

4. Since coming to SBE, one of my priorities has been improving Virginia's voter registration rolls. This includes both increasing voter registrations among eligible citizens and cancelling the registrations of those ineligible to vote. There is a clear need for greater and streamlined access and participation in elections through enhanced voter registration as well as a clean up of existing voter registration records.

5. The necessity for improved voter registration rolls that eliminate duplicate voter registrations is well documented.

6. After the 2000 Election and the passage of the Help America Vote Act (HAVA), the Commission on Federal Election Reform ("the Carter Baker Commission"), a leading nonpartisan authority on election policy for over a decade, issued a report in September 2005 recommending unanimously the very steps Virginia began taking with its first bipartisan legislative initiative in 2007:

Current procedures for updating the registration of voters who move to another state are weak or nonexistent. When people register to vote, they are usually asked to provide their prior address, so that the jurisdiction where they lived can be notified to delete their names from the voter list. Such notification, however, often does not occur. When a voter moves from Virginia to Illinois, for example, a four-step process is required to update voter registration: (1) election authorities in Illinois must ask for prior address; (2) the voter must provide prior address; (3) Illinois election authorities must notify the correct election officials in Virginia; and (4) Virginia election authorities must remove the voter from its list. Unless all four steps are taken, this voter will remain on the voter list in Virginia. In fact, states often fail to share data or notify each other of voters who move. As a result, a substantial number of Americans are registered to vote in more than one state. Report of the Commission on Election Reform, Building Confidence in U.S. Elections 12 (Sept. 19, 2005), available at http://www1.american.edu/ia/cfer/report/CFER_section2.pdf

7. This lack of an effective information interchange, often referred to in the election community as "interoperability," negatively impacts voters placing them at risk of delays in voting or worse being targeted for investigation for registering to vote in more than one location (which is a felony in Virginia and other states) and even for double voting. It also

increases the likelihood of fraudulent voting as the voter registration that is active but should be cancelled presents an opportunity for fraud.

8. Further demonstration of the problems with duplicate registrations and the need for states to work together to fix this problem is found in an important report published in November 2010 by the Pew Charitable Trusts called "Upgrading Democracy – Improving America's Elections by Modernizing States' Voter Registration Systems." (The "Pew Report" a copy of which is attached as Exhibit 1). The Pew Charitable Trusts is recognized as a leader in the field of public policy in relation to elections. The Pew Report identified that "an estimated 2.2 million eligible Americans were unable to cast ballots due to problems with their voter registrations." The Pew Report estimated that approximately 1 in 8 registrations nationwide are significantly inaccurate or no longer valid. The Pew Report also estimates that approximately 2.75 million people have registrations in more than one state.

9. There is a fiscal cost that flows from the findings of the Pew Report: "[c]osts for printing and processing forms, handling returned mail inaccurate records, maintaining registration databases, and other expenses add millions of dollars to state and local budgets at a time when government offices are struggling to deliver the highest value for every taxpayer dollar."

10. The Pew report went on to state that "outdated and inaccurate voter rolls and a heavy dependence on new voter registrations submitted by unregulated third-party groups led to troubling questions about the integrity of our elections." The Pew report provided recommended steps that states should take toward modernizing their voter registration systems. These recommendations included offering online registration, providing improved technology at motor vehicle offices and public aid agencies to aid in registration, and exchanging data with other states to aid in removing duplicate and invalid records and removing ineligible voters.

11. I am proud of how Virginia has responded to the problems identified by both the Carter Baker Commission and the Pew Report. On the one hand, Virginia has taken great strides to enhance voter registration, including mailings to unregistered eligible citizens and online registration as discussed below. With regard to duplicate registrations, Virginia is taking a responsible and measured approach.

12. In 2007, bipartisan legislation sponsored by Virginia House of Delegates member Bob Brink (a Democrat from Arlington) passed the General Assembly unanimously and included a provision authorizing SBE to share data with other state voting officials for the purpose of list maintenance. Chapter 318 Acts of Assembly (2007). Additional legislation passed in 2011 and 2013 expanded SBE's mandate to share this registration data with other states and specifically to take steps to prevent the duplication of registrations in more than one state or jurisdiction. See Va. Code §§ 24.2-404(A)(10) and 24.2-404.4.

13. As demonstrated in both the Pew Report and the Carter Baker Commission's recommendations, Virginia's legislatively mandated process for providing for cancellation of a Virginia registration following official communication of registration in another state, coupled with subsequent legislation improving official communication between states, are all vital to protecting voters, candidates and the integrity of elections and increasing voter confidence in the registration and electoral process. Improved voter registration lists are also important to the political process as SBE has identified errors in the voter information data provided to candidates and political parties which we have been told negatively affects the campaigns that rely on voter data to get their message out.

14. Virginia's interstate data exchange is also an important step towards implementing the Carter Baker's 2005 recommendation to eliminate duplicate registrations as

they are a "source of potential fraud." Report of the Commission on Election Reform, *supra*, at 79.

15. As a result of the bipartisan changes to the Code of Virginia, SBE has begun implementing these data-sharing recommendations and legislation from the General Assembly. To that end, SBE has joined two different consortiums of states for the purposes of sharing voter registration data to improve the accuracy of our voter registration list.

16. The first project to yield any results for SBE was the Electronic Registration Information Center ("ERIC"). The ERIC project uses both the Virginia Department of Motor Vehicle ("DMV") data as well as SBE voter registration data to identify data integrity issues, dual voter registrations and to identify individuals who are not registered to vote but who are likely Virginia residents. Seven states, including Virginia, Maryland, Delaware, Utah, Colorado, Washington and Nevada, have officially joined the ERIC project. The ERIC project provided a list of over 1.6 million unregistered Virginia residents at over 1 million unique mailing addresses. As part of the ERIC membership agreement, and as part of my SBE's initiative to provide for great voter registration, SBE mailed 867,852 postcards to these unregistered Virginia residents' mailing addresses on September 27, 2012. This postcard informed the recipient that they may be eligible to vote and provided them with information on how to register as well as information on Virginia's new voter identification law (to educate voters as to the law and to counteract various statements in the press that in my opinion do not fairly characterize these laws and may cause confusion).

17. In July 2013, based upon legislation drafted and supported by SBE, SBE launched an online voter registration portal that allows voters to register and update their registration online with an appropriate DMV customer identification number. In addition, SBE has submitted a budget request for the next state budget that includes a cash investment to

provide improved technology for voter registration and updates at the DMV office locations, allowing for registration applications submitted at DMV to be sent electronically to SBE and the localities. Paper registration inevitably leads to applications lost in the mail and errors by voters and local election staff in inputting data into the registration database. Reasons for these technology upgrades are to improve the accuracy of registration data entered into the database, correct erroneous data, streamline the voter registration access, and generally make voter registration easier for the voter.

18. The second data-sharing project to get off the ground for SBE was the Interstate Crosscheck Program ("Crosscheck"). The Crosscheck process started in 2005, and is a bipartisan effort initiated by a number of Secretaries of State, including then-Kansas Secretary of State Ron Thornburg (R) and Secretary of State Robin Carnahan (D) from Missouri. In each election, the number of states participating in the program has increased. By 2013, a total of 22 states participated in the program sharing over 84 million voter registration records. To the best of my knowledge, twenty-six states have joined the Crosscheck program as of today's date.

19. In January of 2013, each state submitted their entire list of registered voters, including the voter's date of birth, last four digits of their Social Security Number (where allowed by law), current registration address, whether or not they had voted in the November 2012 General Election, and applicable dates of registration activity by the voter.

20. In February and early March of 2013, SBE received the results from the Crosscheck match. The preliminary results received from the Crosscheck data revealed the likelihood that as many as 308,000 individuals were registered in both Virginia and another state. Nationally, the Crosscheck identified some 5 million records that were questionable in those 22 states and identified some people who voted in multiple states. The ERIC project

made up of mostly additional states, including Virginia, identified hundreds of thousands of other registrations that needed updating.

21. After further review of the data in April 2013, SBE staff presented to the State Board an initial review of the Crosscheck findings. At this Board meeting, additional information was provided to the Board indicating potential widespread double-voting in Virginia and another state during the November 2012 General Election. At that meeting, the State Board voted unanimously to ask the Office of the Attorney General to investigate the possibility of voter fraud and double voting as a result of the Crosscheck. A copy of the minutes of that meeting are attached as Exhibit 2. Following the Board meeting, I sent an email to all of Virginia's general registrars and electoral board members explaining to them the Crosscheck and ERIC programs with a note to expect information on upcoming list maintenance efforts as a result of the Crosscheck and ERIC data. See Exhibit 3 attached hereto.

22. In July 2013, as required by the Code of Virginia, SBE conducted Annual Training for all general registrars and electoral board members and kicked off its annual federally required National Change of Address mailing to approximately 250,000 voters. SBE provided guidance to registrars on the Crosscheck and other list maintenance activities at the training, weekly calls with leadership of the local election officials and other venues.

23. On August 23, 2013, at my direction, Matt Davis of SBE communicated to the general registrars a message that outlined the parameters of the Crosscheck program with instructions to a link where general registrars could download a list of records that needed to be reviewed for possible cancellation. See Exhibit 4 attached hereto. The email communication stated that general registrars should review the file designated for their locality and the information provided for each voter as soon as possible. The email stated that the

records were to be handled in the same manner as other out of state cancellation notices that the general registrars may receive, in accordance with state laws and regulations. General registrars were instructed to accomplish a final round of quality checks at the local level before any official action was to be taken to cancel a registration record.

