



Misplaced Trust

An Initial Report on the Statewide Voter Database

**Evergreen Freedom Foundation
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Introduction

Congress passed the Help America Vote Act (HAVA) with the goal of restoring integrity to the American election system. As part of the Act, every state was required to set up a statewide voter database by January 1, 2006.

Secretary of State Sam Reed touts Washington's version of this database as one of the most significant election reforms in recent history, calling it "a breakthrough for the state."

For such a claim to have merit, the database must contain accurate data and election officials must respond with transparency to any inaccuracies that are found.

A copy of the database was released to the public on January 31, 2006. Since that time we have been reviewing it in detail. Our initial assessment is that the quality of the database is very poor, several key types of data are missing, and the Secretary of State is being, to say the least, overly optimistic in his predictions of the effectiveness of this new tool.

Such a database has the potential of being an effective tool for maintaining our voter rolls. However, as long as the data quality remains low, huge gaps exist in the data filter, and problem voters are ignored, then the integrity of our elections will remain compromised.

Data Quality

The intent of HAVA's sponsors was for statewide databases to serve as a tool in maintaining clean voter databases. In order for this to happen, the original data must be of high quality. When Secretary Reed created Washington's database, all 39 county databases were compiled into one centralized system that communicates on a real-time basis with four types of local databases in use by the counties. Thus, the centralized database must communicate with four separate types of data sources, a complicated arrangement that we suspected would result in many data errors.

We were right. Much work remains to be done to ensure the consistency of the data, let alone the accuracy. Our initial scan found serious errors in over 15 percent of voter registrations. As counties are now required to use the state database as their sole source authority for valid registration in all elections (like the recent levy votes), these errors are likely to affect the ability of individuals to vote. These errors fell into a variety of categories.

Wrong or Missing Legislative Districts: At least 458,000 voters are listed in the wrong state legislative district, including voters in Kittitas, Lewis, Pend Oreille, and Snohomish, while 53,000 have no precinct or district information at all.¹

Missing Gender: There are 13,490 records of registrants with no gender specified. Prior to 1992, gender was not required in the application. However, at least 13,490 were registered after the effective date of the statute which requires a designation of gender. Otherwise, the data needs to be reconstructed.

Under-age Registrations: A person is not allowed to register if he or she will not be 18 on or before election day. There are 4,847 persons who were registered without meeting this requirement and a significant number voted in the subsequent election. Records for these voters must be examined to determine if data entry errors were made, if the registrations were illegal, and/or if persons voted illegally.

Registered before Birth: There are 860 records of registrants with registration dates prior to birth dates. These records need to be reconstructed from original applications.

Missing Birth Dates: 337 persons were registered with blank birth dates after the law started to require that date of birth be entered on a registration application. If these persons failed to enter required information on the application, they should have never been registered. Otherwise, the data needs to be reconstructed from the original applications.

Corrupted Records: 139 records are corrupted. This may have been a problem in extracting database files for persons with public records requests or problems in the original database. In any case, this is an example of poor quality control. This represents 139 persons who will not be allowed to vote.

Bad or Missing Registrations Dates: 134 records have either blank registration dates or registration dates that are earlier than the birth dates. The data needs to be reconstructed by examining the county database or original applications.

Bad Birth Dates or Deceased Voting: 125 records show date of birth prior to 1900 but voting since 2000. These are probably either bad data entries or persons voting for deceased voters. In any case, these records certainly need to be investigated.

Bad Names: There are 87 records of persons with single character last names. It is apparent that most of these exist because names were entered last name first so the middle initial appears in the last name field. This doesn't explain the last name of "." or "7." The Secretary of State and the counties will have to reconstruct these records, possibly from original applications.

Format Inconsistencies: Several counties used "1800-01-01" or "1900-01-01" to represent blank dates. This complicates use of the database and indicates poor quality control or specification of requirements when the database was created. The Secretary of State needs to clean up this and other formatting inconsistencies.

Data Filters

HAVA required states to create a statewide voter registration database that “contains the name and registration information of every legally registered voter in the State...”

[emphasis added] Such a list is maintained by creating filters for the voter registrations like felony and driver’s license records. The current state of Washington’s new voter database makes it impossible to match the HAVA standard. While many ineligible voters will be caught, huge numbers will slip through because of gaps in the data filters used by the Secretary of State.

“[T]he chief state election official shall implement... [a] statewide voter registration list...that contains the name...of every legally registered voter in the State...” – *Help America Vote Act*

Non-citizen Voters

The most alarming gap is the one open to non-citizen voters. We know that many are on the voting rolls because of the 1992 federal “Motor-Voter” Act, which required all driver’s license and welfare agency employees to ask applicants if they wanted to register to vote. As Washington allows non-citizens to obtain driver’s licenses and welfare benefits, our rolls contain fourteen years worth of these individuals who answered “Yes” when asked if they wanted to vote.

