

Greater Cleveland Voter Coalition
POSITION PAPER ON REGISTRATION ISSUES
(March 24, 2007:3-08 update p.5)

Issue #1: Ensuring that submitted registrations/changes of address are properly entered by the Board of Elections

Problem: (Coalition research results bolded)

A. Registration errors. Based on its detailed 2004 study of about 9,600 documented registrations¹, the Greater Cleveland Voter Coalition (GCVC) estimates that, **of the forms submitted to the Cuyahoga BOE countywide, nearly 3,000 new registrations and about 5,000 address updates could not be found later on the County Voter Registration database.** If most Ohio urban centers experienced the same error rate, some 28,800 voters would have been affected statewide. Either the applications were lost at the BOE or they were entered incorrectly so that they could not be called up by a search of the database. In addition, based on the same study, **the GCVC estimates that, prior to the 2004 General Election, the Cuyahoga County BOE made nearly 9,000 errors in entering name, address, date of birth, or multiple items of information that differed from the submitted registrations. Also, an estimated 3,300 voters omitted or incorrectly entered information.** These errors, depending on their gravity, put voters at low to high risk of disenfranchisement and **might have contributed to some of the estimated statewide 10,500 provisional ballots rejected for “wrong precinct” and the 22,000 rejected for being “not registered” in 2004. In 2006, based on survey data from 57 counties, it was estimated that 11,600 and 7,411 provisional ballots were rejected for “wrong precinct” and “not registered”².**

B. Undeliverable election notices. In September 2006, about 170,000 of about 1 million elections notices sent to all Cuyahoga County’s registered voters were returned as “undeliverable.” (ORC 3501.19 A(1) requires such mailings to be “nonforwardable”). All such voters were then noted in the polling books, and on election day, such voters were required to supply evidence of their current address in order to avoid having to vote a provisional ballot. Furthermore, they did not receive important information about updating registration, polling place, availability of absentee ballots, etc. Several factors could account for these returned items: many of them may have been among the approximately 200,000 registrations listed as “inactive”; others may have been due to registration information incorrectly recorded, apartment number omitted, or voter changed either name or address since registering. These 170,000 voters,

¹ All these projections were taken from a study of the fate of 9600 registration forms submitted by the Greater Cleveland Voter Registration Coalition, http://www.clevelandvotes.org/news/reports/Analyses_Full_Report.pdf, which were projected to the total of 313,000 non-duplicate registration forms submitted from all sources to the Cuyahoga County Board of Elections prior to the 2004 election.

² Telephone survey of results from the 2006 General Election in 56 counties in which 91,764 provisional ballots (70% of the 129,432 total provisional ballots cast statewide). Estimates of rejected provisional ballots for “wrong precinct” or “not registered” for the entire state were made by multiplying the number of such rejected ballots reported in the 57 counties by the factor (129,432 / 91,764).

in the absence of this information, might have assumed that they were registered correctly. Therefore, they might have not taken along correct ID or might have gone to their old precincts to vote. This may have unnecessarily swelled the number of provisional ballots.

C. Inconsistent handling of “Not Registered” provisional ballots in different counties: 21 counties responded to a survey of their methods of determining whether provisional ballot voters were registered. A wide variety of overlapping methods were used: Most (19 counties) used date of birth, 9 used first and last names, 2 used only last name, 9 used address, 7 used Driver’s license, 8 used last 4 social security number, and 1 used first 3 letters of first and last name. The lowest rejection rate for “not registered” (as a percent of provisional ballots cast) was 2.6% in Cuyahoga County, where only the first 3 letters of first and last name and date of birth were used to locate voters (thus avoiding cases where the remainder of the name was entered incorrectly) with driver’s license as a back-up. In the next lower group of counties, with rejection rates of 4.4 to 6%, both social security number and driver’s license were used to help locate registrations. The remainder of counties had up to 12% rejection rates.