24. The Crosscheck process is part of an overall mechanism to provide out of state registration information to registrars. Thus, SBE regularly provides general registrars with official reports of registration in other states under Va. Code § 24.2-427(B)(iv). Since 2007, Va. Code § 24.2-427(B)(iv) has required general registrars to cancel voter registration based on official reports of registration in another state; the official report of registration in another state is treated as equivalent to a voluntary request for cancellation protecting the voter from duplicate registration, a felony under Va. Code § 24.2-1004.

25. To implement the Crosscheck program, and at my direction, SBE staff worked on verifying data and eventually worked the larger list of over 308,000 potential matches down to approximately 57,000 Virginia registered voters registered in other states. See also the Declaration of Matthew Davis, par. 8-9. It was important to me and therefore I stressed to both the Board and staff that Virginia's first attempt to work with the data be based upon full data matches, thus eliminating from considerations states with large potential matching populations like Florida, that don't use the Social Security Number for voter registration.

26. Therefore, all voters identified in the Crosscheck were matched based on a 100% exact match of first name, last name, date of birth and last four digits of their Social Security Number. All of these fields had to be the same in their Virginia data and in the other state's data to be included on the list. Additional data elements available to the local registrar while conducting their independent review that are in the SBE voter registration database include each voter's full Virginia registration, voting and correspondence history.

27. All potential duplicate registrations identified in the Crosscheck are acted on only at the local level. Each of these voters information was sent to the general registrar for independent evaluation of the voter record, which is a duty of the general registrar under Va. Code §§ 24.2-114(12) and 24.2-404(A)(4).

28. Each voter's record examined by the registrar would include voting history subsequent to the reported registration in another state as well as subsequent registration in Virginia.

29. If a registrar's independent review of a voter record raises any question or concern, the correct practice would be for the registrar to make an inquiry of the voter.

30. The registrar's careful independent review may result in several alternative dispositions short of cancellation, including no action at all, sending the voter a letter asking if he still wants to be registered in Virginia, and if that mailing is returned undeliverable, noting the voter's records for inclusion in the annual address confirmation process set forth in Va. Code §§ 24.2-428 through 24.2-428.2

31. Any voter whose registration the registrar determines to cancel after careful independent review of the voter's record is individually mailed a notice of cancellation inviting him to reapply if eligible. Exhibit 5 provides a copy of the standard form letter used for this purpose.

32. The cancellation notice is mailed often to both the last known Virginia registration address of record and to the new state registration address reported to Virginia. Sending the cancellation notice to the out of state address is done to provide actual notice to voters who have already failed to respond to an official request to confirm their Virginia residence address under Virginia's separate annual address confirmation procedure set forth in Va. Code §§ 24.2-428 through 24.2-428.2.

33. Some voters reported as registered in other states may have returned to reside in Virginia at a new address without informing the registrar as required by Va. Code § 24.2-424. To assure these voters an opportunity to update address information before books close for the November election, my guidance issued recommended completing action on the Crosscheck lists by October 1, 2013, to allow any affected individual the opportunity to respond to notice of cancellation before the October 15, 2013 registration deadline and for registrars to make necessary preparations for the November General Election. See Exhibit 6.

34. To be sure that implementation of the Crosscheck was being done legally and uniformly throughout the Commonwealth, we prepared and sent to the entire election community a Frequently Asked Questions document. This document summarized and formalized much of the advice that staff have been providing to registrars on an individual basis in between the August emails and late September. See Exhibit 6. In addition to their statutory responsibilities, this document guided the registrars in how to process the Crosscheck reports and also importantly how to handle affected voters who might appear to vote to assure that no eligible voter was disenfranchised on account of error.

35. The Crosscheck should not disenfranchise a single Virginia voter and there has been no harm caused by the Crosscheck. On the contrary, the Crosscheck has served an important governmental purpose in cleaning up the Virginia registration rolls by eliminating from the rolls over 38,000 individuals who clearly registered in another state after registering in Virginia.

36. A summary of the results of the Crosscheck demonstrate both its effectiveness and the accuracy in which it was implemented. After narrowing down the Crosscheck list from over 308,000 to 80,000 and then to 57,923 (the actual number sent to the field), the following is the current status of those 57,923 individuals: (1) 38,870 were cancelled based

upon registration in another state after Virginia; (2) 11,138 were left on the Virginia rolls and are still active voters; and (3) 7,285 were left on the Virginia rolls although they remain inactive. This is a statewide cancellation rate of 78 percent.

37. In the event that someone was removed from the voter rolls in error, there are important procedures that will protect that voter's rights. Virginia's provisional ballot procedures provide a further safeguard protecting against official error in the Crosscheck review process. See Exhibit 6 question 10. In the unlikely event that a qualified voter was removed from the voter registration list, they would vote by provisional ballot. That provisional ballot should be counted at the canvass the day after Election Day once the electoral board determines that the voter is eligible to vote for that election. Moreover, my guidance expressly directs that even after the close of books, to correct official error, a registration cancelled in error may be reinstated.

38. Another important safeguard in the Code of Virginia is a voter's right to an administrative appeal before the registrar. Va. Code § 24.2-429. If unsatisfied with the result before the registrar, the voter can further appeal the registrar's ruling to Circuit Court. Va. Code § 24.2-430. Despite the cancellation of over 38,000 voter registrations, I am unaware of any case in which a disputed report of registration in another state required a hearing before a registrar or judicial correction.

39. These same safeguards - provisional voting and appeals - often protect voters' rights when cancelled through error based upon things other than out of state registration. By way of example, SBE produces a list of deceased voters based upon data provided by the Social Security Administration. Sometimes, a voter is wrongfully cancelled as deceased. When that voter shows up to vote, his vote is counted and his registration is restored. Based upon those fairly rare errors, however, SBE is not going to halt processing of death records --

and should not halt the processing of the cancellations at issue in this case.

40. Voters typically call SBE to seek guidance and to complain when they deem necessary about actions by the election community. I have asked my staff to notify me if any complaints came in concerning implementation of the Crosscheck. I am not aware of one phone call from a voter who claimed to have been inaccurately cancelled by the Crosscheck.

41. The safeguards developed in 2013 provide voters registered in multiple states with even greater protection than existed previously, both in terms of clear direction on procedures short of cancellation to resolve any ambiguities and corrective measures in the event of erroneous cancellation.

42. The Declarations filed by the plaintiff in this case do not change my view that the Crosscheck was handled legally and appropriately. With regard to Ms. Wright, it was unfortunate that she was cancelled in error, but she received a notice and the error was corrected. The entire voter registration system should not be discarded because of human error. As officials we need to work to minimize the chances for error and SBE has done that.

43. The statements by General Registrar Larry Haake, III are troubling. He first points out that half were inactive voters as if that were somehow problematic, but that would be expected with a list of voters that should be reviewed for cancellation (inactive voters have already not responded to at least one mailing after notice from postal service authorities of a move and sometimes two mailings, or one undeliverable piece of election mail and subsequent confirmation mailing). More troubling, however, is Mr. Haake then in effect states that because he believed that 17% of his list should have remained on the rolls, that he decided unilaterally to keep 83% on the rolls that clearly should be cancelled. This is in violation of his duties under the Code that require him to complete his action no later than 30 days after receipt of the Crosscheck (or other) list from SBE. Va. Code § 24.2-404(4). He is the only

registrar in the Commonwealth that refused to perform his duty of carefully checking the individuals on the lists. And finally and most importantly, I expected Mr. Haake and all of the registrars to review their lists and only cancel those registrations that should have been cancelled.

44. With regard to the other statements attributed to various registrars, SBE never told the Chesapeake Registrar to strike the names on the Crosscheck list. Contrast the Declaration of Matthew Weinstein (par. 11) and Nicholas Brana (par. 2) with the Declaration of the Chesapeake Deputy Registrar Mary-Lynn Pinkerman. Other statements in the plaintiffs' declarations show the registrars are doing their duty - checking the names against voter records and other available data. With regard to the few registrars that reportedly stated they had cancelled all the voters on their lists, SBE has followed up with those registrars and we are satisfied that correct procedures were followed.

45. With regard to the timing of Crosscheck process, it is because SBE took time to perform intensive quality control measures on the data, and had intervening elections, that the data was sent to the field on August 23 rather than earlier in the year. Registrars then were mandated by the Code to complete their work with the lists within 30 days, giving them ample time to perform this prior to Election Day and the close of voter registration on October 15. Most importantly, SBE was mandated by law to promptly send this information to the registrars and could not responsibly decide to wait until after the election. See Va. Code § 24.2-404(4).

46. SBE has treated every voter equally under the Crosscheck program and under the Code of Virginia.

47. When I asked the registrars to use "their best judgment," that was not meant to imply (nor do I think any registrar understood it that way) that registrars should not apply well

accepted standards to possible cancellations. Those standards are set forth in the Code and in the guidance given over many years on how to treat cancelations based upon relocation to another state. I had and continue to have confidence in the registrars that they would use their best judgment to review each voter and cancel only those registrations that should be cancelled.

48. Requiring over 38,000 individuals to be restored to the voting rolls when they are clearly ineligible to vote because they have registered in another state would be disruptive of the upcoming election and will unnecessarily burden the election community.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 15, 2013.

FURTHER AFFIANT SAYETH NOT.