No comprehensive database of citizens exist, but partial sources are available from our state Department of Social and Health Services, from the federal Citizenship and Immigration Services department, and from federal and state jury rolls. Secretary Reed has made little effort to tap these sources.

The new statewide voter registration database makes no attempt to even address the issue of non-citizens registering.

Felon Voters

Sweeps of the new database for felon voters are scheduled to occur in March, a process that should have occurred before the database was implemented on January 1. Despite this failure, counties are already relying on the database for local elections, and voters have been given a false sense of confidence that the problems are fixed.

Even after the first felon check, most federal felons will remain in the system. U.S. Attorney’s are required by law to forward federal felon information to Secretary Reed’s office, but so far have delivered no useable data. Until U.S. Attorneys John McKay (Western WA) and James McDevitt (Eastern WA) do their jobs, these felons will remain on our voting rolls. As chief elections officer of the state, Secretary Reed has an obligation to maintain pressure on these officials.

Dead and Duplicate Voters

After the January data sweeps, the Secretary of State reported finding over 32,000 possible duplicate voter registrations and over 5,000 apparently deceased voters in the database. This is certainly a step in the right direction, but there appear to be many more duplicate registrations than the Secretary is acknowledging. His staff is conducting only minimum searches for matches of first name, last name, birthdate, driver's license number and Social Security number.

The Secretary must go beyond the minimum to identify duplicate registrations. We found 11,715 additional duplicates by checking for people with the same birthdate and identical addresses. A fair number of these appear to be identical twins, or spouses and roommates with the same birthdate, but a substantial number are people who were registered twice under different variants or misspellings of their name. For example, Alfred T. Birnbaum and Alfred T. Birngaum, with the same birthdate, address, and apartment number, have separate registrations.ⁱⁱ

Response to the Data

With the current set-up of the database, non-citizens, federal felons, and many duplicate registrations will never be found. Secretary Reed is aware of these gaps, and yet ignores or makes excuses for them. Since the release of the database, he and his staff have repeatedly said that "this new system is an improvement from our perspective," but that "it is not and never will be perfect."ⁱⁱⁱ That's true. In fact, it will always be far from perfect unless the system starts with clean data, which can only be accomplished by a complete re-registration.

An additional concern is the Secretary's marked reluctance to act on the results turned up by the data. Double voting occurred in the 2004 and 2005 elections; made possibly by duplicate registrations. Immediately after the new database turned up 32,000 duplicate registrations, however, Reed unequivocally stated in a press release: "These voters are not casting two ballots," despite the same release revealing that only 3,387 of the duplicate registrations had yet been fully investigated.

In contrast, a search we ran for double voters turned up at least 236 persons who very likely voted twice. These were only the most obvious to detect – those with identical first and last names, the same middle initial, and identical birth dates. One example is Dustin S. O'Coilain, who was charged by King County Prosecutor Norm Maleng with double voting in the 2004 election. Even so, the state database still shows him as having two registrations.^{iv}

Double voting is likely the most pervasive type of election fraud in Washington today, resulting from the large number of double registrations coupled with our permanent absentee or vote-by-mail systems. Aggressively targeting these types of voters will do much to restore integrity to our election system. Yet Secretary Reed's solution is to place the burden on the counties, despite being chief elections officer for the state.

This is no solution, however, as county prosecutors have shown great reluctance to investigate election crimes, deeming them unimportant. As long as illegal voting remains a “safe” crime, the database will have little affect on the security of our ballots.

Recommendations

The new statewide voter registration database has the potential of being an effective tool for maintaining our voter rolls. However, as long as the data quality remains low, huge gaps exist in the data filter, and problem voters are not prosecuted, the integrity of our elections will not improve.

“[The database is] not going to be the end-all and the be-all...”

- Pat McCarthy,
Pierce County
Auditor

With the proper data filters, the voter database can be highly effective at maintaining a clean voter roll, but it cannot create one. Four things must be done for the database to work effectively:

1. Voters must be required to show proof of citizenship at time of registration and register in their legal names.
2. All voters in Washington must update their registrations to the new requirements, thus removing all the ineligible voters grandfathered into the system and creating a clean voter roll.
3. Data sources must be secured for federal felons and more comprehensive searches conducted for duplicate files, in order to maintain clean voter rolls into the future.
4. Secretary Reed must be transparent about problems with the database, and must act quickly to identify illegal voters uncovered. He is the chief elections officer for the state, and must use his influence with the counties to combat election crimes.

ⁱ Stefan Sharkansky, Soundpolitics.com, February 6, 2006.

ⁱⁱ *Ibid.*

ⁱⁱⁱ Kitsap Sun, February 1, 2006.

^{iv} Stefan Sharkansky, Soundpolitics.com, February 6, 2006.