Yes, if the information is corrected within 45 days of the day the application was submitted.13

Description of notice and correction process: The county election official will attempt to notify by mail an applicant whose identifying number is missing, incomplete, illegible, or unverified; county officials may also attempt to contact the applicant by phone. The applicant will be sent a new postage-prepaid application form15 to submit, by mail or in person, with a verifiable identifying number or a copy of acceptable identification; the applicant may also resolve the problem by submitting a verifiable identifying number by phone. If the applicant does not correct the problem within 45 days,17 the application will be rejected.

Identification Requirements at the Polls

Who must provide identification at the polls? Every voter must show identification at the polls,18 and voters registering by mail without an identifying number must show identification when they next vote, whether at the polls or otherwise.19

<table>
<thead>
<tr>
<th>Forms of ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every voter</td>
</tr>
<tr>
<td>current and valid photo ID</td>
</tr>
<tr>
<td>current driver's license ID</td>
</tr>
<tr>
<td>current utility bill</td>
</tr>
<tr>
<td>bank statement</td>
</tr>
<tr>
<td>government check</td>
</tr>
<tr>
<td>paycheck</td>
</tr>
<tr>
<td>other government document</td>
</tr>
</tbody>
</table>

What forms of identification are accepted? Valid photo ID, a voter's ID issued by the county, or a copy of a current utility bill, bank statement, paycheck, government check, or other government document.20

What are the consequences of failing to show identification? The voter may cast a provisional ballot. The ballot will be counted if the name, signature, and date of birth on the provisional ballot envelope match a valid voter registration record; such records must include a verified identifying number or an assessment that the voter has no such number, unless the voter registered before 2000.21

Statutes and Regulations

WASH. REV. CODE ch. 29A.08, as amended by Chapter 243, Laws of 2005, and Chapter 246, Laws of 2005, generally concerns registration. WASH. REV. CODE § 29A.08.105 establishes that the centralized statewide voter registration list maintained by the Secretary of State will be the official list. WASH. ADMIN. CODE tit. 454, ch. 253 comprises the applicable regulations.
End Notes

1 WASH. REV. CODE § 29A.08.140.
2 Id. § 29A.08.145.
4 WASH. ADMIN. CODE §§ 434-324-010, 434-324-055; Voter Registration Database Voter Registration Identity Verification Procedures -- DRAFT.
6 WASH. REV. CODE §§ 29A.08.010, 29A.08.113.
7 Id. § 29A.08.107(3), 29A.08.210(16), 29A.08.775, 29A.08.140.
8 Id. § 29A.08.107(3), 29A.08.210(16), 29A.08.775, 29A.08.140.
9 Wash. Voter Registration Database Voter Registration Identity Verification Procedures -- DRAFT.
10 Id. The system apparently contains some flexibility for matches of the first name, but it is unclear exactly how such matches will be found.
11 Id.
13 WASH. REV. CODE § 29A.08.110(1).
14 Id. § 29A.08.110(1).
15 Id. § 29A.08.030(1).
16 Id. § 29A.08.107(2), 29A.08.110(1). Note: Washington officials indicated that corrections would be accepted only until the voter registration deadline; state law, however, provides for a 45-day correction period without mention of the registration deadline. See id. § 29A.08.110.
17 Id. § 29A.44.205.
18 Id. § 29A.08.113.
19 Id. §§ 29A.08.113, 29A.44.205. The section pertaining to all voters, and not merely those who have registered by mail without an identifying number, does not specify that the voter must submit a government document with an address. Id. § 29A.44.205.
20 WASH. ADMIN. CODE § 434-253-047.
If submitting this form by mail and you are registering to vote for the first time in this state, and did not enter any information in box 1A, or if you must provide a copy of one of the following:

- Current photo ID
- Current utility bill
- Bank statement
- Government check
- Paycheck
- Or any government document that shows your name and address.

Federal & State Law requires you to provide your W.A. Driver's License or W.A. ID Card.

If you do not have a W.A. Driver's License or ID Card, provide the last 4 digits of your Social Security number:

☐ W. A. Driver's License
☐ Last 4 Digits / SSN