DONALD PALMER



Inaccurate, Costly, and Inefficient

Evidence That America's Voter Registration System Needs an Upgrade

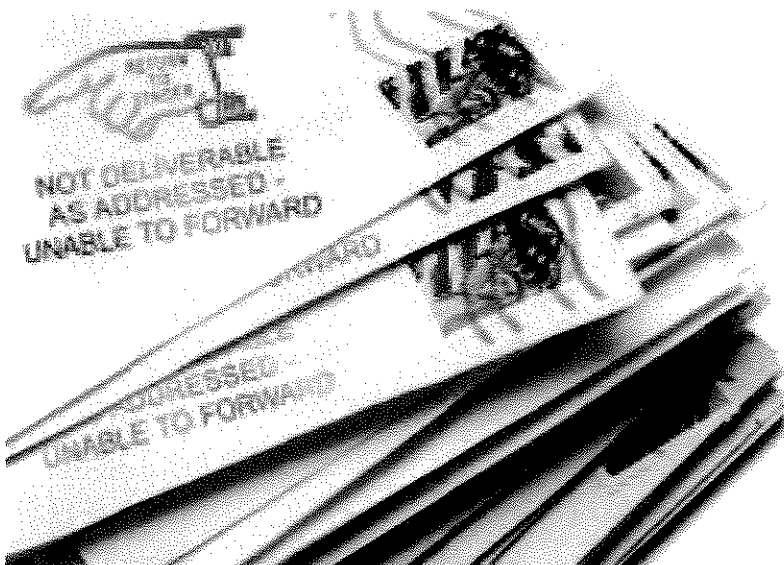
Our democratic process requires an effective system for maintaining accurate voter registration information. Voter registration lists are used to assign precincts, send sample ballots, provide polling place information, identify and verify voters at polling places, and determine how resources, such as paper ballots and voting machines, are deployed on Election Day. However, these systems are plagued with errors and inefficiencies that waste taxpayer dollars, undermine voter confidence, and fuel partisan disputes over the integrity of our elections.

Voter registration in the United States largely reflects its 19th-century origins and has not kept pace with advancing technology and a mobile society. States' systems must be brought into the 21st century to be more accurate, cost-effective, and efficient.

Research commissioned by the Pew Center on the States highlights the extent of the challenge:¹

- Approximately 24 million—one of every eight—voter registrations in the United States are no longer valid or are significantly inaccurate.
- More than 1.8 million deceased individuals are listed as voters.
- Approximately 2.75 million people have registrations in more than one state.

Meanwhile, researchers estimate at least 51 million eligible U.S. citizens are unregistered, or more than 24 percent of the eligible population.²



INACCURATE, COSTLY, AND INEFFICIENT

One reason for these problems is that many of us are unlikely to live in one voting precinct all our lives:

- About one in eight Americans moved during the 2008 and 2010 election years.³
- Some Americans—including those serving in the military, young people, and those living in communities affected by the economic downturn—are even more transient. For example, census and other data indicate that as many as one in four young Americans moves in a given year.⁴

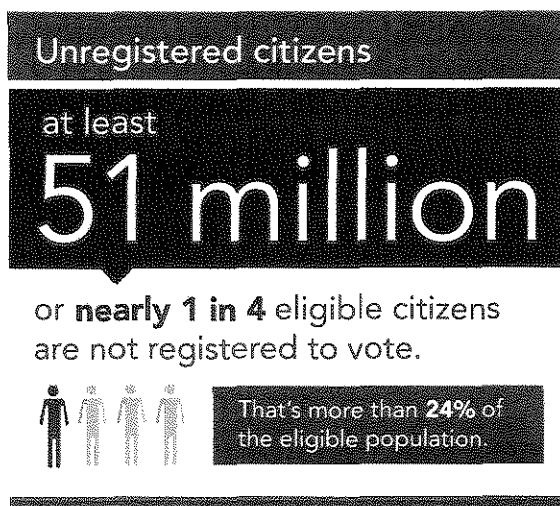
At a time when government budgets are significantly strained, our antiquated paper-based system remains costly and inefficient.

- A study Pew conducted with Oregon found that, in 2008, state and local taxpayers spent \$4.11 per active voter to process registrations and maintain a voter list, or \$7.67 per transaction (new or updated registrations).⁵

- Canada, which uses modern technology to register people as well as data-matching techniques common in the private sector, spends less than 35 cents per voter to process registrations, and 93 percent of its eligible population is registered.⁶
- Maricopa County, AZ—which includes Phoenix and has a larger population than 23 states—saved more than \$1 million over five years by providing online voter registration, reducing the county's dependence on paper and manual data entry. Printing costs were reduced 75 percent. Each online registration costs an average of 3 cents to process, compared with 83 cents per paper form.⁷

These findings underscore the need for states to improve accuracy, cost-effectiveness, and efficiency.

As described in the previous report, *Upgrading Democracy: Improving America's Elections by Modernizing States' Voter Registration Systems*, Pew is working with election officials, academics, and technology specialists to help states improve their registration systems. Participating states will establish new ways for voters to submit information online and join together to compare registration lists with more data sources, using proven, secure matching techniques and technology to increase data accuracy.



INACCURATE, COSTLY, AND INEFFICIENT

ACCURACY**NEW EVIDENCE REVEALS
MAJOR PROBLEMS**

The paper-based processes of most registration systems present several opportunities for error. In a typical system, election officials get information about a voter's identity, eligibility, address, and contact information through a form completed at a public agency, such as a county election office or motor vehicles office, or through an unregulated third-party voter registration group, such as a campaign or advocacy organization. These are sent to election offices, where the data often are manually entered and names are added to the voter list. A voter must supply any change to that information, such as a new address, name, or party affiliation, which is usually manually entered and processed by election officials. The inability of this paper-based process to keep up with voters as they move or die can lead to problems with the rolls, including the perception that they lack integrity or could be susceptible to fraud.⁸

The Pew Center on the States commissioned RTI International, a prominent nonprofit, nonpartisan research institute, to assess the quality and accuracy of state voter registration lists in the United States. RTI used a unique database maintained by Catalist, LLC, a leading aggregator and processor of voter information, to estimate the number of

records that are inaccurate or no longer valid. For this report, a "no longer valid" record represents a person who is on the rolls but no longer eligible to cast a vote, likely due to having moved or died. An "inaccurate" record represents an eligible voter whose file has incorrect data.

Catalist regularly updates its database for all 50 states and the District of Columbia, thus providing a sound basis for making national-level estimates of no longer valid and inaccurate records, duplicate registrations, and other important measures of list quality. The organization buys voter lists from states and local governments, and combines that information with data from other public and commercial sources, such as the National Change of Address database run by the U.S. Postal Service,

Voter Registration Inaccuracies

approximately

24 million

or **1 in 8** registrations are significantly inaccurate or no longer valid.

**1.8 million**

deceased individuals are listed as voters.

12 million

records contain an incorrect address.

INACCURATE, COSTLY, AND INEFFICIENT

death records from the Social Security Administration, and lists from marketing firms and retailers used by commercial data aggregators. Catalist applies a complex matching process to combine and analyze data to verify or update records of voters.

The resulting database contains a robust set of profiles of American voters and nonvoters built from registration lists and expanded upon with more information. Because not all states provide complete records, an analysis of Catalist's data likely underestimates the number of inaccurate and no longer valid records.⁹

Inaccurate or no longer valid records

The study found millions of voter registration records nationwide that are either inaccurate or no longer valid. These were identified based on data indicating a voter died, moved, or had been inactive from 2004 to March 2011.

VOTERS REGISTERED IN MORE THAN ONE STATE

Number of states in which a voter is registered	Number of people
2	2,688,046
3	68,725
more than 3	1,807
total	2,758,578

The study identified:

- Approximately 12.7 million records nationwide that appear to be out of date and no longer reflect the voter's current information.
- More than 1.8 million records for people who are no longer living, but have registrations on voter rolls.
- About 12 million records with incorrect addresses, indicating that either the voters have moved, or that errors in the information on file make it unlikely the Postal Service can reach them.¹⁰

Once duplicates among categories are eliminated, approximately 24 million registration records, or nearly 13 percent of the national total, are estimated to be inaccurate or no longer valid.¹¹

Duplicate registrations

Matching voter information, such as name, age, and other attributes, with data from sources such as the National Change of Address filings makes it possible to estimate the number of people who appear to hold registrations in more than one state.

A voter could become registered in multiple states when she moves and reregisters—legally—without notifying her former state. Notice of this information would help a state keep accurate rolls by verifying residence and eligibility.

INACCURATE, COSTLY, AND INEFFICIENT

This study found that almost 2.7 million people appear to be registered in two states, and more than 70,000 people could be registered in three or more. In all, more than 2.75 million people appear to have multiple registrations.

These findings are consistent with other research. In the 2008 general election, 2.2 million votes were lost because of registration problems, according to a survey by researchers at the California Institute of Technology/Massachusetts Institute of Technology Voting Technology Project.¹² Additionally, 5.7 million people faced a registration-related problem that needed to be resolved before voting, according to the Cooperative Congressional Election Study.¹³ Two recent studies also found that 8 percent to 12 percent of registration records contain errors.¹⁴

In 2008, Oregon and Washington compared their registration records employing a more sophisticated data-matching technique than states currently use. They discovered slightly more than 8,000 potential matches between the voters of the two states.¹⁵

COST

FIRST-OF-ITS-KIND STUDY PROVIDES IN-DEPTH MEASURES

Costs for printing and processing forms, handling returned mail from inaccurate records, maintaining registration databases, and other expenses add millions of dollars to state and local budgets at a time when government offices are struggling to deliver the highest value for every taxpayer dollar.

Registration costs are difficult to determine and analyze because state laws vary and the division of election-administration responsibilities between state and local officials can differ. As officials continue to offer new and innovative ways to participate in elections, evaluating and comparing administrative costs has become a challenging but important exercise.