D. Inequity: Those who move more frequently (youth, minorities, low-income) are repeatedly subject to the registration entry problems we described above. A U.S Census Report³ finds that **youths (20-29 years old) move 6 times more frequently than those over 55 years old; that black and Hispanic individuals move 50% more often than whites; and that those with low household income (<\$25,000) move nearly twice as often as those with incomes of \$100,000 or more.**

Proposal:

Quality control measures to ensure that submitted applications are properly entered into the BOE database:

- 1) Every clerical entry of new voter information should be double checked for entry errors by a second individual.
- 2) As new applications are entered, there should be a simultaneous automatic “advanced search” of the registration database for individuals with similar first or last names, address, DOB, driver’s license or last 4 SSN to see if the same applicant has previously been entered in a different manner. If such is the case, both original scanned applications should be revisited to ensure that there is only one entry and that it is entirely correct. This procedure could greatly reduce the problem of incorrectly entered change of address applications.
- 3) BMV’s, public assistance agencies, and voter registration groups should receive a list of those applications that could not be entered, e.g. “address did not exit”, no signature,

³ Table 8 in U.S. Census Report, Geographical Mobility: 2002 to 2003.
<http://www.census.gov/prod/2000pubs/p20-549.pdf>

etc. These organizations could then check the reason for any non-entered or incorrectly entered applications and make corrections, consult the applicants, or seek redress from the BOE.

4) Every month, the BOE should review several labeled batches of submitted applications and their outcomes. If cases of apparent non-entry were found, review of original or scanned applications plus elaborate search of the database would be necessary to determine the reason for omissions. The results of this checking procedure would be part of the required BOE record-keeping process. If one year of such checking revealed an error rate of 0.5% or less, the checking process could be discontinued (perhaps resumed every 5 years).

5) Synchronization of State and County Databases: There should be a documented process for keeping the State and County databases synchronized. Voter registration updates (add, change, delete) should be done in one database only (probably the County) and should be read only in other (State).

6) There should be a documented process for backing up voter registration databases so that a BOE or the state can investigate possible lost registrations to see if the registration(s) exist on an older database. This provides useful information on when the registration was lost. Database backups should be done at the State and County level. If the databases are large and space a limited, a possible backup strategy would be something like

- Full backup done weekly during the last two months leading up to even year November elections
- Full backup done monthly otherwise
- Backups older than three years could be purged

Transmission of results to the State should be done on a regular basis (perhaps the same schedule as the backups).

After transmission, some basic checks should be performed to check on database accuracy. These can probably be automated. For example,

- the number of registered voters in the County
- the number of registered voters in the County by precinct (to help identify where problems exist if there are any discrepancies)
- the number of currently registered voters who have voted in each of the last four even year general elections (this checks that voter history is being accurately maintained)

Other measures to correct registration lists:

- Set up DIMS or other BOE database so that when it warns of street address errors (apparently non-existing addresses), the clerk is notified immediately and the original scanned document is consulted to avoid those entry errors due to mis-reading.
- Both registration confirmation cards and election notification cards should be sent by nonforwardable mail (as required by ORC 3503.19©(1)© and 3501.19 A (1-4), respectively) but with “return service requested” so that if the card is “undeliverable”, the post office will supply a forwarding address. The BOE should then send follow-up information telling the voter how and where to re-register with a correct address, and include a blank registration card. If the change of address card is not returned to the Board, then that is so noted in the polling book, as per HB3.

- If the street address is found to be “nonexistent” or “fatal pending”,
 - the BOE will automatically go back to the original scanned application to check for mistaken entries;

- All voters should be educated about, and have the means to check their registration status in ample time to prevent inadvertent disenfranchisement. The BOE must supply **several** ways for voters to check their registration status:
 - Online search program with an algorithm which searches for mistakes in the database so voters can enter name and birth date and find out if they are properly registered;
 - Library computers with icons directly connecting voters to the BOE search site with librarian training and assistance, so that voters without internet access can check and re-register on the spot;
 - BOE hotline with fully adequate number of operators (not true in the past) to handle voter inquiries; also operators trained to search with an automatic algorithm that looks for mistaken entries;
 - Simple understandable instructions which are uniform statewide on how the voter can remedy any mistakes found in that voter’s registration, including non-entry.

- The BOE must conduct a major media and outreach campaign (starting 3 months prior to the General Election) to alert all voters that if they have NOT received an “election notification” mailing from the BOE, their registration status is doubtful, and they **MUST** check, using one of the tools described above. The information should include warning about the deadline for registration. These should be especially targeted to low-income and minority communities in which increased moving is more likely to compromise voter registration.