The Oregon case study

Working closely with state and local election officials, Pew conducted a first-of-its-kind assessment of registration costs, at every level of government, in a single state.¹⁶

Once duplicates among categories are eliminated, approximately **24 million registration records**, or nearly 13 percent of the national total, are estimated to be **inaccurate or no longer valid**.

INACCURATE, COSTLY, AND INEFFICIENT

Pew asked Oregon's state election officials and its 36 county clerks to isolate their registration expenses from other costs related to conducting elections for 2008.

The cost estimates of the counties, secretary of state's office, and state agencies were added to determine a statewide cost. This total was divided by the number of registered voters for the 2008 general election to determine the cost per voter, and by all new and updated registrations recorded in Oregon's centralized system to determine a cost per transaction.

The study found that registration in Oregon cost taxpayers more than \$8.8 million during the 2008 election—more than \$4.11 per active voter registered, or \$7.67 per registration transaction.¹⁷

Costs in U.S. 12 times higher than in Canada

The costs of maintaining a voter list in the United States are high when compared with our neighboring democracy, Canada, which spends only 35 cents per active voter to create and maintain its lists in a federal election year—one-twelfth the cost in the U.S.

According to a survey of election budgets in the United States conducted by the Caltech/MIT Voting Technology Project, county and local election offices spend approximately one-third of their budgets just on voter registration.¹⁸ In some jurisdictions, the total is even higher.

Wyoming spends \$1 million per year on the vendor contract for its statewide registration database. With a quarter of a million active voters in the state, Wyoming is spending \$4 per active voter just on maintaining its database, before other registration costs are considered.¹⁹

These costs do not include the millions spent every election cycle by advocacy groups, community organizations, and political campaigns to register voters outside the direct supervision of election officials,²⁰ or what such groups spend on private vendors to update lists rife with errors.

EFFICIENCY

VOTERS AND OFFICIALS COPE WITH AN OUTMODED SYSTEM

Election officials administer a system that is fundamentally inefficient in a number of ways:

- They generally do not have access to modern data-matching techniques used by private industry and other government agencies to compare records to readily available databases and minimize inaccuracies caused by Americans' mobility.
- They are relegated to reacting to incoming information from voters and third-party organizations, if it comes to them at all. Additionally, much of it is presented with inaccuracies and in

INACCURATE, COSTLY, AND INEFFICIENT

a concentrated period right before an election, when they are responsible for all other aspects of election administration.

- They typically receive information on paper that must be entered manually into the voter systems, greatly increasing the potential to introduce errors.

Millions of Americans are unaware of these problems. According to the Cooperative Congressional Election Study (CCES), the largest national survey of voter experiences, one in four voters interviewed about Election Day 2008 assumed that election officials or the U.S. Postal Service update registrations automatically with each move,²¹ even though that is almost never the case. The same survey found that more than half of voters were unaware that they could revise their registration information at state motor vehicle agencies, as mandated in the vast majority of states by the National Voter Registration Act (NVRA).²²

Still, even among those who try to register at a motor vehicles agency, the results are mixed, at best. For example, nearly 25 percent of those who attempted to register at a Maryland Motor Vehicle Administration office in 2007-2011 did not make it onto the state's voter rolls.²³ In Ohio, while requesting improved NVRA compliance from Ohio's Bureau of Motor Vehicles, the secretary of state noted that:

"... from 2007-2008 only 9.6% of all driver license transactions resulted in a

*voter registration transaction and... while driver license transactions increased, voter registration transactions fell to only 6.5% of all driver license transactions from 2009-2010."*²⁴

Additionally, in 2008, more than two million provisional ballots—issued when a voter encounters a problem at the polls—were cast, requiring election officials to verify each voter's eligibility and determine whether their vote counted. Almost half of the uncounted ballots for which there are detailed data were rejected because the voter was not on the registration rolls.²⁵

The problems with the current system

According to data from CCES, people who moved within the two years preceding an election are most likely to have registration-related difficulties at the polls.²⁶ Mobility issues particularly affect military personnel—especially those deployed overseas and their families—who were almost twice as likely to report registration problems as was the general public in 2008.²⁷

Clark County, NV, which includes Las Vegas and has been particularly hard hit by home foreclosures, is a good example of the burden mobility puts on election officials. In a six-month period, spanning the end of 2009 and the beginning of 2010, more than 150,000 of its nearly 700,000 active registered voters—more than 20 percent—moved from the address on file with the county election office.²⁸

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Data released by the U.S. Election Assistance Commission in 2011 emphasize the inefficiencies resulting from our current system. The data show that the most common reason for removing a person from the voter rolls is not that the person provided new information, but merely that they did not vote for two consecutive election cycles.²⁹ In other words, officials must react to the *absence* of information.

The burden of last-minute, third-party information

Third-party organizations are most active close to an election, and thus submit millions of paper applications just before registration deadlines.³⁰ Voter lists rely upon the information solicited by these groups, but if a voter moves, election officials are unlikely to learn of it, if at all, until immediately before the next registration deadline, when paper forms again flood election offices.

Far too often, the submitted registration forms are incomplete, or present duplicate or conflicting information.³¹ In response, local election officials must redirect limited resources to hiring large numbers of temporary data-entry staff to manually process and verify applications. This comes at a particularly busy time when other tasks, such as recruiting and training poll workers and preparing for Election Day, must be done.

Eligible citizens who remain unregistered

As difficult as it is for election officials to keep up with voters who are on the rolls, the system is similarly inefficient in getting people onto them in the first place. RTI compared the registered-voter data it analyzed from Catalist with estimates of the total U.S. voting-eligible population.³² RTI determined that it could quantify the number of people who are eligible but not listed on the rolls. The data indicate that at least 51 million citizens appear to be unregistered in the United States, or more than 24 percent of the eligible population. Conversely, Canada, which uses innovative technology and data-matching methods, has 93 percent of its eligible voters on the rolls.³³

IMPROVING VOTER REGISTRATION LISTS

The Pew Center on the States is working with states to upgrade voter registration systems to improve the accuracy of records, streamline processes, and save money, while enhancing the rolls' integrity. This effort builds on initiatives already in place in some jurisdictions.

With guidance from a working group of 42 experts, including election officials, academics, and technology specialists

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from more than 20 states, Pew developed a comprehensive plan that uses methods already in place in the private sector and other areas of government to modernize voter registration. The approach consists of three core elements:

1. Comparing registration lists with other data sources to broaden the base of information used to update and verify voter rolls.
2. Using proven data-matching techniques and security protocols to ensure accuracy and security.
3. Establishing new ways voters can submit information online and minimize manual data entry, resulting in lower costs and fewer errors.

By combining these elements, states can phase out many laborious, wasteful, and error-prone procedures and use

sophisticated technology to improve the accuracy, integrity, and cost-effectiveness of the registration process.

Learn more about Pew's plan for modernizing state voter registration systems in our report, *Upgrading Democracy: Improving America's Elections by Modernizing States' Voter Registration Systems*.



The views and opinions expressed in this report are those of the author and do not necessarily reflect or represent the views and opinions held by Catalist LLC. Any views expressed in the media in connection with this report are solely those of the individuals or organizations expressing such views.

Endnotes

1 The Pew Center on the States commissioned RTI International, a nonprofit, nonpartisan research institute, to assess the quality and accuracy of state voter registration lists in the United States using a database maintained by Catalist, LLC, a leading aggregator and processor of voter information.

2 Ibid.

3 See: U.S. Census Bureau, "Mover Rate Reaches Record Low, Census Bureau Reports," Nov. 15, 2011.

4 U.S. Census Bureau, "Geographic Mobility: 2011," November 2011, <http://www.census.gov/hhes/migration/data/cps/cps2011.html>.

5 For the full report, see: *The Real Cost of Voter Registration: An Oregon Case Study* (Washington DC: Pew Center on the States, March 2010); http://www.pewcenteronthestates.org/report_detail.aspx?id=56478.

6 Pew Center on the States e-mail correspondence with Rennie Molnar, associate deputy director chief

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electoral officer, Elections Canada, December 3, 2009. Additional context information was presented in: Rennie Molnar, "Operational Aspects of Canada's National Register of Electors," PowerPoint presentation given at *Voter Registration Modernization: A Case Study of the Canadian Systems of Voter Registration*, a meeting hosted by the Pew Center on the States in cooperation with the International Foundation for Electoral Systems, Toronto, Canada, June 4-5, 2009.

7 Matt Barreto, Loren Collingwood, Bonnie Glaser, Karin Mac Donald, Francisco Pedraza and Barry Pump, *Online Voter Registration (OVL) Systems in Arizona and Washington: Evaluating Public Usage, Public Confidence and Implementation Processes* (Washington, DC: Pew Center on the States, April 1, 2010), 93.

8 See Tom Wroblewski, "City Board of Elections seeks to clear ineligible voters from its rolls," *Staten Island Today*, August 17, 2011; http://www.silive.com/news/index.ssf/2011/08/city_board_of_elections_seeks.html and Quin Monson, "Children and Dead People are NOT Voting in Utah," *Utah Data Points*, August 16, 2011; <http://utahdatapoints.com/2011/08/children-and-dead-people-are-not-voting-in-utah/>.

9 States store and process registration data differently, and often restrict the amount of data provided to Catalist to protect a voter's privacy; for example, some states provide only month and year for date of birth rather than the full date. Many official records that could contain inaccuracies, or might identify a voter as having moved or died, could thus go unidentified because the original file does not contain enough data to match with confidence to updated information from other sources. Such a record would be considered accurate and active until more data might indicate otherwise.

10 Catalist uses classifications established by the U.S. Postal Service to gauge address accuracy and mailability. The Postal Service has six categories for addresses, from the most accurate information to information that cannot be verified, including: "mailable" to "possibly deliverable" to "unverified." The final category denotes that no mailability information is available in the Postal Service's master list of addresses.

11 Many voter records fall into two or more of the problematic categories we examined, which is why the number of problematic records is less than the sum of each of the subcategories.

12 R. Michael Alvarez, Stephen Ansolabehere; Adam Berinsky; Gabriel Lenz; Charles Stewart III and Thad Hall, "2008 Survey of the Performance of American Elections, Final Report" (2008). Available at <http://www.pewcenteronthestates.org/uploadedFiles/Final%20report20090218.pdf>.

13 Stephen Ansolabehere, "Voting Experiences," PowerPoint presentation, July 30, 2009. This presentation reported findings originally published in the Cooperative Congressional Election Study (Cambridge, MA: Common Content, Release 1, 2009).

14 Stephen Ansolabehere and Eitan Hersh, "The Quality of Voter Registration Records: A State-by-State Analysis," (Cambridge, MA: Harvard University, 2010); Stephen Ansolabehere, Eitan Hersh, Alan Gerber and David Doherty, "Voter Registration List Quality Pilot Studies: Report on Detailed Results and Report on Methodology," (Washington, DC: Pew Center on the States, June 8, 2010).

15 R. Michael Alvarez, Jeff Jonas, William E. Winkler and Rebecca N. Wright, *Interstate Voter Registration Database Matching: The Oregon-Washington 2008 Pilot Project*, (Pasadena, CA: California Institute of Technology/Massachusetts Institute of Technology Voting Technology Project, August 10, 2009) 3. Available at http://www.vote.caltech.edu/drupal/files/working_paper/wp_84_pdf_4acf7a043a.pdf.

16 For the full report, see *The Real Cost of Voter Registration: An Oregon Case Study* (Washington DC: Pew Center on the States, March 2010); http://www.pewcenteronthestates.org/report_detail.aspx?id=56478.

17 Costs incurred by Oregon counties to register people and maintain the voter list included mailings and notices to voters; full-time and part-time staff; facilities and county administrative support; telephones; faxes; and desktop computers. State costs included allocating the costs spent on registration of personnel at the secretary of state's office and

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assisting agencies under the National Voter Registration Act such as the Department of Motor Vehicles and the Department of Human Services, support and maintenance of the centralized registration system, printing and distribution of registration cards, maintenance of a Web site where voters can check the status of their registration, and other expenditures. The technology costs principally involve maintaining and supporting the centralized registration system.

18 Caltech/MIT Voting Technology Project, Voting: What Is, What Could Be, July 1, 2001, 51; <http://www.vote.caltech.edu/drupal/node/10>.

19 Peggy Nighswonger, state election director Wyoming Secretary of State Office, personal communication, Feb. 10, 2010.

20 Elizabeth Williamson and Brody Mullins, "Democratic Ally Mobilizes in Housing Crunch," *The Wall Street Journal*, July 31, 2008; <http://online.wsj.com/article/SB121745181676698197.html>.

21 *Cooperative Congressional Election Study* (Washington, DC: The Pew Charitable Trusts Content, 2008).

22 Ibid.

23 Annie Linskey, "Nearly 25 percent of MVA voter registrations fail," *The Baltimore Sun*, February 20, 2011.

24 Jon Husted, Ohio Secretary of State, letter to Thomas P. Charles, director, and Mike Rankin, registrar, Ohio Department of Public Safety, August 16, 2011.

25 "Provisional Ballots: An Imperfect Solution" (Washington, DC: Pew Center on the States, July 2009); http://www.pewcenteronthestates.org/initiatives_detail.aspx?initiativeID=54789.

26 *Cooperative Congressional Election Study* (Cambridge, MA: Common Content, Release 1, 2009).

27 *Cooperative Congressional Election Study* (Washington, DC: Pew Charitable Trusts Content, 2008).

28 Harvard Lomax, registrar of Clark County, NV, personal communication, April 30, 2010; and Harvard Lomax, "Inactivation of Voters in Clark County," Memorandum—Election Department, Nevada Secretary of State, March 12, 2010.

29 Fully 40 percent of people removed from state lists were removed for failure to vote, according to data compiled by the U.S. Election Assistance Commission. The second-highest reason for removal—moved outside of jurisdiction—comes in around 25 percent. See *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2009-2010* (Washington, DC: U.S. Election Assistance Commission, June 30, 2011); table 4b.

30 Michael Falcone and Michael Moss, "Group's Tally of New Voters Was Vastly Overstated," *The New York Times*, October 23, 2008; <http://www.nytimes.com/2008/10/24/us/politics/24acorn.html>. Additionally, Rock the Vote said it helped 2.6 million people to register via its "online tool, grassroots efforts and direct mail" efforts in 2008. See also <http://www.rockthevote.com/about/rock-the-vote-2008-program/>.

31 Stephen Ansolabehere, David Doherty, Alan Gerber, and Eitan Hersh, *Voter Registration List Quality Pilot Studies: Report on Detailed Results* (Washington, DC: Pew Center on the States, June 8, 2010).

32 The estimates of voting-eligible population are produced by Michael McDonald at George Mason University, and are available at his United States Elections Project website at <http://elections.gmu.edu/index.html>. McDonald estimates the voting-eligible population by taking into account voting age, non-citizenship rates, felony disenfranchisement, and other factors.

33 Molnar, "Operational Aspects of Canada's National Register of Electors," PowerPoint presentation given at *Voter Registration Modernization: A Case Study of the Canadian Systems of Voter Registration*, Toronto, Canada, June 4-5, 2009.

Pew's Elections Initiatives supports innovative research and partnerships to achieve the highest standards of accuracy, cost-effectiveness, convenience, and security in America's system of election administration.

The Pew Center on the States is a division of The Pew Charitable Trusts that identifies and advances effective solutions to critical issues facing states. Pew is a nonprofit organization that applies a rigorous, analytical approach to improve public policy, inform the public, and stimulate civic life.

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MINUTES

The State Board of Elections Board Meeting was held on Wednesday, April 3, 2013. The meeting was held in the General Assembly Building, Room C, in Richmond, Virginia. In attendance, representing the State Board of Elections (SBE) was Charles Judd, Chair; Kimberly Bowers, Vice Chair; Donald Palmer, Secretary; Joshua Lief, Senior Assistant Attorney General and SBE Counsel; Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor; Chris Piper, Election Services Manager; Matthew Davis, Information Services Manager; Susan Lee, Election Uniformity Manager; Sharon Woo, Business Manager; and Matt Abell, Election Services Lead. Chairman Judd called the meeting to order at 10:00AM.

The first order of business was the approval of the Minutes from the State Board of Elections Board Meeting held on January 8, 2013. After a careful review, Chairman Judd made a motion to approve the Minutes. Vice Chair Bowers seconded the motion and the Board unanimously approved the Minutes.

The second order of business was the Secretary's Report delivered by Secretary Palmer. The Secretary's Report is an agenda item for each Board meeting describing recent developments at SBE. Secretary Palmer reported that testing for the ES&S 3.4.0.1 which includes the DS850 high speed scanner occurred at SBE. Secretary Palmer stated that SBE is awaiting the final results and report of testing. Secretary Palmer introduced Ray Alexander, the new SBE Grants Manager, and extended a warm welcome to Mr. Alexander. Secretary Palmer reported that the Governor signed SB1256, a photo identification bill, and that the Governor also issued an Executive Order 62 outlining parameters of implementation. Secretary Palmer reported that SBE will be working closely with localities on the implementation of SB1256. Secretary Palmer reported that there will be a voter outreach program associated with Executive Order 62 and that SBE will be working with stakeholders during all the phases of the outreach program. Secretary Palmer reported that HB2341, online voter registration, also passed and SBE believes that this process will streamline the voter registration process and help improve the integrity of the voter registration database. Secretary Palmer reported that July 1, 2013 will be the implementation date of the online electronic registration process. Secretary Palmer reported that HB2341 will also help voters update their registration



33 information, reduce delays in the mailing process, and reduce the amount of paper used in
34 the registration process. Secretary Palmer reported that with the passage of SB1008,
35 training will be required for groups and individuals who wish to receive 25 or more
36 registration applications from SBE or a local general registrar's office. Secretary Palmer
37 stated that training will be available online and in person or at the SBE classroom.
38 Secretary Palmer reported that with the passage of HB2022, Virginia will be able to share
39 and receive information on potential dual registrations in Virginia and other states.
40 Secretary Palmer reported that with the passage of SB1229, the State Board of Elections
41 will be renamed the Department of Elections with the position of Commissioner of
42 Elections heading the agency and that transition will also change the makeup of the SBE
43 Board. Vice Chair Bowers followed up to the Secretary's report with some questions
44 regarding implementation of SB1256, including a query on the financial burdens placed
45 on the localities as a result of the new law. Secretary Palmer stated that the Governor
46 encouraged localities to get involved in the outreach program and that monies were
47 appropriated to SBE to pay for the outreach and installation of equipment and production
48 of the free photo ID cards that would be available to voters who do not already possess an
49 acceptable photo ID.