Issue #2: Ensuring that purging of lists of registered voters does not inadvertently purge legitimate voters

Problem: The GCVC found through computer crosschecks that at least 900 voters in Cuyahoga County had been properly registered in the months prior to the 2004 General Election, but were inadvertently deleted, either between one database and the next or

between the end of October database and the list of names on the poll books. These individuals were then forced to vote provisional ballots, and such ballots were rejected as “not registered”. The same problem throughout the state would have disenfranchised several thousand voters.

Update fall 2007: After 3 years, we finally had an opportunity to sit down Cuyahoga County BOE staff and to review the data showing apparent purging of voters found registered in August but no longer registered in late Oct 2004. They agreed our findings were correct, and furthermore discovered that in most cases, these voters had submitted updating registrations which contained important errors or omissions, whereupon, contrary to law, the BOE mistakenly purged the pre-existing registration. When this mistake was discovered, the BOE took immediate corrective action and found that over 1400 voters needed to be reinstated because of this problem. In addition, the Ohio SoS office sent out a memo to all BOE’s alerting them to avoid this error.

In a later review with the Cuyahoga BOE of voters who were on the rolls late Oct 2004 but whose provisional ballots were rejected as “not registered”, where we were able to “find” such voters by our limited soft search, the BOE agreed there were at least 189 such cases of provisional ballots that had been incorrectly rejected. The Cuyahoga BOE also has begun a procedure with much wider semi-soft search of database before provisional ballots are rejected. This has not been instituted statewide.

Proposal:

- BOE’s should do monthly computer crosschecks (present month vs. past month) to verify that no legitimate voters had been inadvertently and incorrectly purged and that the only voters dropped from the list of registered voters over the past month were those legitimately subject to purge under Ohio law.
- Processes for the purges should be consistent across the state. The same rules should be followed and results documented. There could be differences caused by some counties not keeping track of the same information. These should be identified and corrected when possible.
- Check a sampling of voters removed in a purge and check how many were deleted properly. Use database queries or lookups (depending on what kind of database is used) to check if there are any voters on the database who should have been purged and were not. If database queries cannot be done, check some unpurged voters and see if they should have been purged.
- All voters should be educated about, and have the means to check their registration status in ample time to prevent inadvertent disenfranchisement (for detail, see above).

Issue #3: Ensuring that voters are educated and enabled to check and correct their registration status, if necessary

Problem:

The numerous clerical and voter errors in entry of registrations and address updates outlined above, as well as unintended purging of legitimate voters, leads to a situation in which no Ohio voter can be absolutely sure they are correctly registered unless they verify their status. Many voters will assume, incorrectly, that they are registered because they have handed in a form, have been registered for many years, or have voted in one of the last two General Elections. All together, such errors could account for many of the 35,000 provisional ballots rejected statewide in 2004, not to mention voters who never showed up at the polling place because they found out too late that their registration was faulty or nonexistent. In addition, there were, and still are, no clear written state policies indicating how voters could correct non-material errors in their registrations after the registration deadline.

Proposal:

Prevention of serious current errors as described in Issues 1-4. In addition:

- User-friendly access to statewide database of registered voters: The statewide on-line database provides an excellent on-line method for voters to check their registration status after entering their names and birth dates. However, the Secretary of State's office should provide a search engine such that, if the voter is not found in the first pass, the computer asks for the voter's present and past address and automatically searches for similar names (e.g. searching new and old address for similar names and birthdates, using first letter of first or last name plus DOB, etc.). The program then informs the voters whether there are alternate versions of their registration information on file and (in all cases of error or omission) how and by what deadline they can correct or update their information.
- Voter education: In the 2 months prior to the deadline for registration for all state-wide elections, media advertisements, paid for by the Secretary of State's office, should alert voters to check their registrations by giving them the state database website or directing them to go to their local public library for online availability or assistance. Each county BOE should be required to train librarians to assist voters to use the database and to fill out new registration forms, if necessary (public libraries already supply registration forms and have a regular procedure for delivering them to the BOE).
- Legislation/Directives: Provide clear, statewide, uniform statutory policies on correction of faulty registrations in the period between the registration deadline for any election and the date of that election.