50 The next order of business was the Legal Report delivered by Joshua Lief, Senior
51 Assistant Attorney General and SBE Counsel. The Legal Report is an agenda item for
52 each Board Meeting describing non privileged legal issues involving SBE. Mr. Lief
53 reported that the Attorney General's ballot access package presented to the General
54 Assembly passed. Mr. Lief reported that his office is working on the preclearance
55 documents needed to support the bills that the Governor has signed. Mr. Lief reported
56 that the Supreme Court decision on Section 5 of the Voting Rights Act is expected this
57 summer. Mr. Lief reported that there are two pending cases; the *Libertarian Party* case
58 which is in the court of appeals and the *Fairfax County Democratic Party* case against
59 SBE and the General Registrar of Fairfax County.

60 The next order of business was the General Registrar requests for temporary full-
61 time status for Charles City and Mathews Counties. Deputy Riemer informed the Board
62 Members the Electoral Boards submitted the required requests in a timely manner.
63 Deputy Riemer noted the requests are authorized under Chapter 890, 2012 Acts of
64 Assembly and SBE recommended approval of the submitted requests. Vice Chair Bowers

65 moved the Board approve the request from the Electoral Board of the Charles City
66 County for the months April, May, and June 2013. Chairman Judd asked if there were
67 any questions. Robin Lind, Virginia Electoral Board Association, stated that he was
68 appreciative of the support SBE Board Members provide by approving these requests.
69 Secretary Palmer seconded the motion and the Board unanimously approved the motion.
70 Secretary Palmer moved to approve the request from the Electoral Board of Mathews
71 County for the months of May and June 2013. Vice Chair Bowers seconded the motion
72 and the Board unanimously approved the motion. Chairman Judd asked if there were any
73 comments and there were none.

74 The next order of business was the drawing of the ballot order for the June 2013
75 Primary Election. Matt Abell, Election Services Lead, explained the process. Mr. Abell
76 stated that the drawings were for the Lieutenant Governor's ballot position in the June
77 2013 Democratic Primary. Vice Chair Bowers drew the first position of Ralph Northam
78 and Secretary Palmer drew the second position of Aneesh Chopra. Mr. Abell stated that
79 there will be a second drawing for the Republican Primary in House District 85. Vice
80 Chair Bowers drew the first position of T. Jeremy Walters, Secretary Palmer drew Gary
81 C. Byler. Chairman Judd noted that Scott W. Taylor would be placed in the third position
82 as a result of his filings occurring after the simultaneous filings of Mr. Walters and Mr.
83 Byler.

84 The next order of business was the approval of the Campaign Finance Summaries
85 presented by Chris Piper, SBE Election Services Manager. Mr. Piper stated that § 24.2-
86 946 of the Code of Virginia requires the State Board of Elections to summarize the
87 provisions of the Campaign Finance Disclosure Act of 2006 and prepare the summary for
88 distribution to candidates and committees upon request or at the time that they first
89 register with agency. Mr. Piper stated that in July 2012 the Board approved numerous
90 updates to the Candidate Campaign Committee Summary on Laws and Policies. Mr.
91 Piper stated that the most significant updates were to the procedure and civil penalty
92 schedule for late and fail to file campaign finance reports as well as to the incomplete
93 report policy. Mr. Piper stated that documents provided for Board review conform to the
94 political committee summaries. Mr. Piper thanked SBE staff member Lindsay Fraser for
95 her assistance in preparing the documents. Chairman Judd asked if there were any
96 comments and there were none. Secretary Palmer moved that the Board approve the

97 proposed update to the Political Committees' Summary on Campaign Finance Laws and
98 Policies. Vice Chair Bowers seconded the motion and the Board unanimously approved
99 the motion.

100 The next order of business was the "Request to Waive Civil Penalties" presented
101 by Chris Piper, SBE Election Services Manager. Mr. Piper identified the matter for Board
102 consideration as the complaint against the American Fire Sprinkler Association Virginia
103 Chapter (PAC 12-00120). Mr. Piper informed the Board that the committee was
104 penalized on October 16, 2012 for not filing their campaign finance report due October
105 15, 2012 in a timely manner. Mr. Piper stated that the committee requests a waiver of the
106 penalty due to hospitalization of a relative. Mr. Piper stated that staff recommends
107 waiving the \$100 penalty assessed as the request is not in conflict with official Board
108 policy stating that extenuating personal circumstances of a committee treasurer is good
109 cause allowing Board waiver of campaign finance civil penalties. Chairman Judd
110 inquired if there were any public comments and there were none. Chairman Judd moved
111 to waive the penalty assessed to PAC 12-00120, Vice Chair Bowers seconded the motion
112 and the Board unanimously approved the motion.

113 The next order of business was the 2013 Homeland Security Award and Letter
114 presented by Secretary Palmer. Secretary Palmer stated that SBE received this award
115 from the Secretary of Veterans Affairs and Homeland Security. Secretary Palmer thanked
116 SBE staff members for the preparations leading up to the general elections and stated that
117 those preparations contributed to this recognition.

118 The next order of business was the staff report on the Interstate Voter Registration
119 Crosscheck Program and Electronic Registration Information Center (ERIC) presented by
120 Matthew Davis, Information Services Manager. Mr. Davis stated that in 2012 SBE
121 entered into an agreement to share voter registration data with 21 other states. Mr. Davis
122 stated that this data sharing was designed to look for duplicate registrations. Mr. Davis
123 reported that the results of this data sharing showed matches based on last name, first
124 name, and date of birth for over 308,000 possible duplicate registrations. Mr. Davis stated
125 that SBE has taken additional steps to narrow down the findings by adding the data field
126 of the last four digits of an individual's Social Security Number. Mr. Davis stated that
127 this new match reduced the number to 164,000 possible matches and of those voters
128 approximately 97,000 are active voters in Virginia. Mr. Davis stated that SBE is

129 analyzing the findings to ensure accurate data input occurred as the program is in its early
130 stages. Mr. Davis stated that removing voters from the Virginia rolls is a lengthy process
131 which involves time, verification, and caution. Chairman Judd thanked Mr. Davis for the
132 update and asked if there were any questions and there were none.

133 The next order of business was a demonstration by Democracy Live on the
134 Tablet-based Accessible Ballot Marking Device. Brian Finney, President and CEO of
135 Democracy Live, provided an overview of their company. Mr. Finney stated that the City
136 of Charlottesville expressed interested in piloting a program utilizing the new tablet
137 provided by Democracy Live to assist voters with disabilities. Mr. Finney provided a
138 demonstration of the equipment to the Board Members. Chairman Judd asked questions
139 related to the equipment. Susan Lee stated that SBE staff had not had an opportunity to
140 review and test the equipment and could not provide comment at this time. Ms. Lee
141 recommended that Democracy Live submit the equipment for testing at an accredited lab
142 and to SBE staff. Pending the results of the testing, this equipment could be presented to
143 the Board for approval at a future meeting.

144 Chairman Judd stated that the New Business portion of the agenda had concluded
145 and inquired if there was any other business to come before the Board. Mr. Samuel
146 Walker approached the podium. Mr. Walker stated that he had provided materials to SBE
147 and that he was solely acting on behalf of himself in regards to a matter in Culpeper
148 County. Mr. Walker stated that in his letter dated December 19, 2012 to SBE he stated
149 his concerns about Megan Fredrick and Lawrence Fredrick not being residents and
150 domiciled in Culpeper County at the time they completed their voter registration
151 applications. Chairman Judd inquired of Mr. Walker if he was asking the Board for a
152 particular action. Mr. Walker stated that normally this would fall to the local
153 Commonwealth's Attorney office but since that is the individual in question that he is
154 asking the SBE Board Members to consider using its influence with the local board to
155 request an investigation. Chairman Judd informed Mr. Walker that by Virginia Code the
156 SBE Board Members do not have the authority to investigate and the matter should be
157 directed to the local authorities. Chairman Judd thanked Mr. Walker for his time.
158 Chairman Judd inquired if there were any other public comments.

159 Robin Lind, Communication Director and Chair of the Legislative Committee of
160 the Virginia Electoral Board Association, approached the podium. Mr. Lind stated that

161 the Vice Chair of the Goochland County Electoral Board reviewed the officer of elections
162 online training module and that the Goochland County Electoral Board voted to submit to
163 the State Board a list of suggestions regarding the scope of the training. Mr. Lind thanked
164 the Board members for their time. Chairman Judd inquired if there were any other
165 comments. Deputy Riemer noted that everyone appreciated Goochland's input on the
166 issue but that raising it directly with staff would have been more appropriate, not in the
167 context of a public Board meeting. Secretary Palmer noted that he spoke with Mr. Lind
168 prior to the meeting and that he understood Mr. Lind was directed by his Board to bring it
169 before the State Board and that he appreciated the suggestions. Susan Lee also gave brief
170 remarks regarding the online officer of election training efforts, including the amount of
171 positive feedback received on the program thus far.

172 Chairman Judd then moved to close the meeting to discuss actual and probable
173 litigation matters and specific legal matters requiring the provision of legal advice by
174 legal counsel as authorized by § 2.2-3711(A)(7) of the Code of Virginia. Chairman Judd
175 directed Justin Riemer, Deputy Secretary; Nikki Sheridan, Confidential Policy Advisor;
176 Rose Mansfield, Executive Assistant and Matthew Davis, Information Service Manager,
177 to remain with the Board during the closed session. Secretary Palmer seconded the
178 motion and the Board went into Executive Session at 11:40AM.

179 At 12:30PM Chairman Judd moved to reconvene in open session and a roll call
180 vote was taken as required by § 2.2-3712(D) of the Code of Virginia, unanimously
181 certifying that during the closed meeting (i) only public business matters lawfully
182 exempted from open meeting requirements under this chapter, and (ii) only such public
183 business matters as were identified in the motion by which the closed meeting was
184 concerned were heard, were discussed or considered.

185 Chairman Judd moved to ask the Office of the Attorney General to investigate the
186 possibility of voter fraud and double voting as a result of the Interstate Crosscheck
187 Program discussed during the Board Meeting. Vice Chair Bowers seconded the motion
188 and the Board unanimously approved the motion.

189 Chairman Judd asked if there was any other business to come before the Board for
190 the Good of the Order and with there being none Chairman Judd made a motion to
191 adjourn. Vice Chair Bowers seconded the motion and the Board unanimously passed the
192 motion. The Board shall reconvene on May 22, 2013 at 10:00 AM in the General

193 Assembly Building, Room C. The meeting was adjourned at approximately
194 12:35PM.

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Chair

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Vice-Chair

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Colescott, Sharon T.

From: Palmer, Don (SBE) [Don.Palmer@SBE.virginia.gov]
Sent: Tuesday, April 09, 2013 3:13 PM
To: SBE - General Registrars; SBE - EB Members
Subject: Voter Registration List Comparison ** Follow Up

Importance: High

General Registrars and Electoral Board Members,

Following up on the VRAV/VEBA email synopsis of the leadership meeting last week, I wanted to give you more information from that update.

At last week's meeting, the State Board of Elections voted unanimously to request the Office of the Attorney General investigate several possible cases of duplicate voting which were identified during the interstate crosscheck process. Of course, SBE will continue to work with investigators and the OAG in this matter.

Therefore, it is possible that SBE staff or investigators may contact you with requests for information/data. If contacted, please cooperate with their requests for information.

Some background: In late 2012, Virginia joined a consortium of states to share voter registration list data for purposes of voter list maintenance. A total of 22 states participated in the 2013 Crosscheck conducted in early 2013. Participating states include: Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, and Tennessee. Information was uploaded to SBE early this year and Information Services (IS) staff has been closely analyzing the data, including working with other states to carefully sift through the data.

As you are also aware, Virginia is a part of the Electronic Registration Information Center (ERIC) with 7 states participating including Utah, Nevada, Colorado, Delaware, Maryland and the State of Washington.

Information and reports from ERIC on potential duplicate registrations, registrants moved out-of-state, and data errors has just recently been uploaded to SBE for staff analysis and follow up processing.

We will continue to consult with VEBA/VRAV leadership and other general registrars on the processes and necessary data flow to provide you information for action in a manner conducive to current VERIS processes and list maintenance confirmation activity under state and federal law.

Thank you for service to the Commonwealth. Please don't hesitate to contact me with additional questions.

Don

Donald Palmer
Secretary, State Board of Elections
Commonwealth of Virginia
don.palmer@sbe.virginia.gov
Work Line: 804.864.8903
Blackberry: 804.382.1244



Lief, Joshua N.

From: Davis, Matthew (SBE) [Matthew.Davis@sbe.virginia.gov]
Sent: Friday, August 23, 2013 4:06 PM
To: SBE - General Registrars; SBE - EB Members
Subject: Out of State Cancellations Notices - OFFICIAL SBE COMMUNICATION

Importance: High

In January 2013, Virginia participated in a multi-state voter registration crosscheck spearheaded by Kansas. A total of 21 states participated, sharing over 84 million voter registration records.

As a result of this initiative, Virginia has received a list of 80,515 voters who, as of January 2013, were registered in Virginia prior to registering in one of the other participating states. Through normal registration update and cancellation processes 23,222 Virginia voter records have already been corrected. This leaves an additional 57,293 voters (27,042 active and 30,251 inactive) on Virginia's voter registration rolls that need to be reviewed for possible cancellation.

SBE has prepared an Excel file for each locality listing the voters that need to be reviewed for cancellation and mailed a notice. The file includes all of the information that you will likely need to make a determination on whether or not to cancel the voter record, including the Virginia voter ID, voter name, date of birth, last four SSN, other state, other jurisdiction, date of registration in both Virginia and the other jurisdiction, and their current Virginia registration status.

To access your locality file, log into VERIS and click on the "GR Downloads" link. Next, click on the "2013 Crosscheck Cancellations" link and finally click on the link for your locality.

Please review your locality file and the information provided for each voter as soon as possible. These records are to be handled in the same manner as any other out of state cancellation notice that you may receive. Any questions can be directed to Garry Ellis at garry.ellis@sbe.virginia.gov.

Thank you,

Matt Davis

Matthew J. Davis
Information Services Manager
AITR/ISO
Virginia State Board of Elections
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Blackberry: 804-972-2904



FAIRFAX COUNTY

Office of Voter Registration

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Phone: 703-222-0776

Website: <http://www.fairfaxcounty.gov/elections>

Fax: 703-324-2205

TO: JONATHAN MICHAEL BLANK

DATE: 10/15/2013

14533 Oak Cluster Dr
Centreville, VA 20120-2854

Voter Registration Cancellation Notice

This office has determined that JONATHAN MICHAEL BLANK (date of birth 1/8/1990) is no longer entitled to be registered to vote in the Commonwealth of Virginia because you have moved to another state. Therefore, as required by the Code of Virginia (§24.2-427), this office has stricken your name from the Voter Registration List of FAIRFAX COUNTY.

If you have not registered to vote in the state in which you currently reside, you may apply to register to vote by contacting the voter registration office near you for the voter registration application of your state or by accessing the Election Assistance Commission website at www.eac.gov to obtain the federal voter registration application.

If you believe the removal of JONATHAN MICHAEL BLANK (date of birth 1/8/1990) from the Voter Registration List is incorrect, please contact this office at 703-222-0776.

CAMERON P. QUINN
General Registrar
FAIRFAX COUNTY



Colescott, Sharon T.

From: The official communication list for the General Registrars of the Commonwealth [GRLIST@LISTLVA.LIB.VA.US] on behalf of Palmer, Don (SBE) [Don.Palmer@SBE.VIRGINIA.GOV]
Sent: Tuesday, September 03, 2013 2:14 PM
To: GRLIST@LISTLVA.LIB.VA.US
Subject: Out of State Cancellation Notices - Follow Up - OFFICIAL SBE COMMUNICATION

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category



General Registrars,

I wanted to follow up regarding the duplicate out-of-state registration data that SBE sent to you all last week and the end of the week before that. We have heard from many of you that this information has been effective in identifying voters who should be cancelled. As many of you know, Virginia is participating in two interstate voter registration data sharing projects: Interstate Crosscheck and ERIC. The data sent to you all last week was part of the Interstate Crosscheck program and uses data that has been provided by election officials in other states and matched against Virginia's voter registration records. Participation in these programs is conducted per state and federal laws regarding voter registration list maintenance. Recently, § 24.2-404(A)(10) was amended to require Virginia to: "Cooperate with other states and jurisdictions to develop systems to compare voters, voter history, and voter registration lists to ensure the accuracy of the voter registration rolls, to identify voters whose addresses have changed, to prevent duplication of registration in more than one state or jurisdiction, and to determine eligibility of individuals to vote in Virginia."

While additional action may be taken for other potential matches, Virginia will take action on voters that are identified as residing and registered in another state, with an exact match of the first and last name, the last four digits of the social security number, date of birth, and a registration date in the state providing the notice of data match *after* the last registration activity date and both voter history or activity.

The requirements of § 24.2-427(B) outline how to handle these state notices of matched records and voter history from participating states:

B. The general registrar shall cancel the registration of ... (iii) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has moved from the Commonwealth; and (iv) all persons for whom a notice has been received, signed by the voter, or from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

It is important that you closely review the data provided against the identified individual's voter registration and voter history in VERIS. If you believe that the match is not accurate, that the individual may have

registered in Virginia *after* their registration in another state, or there is some other issue then you may wish to hold off on cancellation until you have had the opportunity to research the matter further. Ultimately, you need to use your best judgment.

Donald Palmer
Secretary, State Board of Elections
Commonwealth of Virginia
don.palmer@sbe.virginia.gov
Work Line: 804.864.8903
Blackberry: 804.382.1244

From: The official communication list for the General Registrars of the Commonwealth
[<mailto:GRLIST@LISTLVA.LIB.VA.US>] **On Behalf Of** Davis, Matthew (SBE)
Sent: Tuesday, September 03, 2013 8:32 AM
To: GRLIST@LISTLVA.LIB.VA.US
Subject: VERIS Errors with Address Validation & Timeouts - OFFICIAL SBE COMMUNICATION

There is an error with the address validation service this morning. This is impacting several areas of VERIS. We are working to resolve the issue as quickly as possible.

Thanks,

Matt Davis

Matthew J. Davis
Information Services Manager
AITR/ISO
Virginia State Board of Elections
matthew.davis@sbe.virginia.gov
Office: 804-864-8905
Blackberry: 804-972-2904

To unsubscribe from the GRLIST list, click the following link:

<http://listlva.lib.va.us/cgi-bin/wa.exe?TICKET=NzM1MTQ0IERvb5QYWxtZXJAU0JFLIZJUkdJTk1BLkdPViBHUKxJU1QgIKn7NOG1O%2Bv6&c=SIGNOFF>

To unsubscribe from the GRLIST list, click the following link:

<http://listlva.lib.va.us/cgi-bin/wa.exe?TICKET=NzM1MTQ0IEp1c3Rpb5SaWVtZXJAU0JFLIZJUkdJTk1BLkdPViBHUKxJU1QgIAvsO%2Bhs4NJf&c=SIGNOFF>

Colescott, Sharon T.

From: The official communication list for the Electoral Board Members of the Commonwealth.
[EBLIST@LISTLVA.LIB.VA.US] on behalf of Palmer, Don (SBE)
[Don.Palmer@SBE.VIRGINIA.GOV]
Sent: Tuesday, September 24, 2013 4:03 PM
To: EBLIST@LISTLVA.LIB.VA.US
Subject: Official SBE Communication - Interstate Crosscheck Guidance ~~Frequently Asked Questions (FAQs)
Attachments: 2013 Interstate Crosscheck FAQs .docx

All,

I wanted to provide each of you the attached Frequently Asked Questions (FAQ) document for your use on the Interstate Crosscheck with answers to some of the more frequent inquiries on the process, requirements, and recommendations.

If you have additional questions please do not hesitate to contact me or staff.

Thank you for your service to the Commonwealth.

Donald Palmer
Secretary, State Board of Elections
Commonwealth of Virginia
don.palmer@sbe.virginia.gov
Work Line: 804.864.8903
Blackberry: 804.382.1244

To unsubscribe from the EBLIST list, click the following link:

<http://listlva.lib.va.us/cgi-bin/wa.exe?TICKET=NzM1MTY1IEp1c3Rpbj5SaWVtZXJAU0JFLlZlUkdJTklBLkdPVlBFQkxJU1QgIOktqtVUylri&c=SIGNOFF>

Frequently Asked Questions Regarding Interstate Crosscheck Program

1. What is the list that you sent us and where did it come from?
2. Is the list and matching process accurate?
3. What is the authority for cancellations based on data in the interstate cross check reports sent by SBE?
4. Is being listed in the report a sufficient basis for cancellation?
5. Should the notice required for cancellations pursuant to Va. Code § 24.2-427(B)(iv) be mailed to the voter at his most recent Virginia registration address or his new out-of-state address reported to SBE ?
6. What do I do if the voter history or activity on VERIS of an active voter is later than the notice of registration of another state or if the information conflicts or is unclear?
7. Does the law prescribe any deadline for completing actions on the interstate crosscheck data?
8. What if a voter contacts me and says they received the cancellation letter in error? What is the appropriate method for them to correct their record?
9. How do I treat a Virginia voter that moved out of state and registered in that state and then later returned to Virginia without cancelling their Virginia registration?
10. What if a voter cancelled in the interstate crosscheck process appears to vote November 5, 2013?
11. What if I suspect there has been fraudulent voting activity by an individual identified in my data?

1. What is the list that you sent us and where did it come from?

Answer: The list is a product of the Interstate Voter Registration Crosscheck Program, a multi-state voter registration data sharing agreement participated in by 21 states sharing over 84 million voter registration records. This program began in 2005 with Kansas, Nebraska, Missouri and Iowa and has since expanded to all regions of the country. Virginia joined the program in late 2012.

Each state pulls data in January of each year using prescribed data format. Participating states work to compare the data and make results available to each state that processes them according to state laws and regulations. SBE performs additional quality tests on the data, making adjustments as needed. A final round of quality checks are performed at the local level before any official action is taken to cancel a registration record.

Additional information is available here:

http://www.nased.org/NASED_Winter_2013_PP_Presentations/KANSAS.pdf

2. Is the list and matching process accurate?

Answer: Yes. Participating states perform data integrity checks and cooperate together in reporting and resolving any data irregularities that may impact the accuracy of the data. SBE Information Services (IS) staff has also worked over the past several months to eliminate potential false matches and inaccurate data before sending the data to the localities. While SBE has confidence that this data is extremely accurate, we believe it is important to review each potential match to determine the appropriate steps to take.

All voters identified in the Crosscheck Program were matched based on a 100% exact match of first name, last name, date of birth and last four digits of their Social Security Number. All of these fields had to be the same in their Virginia data and in the other state's data. Additional data elements available to the local registrar in the SBE voter registration database include each voter's full Virginia registration, voting and correspondence history.

3. What is the authority for cancellations based on data in the interstate cross check reports sent by SBE?

Answer: Va. Code § 24.2-427(B)(iv):

B. The general registrar shall cancel the registration of ... (iv) all persons for whom a notice has been received...from the registration official of another jurisdiction that the voter has registered to vote outside the Commonwealth, subsequent to his registration in Virginia. The notice received in clauses (iii) and (iv) shall be considered as a written request from the voter to have his registration cancelled. A voter's registration may be cancelled at any time during the year in which the general registrar discovers that the person is no longer entitled to be registered. The general registrar shall mail notice of any cancellation to the person whose registration is cancelled.

4. Is being listed in the report a sufficient basis for cancellation?

Answer: Legally yes; however, as a safeguard, each general registrar should examine carefully the voter's voting history and all available information in the voter's registration record to rule out any possibility of subsequent registration or activity since the communication SBE received from the jurisdiction reporting a new registration. Preventing duplicate registration protects voters from being identified for possible investigation for voting fraud and protects against double-voting and non-residents voting in Virginia elections. See Va. Code § 24.2-1004(C) (Class 6 felony offense for intentional duplicate registration). The information provided serves as notice that a voter may no longer reside in Virginia and their registration should be cancelled if your research confirms a positive match.

5. Should the notice required for cancellations pursuant to Va. Code § 24.2-427(B)(iv) be mailed to the voter at his most recent Virginia registration address or his new out-of-state address reported to SBE ?

Answer: The Code of Virginia does not specify in this instance. In a similar situation involving the interstate Driver's License compact, the Code directs sending the cancellation notice to both the new address and the most recent Virginia registration address. Va. Code § 24.2-427(C).

While perfectly acceptable to send notice to the last known Virginia address, for purposes of Va. Code § 24.2-427(B)(iv), SBE also recommends considering the voter's status as active or inactive in determining which address to use.

For voters with an active status: Active voters should have their cancellation notice mailed to address at which the voter was most recently registered in Virginia. Localities may choose to also mail to the out-of-state address reported to SBE. However, this is not required by the Code of Virginia.

For voters with inactive status: The cancellation notice for the inactive voter should be mailed to the newer address reported to SBE by the notifying state to maximize the chance for actual notice. An inactive voter has already been sent at least one mailing to their last known Virginia registration address without response within the allowed period of 30 days under § 24.2-428(E).

6. What do I do if the voting or other registration transaction history is later than the notice of registration of another state, or if the information in VERIS is unclear or conflicts with other state registration information?

Answer: You should send the voter a "What is your status?" letter to both the voter's VERIS address and, if available, the out of state mailing address. The voter may respond and resolve the issue, or the mailing may come back undeliverable or with forwarding information. At the same time, pursuant to §24.2-428 B., initiate the confirmation process based on information from "other reliable sources" that suggest a voter has moved. Marking the voter for confirmation will also provide an opportunity to correct the record if the voter appears to vote. See What If , Problem 3, available at

http://townhall.virginia.gov/L/GetFile.cfm?File=C:\TownHall\docroot\GuidanceDocs\132\GDoc_SBE_4980_v6.pdf

7. Does the law prescribe any deadline for completing actions on the interstate crosscheck data?

Answer: Section 24.2-404(a)(4) provides the legal framework for action on official reports of registration in other states, requiring the general registrar within 30 days to take action to validate the report which may include data quality checks against available records and communication with the individual affected through a status check mailing, telephone call, or email if available. There is no mandatory deadline prior to the election to complete action on these reports of registration in other states. See Va. Code §24.2-427(B)(iv), 42 USC §1973gg-6(c)(1)(B)(2).

Although there is no legally mandated deadline, SBE would encourage that all general registrars statewide set a goal of October 1, 2013 to complete their actions on the interstate crosscheck records (35 days before the election). Such action may include:

1. Cancelling the record and mailing a notice to the voter.
2. Sending a "What is your Status" mailing to the voter and marking that voter for confirmation if the mail is returned undeliverable.
3. Taking no action (e.g., based on communication with voter or clear evidence of activity in VERIS after reported registration in another state).

Completing action by October 1, 2013 will allow any affected individual the opportunity to respond to notice of cancellation before the October 15, 2013 registration deadline and allow you to make necessary preparations for the November General Election.

8. What if a voter contacts me and says they received the cancellation letter in error? What is the appropriate method for them to correct their record?

Answer: A voter may communicate the error to you in a signed writing with an explanation of why the cancellation was made in error. If their registration was cancelled in error general registrars have the authority to reinstate that voter even after the registration deadline.

9. How do I treat a Virginia voter that moved out of state and registered in that state and then later returned to Virginia without cancelling their Virginia registration?

Answer: SBE has learned of Virginia residents cancelled under these facts. The allegation is that these individuals were cancelled in error. That is not accurate. A Virginia resident who moved out of Virginia and registered in another state no longer maintained the residency requirement under the Virginia Constitution and cancelling such a voter was not an error. Such individuals should complete a new registration application and register rather than be treated as someone who was cancelled in error. If the voter submitted a new registration application after the old out-of-state registration, the registration should stand. In that case, please notify the other state or jurisdiction of the more recent Virginia registration.

10. What if a voter cancelled through normal list maintenance activities, including the interstate crosscheck process appears at the polls to vote on November 5, 2013?

Answer: See What If, Problem 10. The voter shall be offered a provisional ballot. If the cancellation was made in error and the local electoral board determines the voter is a qualified voter under § 24.2-653(B), the provisional ballot shall be counted.

11. What if I suspect there has been fraudulent voting activity by an individual identified in my data?

Answer: There is an ongoing investigation into multiple instances of double voting. If you believe there may have been fraudulent activity then you should contact your local Commonwealth's Attorney as well as Matt Davis at SBE (Matthew.Davis@SBE.Virginia.gov).

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