March 8, 2018

Via Email and U.S. Mail
The Honorable Ralph S. Northam
Governor of the Commonwealth of Virginia
P.O. Box 1475
Richmond, VA 23218
ralph.northam@governor.virginia.gov

Re: Veto of Senate Bill 1038 (Voter Registration "Verification")

Dear Governor Northam:

The Lawyers' Committee for Civil Rights Under Law, along with the Virginia Civic Engagement Table, write to respectfully request that you veto Senate Bill 1038. This bill, if enacted, would impose severe burdens on the fundamental right of Virginia's eligible citizens to register and vote by requiring that voter registration data exactly match information on file with the Social Security Administration (SSA) or other government databases. Moreover, based upon our experience in other jurisdictions, it is likely that the adverse impact resulting from this process would disproportionately fall on Virginia's citizens of color. Additionally, such database matching programs, particularly the SSA's Help American Vote Verification (HAVV) program, have been shown to be inherently flawed, have produced erroneous and inconsistent results, and will undoubtedly result in the disenfranchisement of voting-eligible Virginia citizens if SB 1038 is enacted.

The Lawyers' Committee was founded in 1963 at the request of President John F. Kennedy to engage private attorneys throughout the country in the effort to ensure civil rights to all Americans. Promoting and defending the voting rights of African Americans and other racial and language minorities has been a hallmark of the Lawyers' Committee's work since its creation. SB 1038 is of particular interest to the Lawyers' Committee because it would impose severe burdens on the fundamental right to vote of many thousands of eligible Virginia citizens and will disproportionately and negatively impact the ability of Virginia's voting-eligible people of color to complete the registration process and remain on the voter rolls.

Virginia Civic Engagement Table (VCET) was founded in 2008 and has been quietly doing the work behind the scenes helping partners get stronger, talking to more voters year-round, and working together to make the systemic changes Virginia needs.

As the United States Supreme Court has recognized, the right to vote "is of the most fundamental significance under our constitutional structure." *Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (citation omitted). "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live… Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right." *Wesberry v. Sanders*, 376 U.S. 1, 17–18 (1964). The fundamental right to vote includes the right of eligible citizens to register to vote. *United States v. McLeod*, 385 F.2d 734, 740 (5th Cir. 1967).

In violation of these well-settled constitutional principles, SB 1038 will impose severe burdens on the fundamental right of Virginia's citizens to register and vote by adopting a fundamentally flawed database matching requirement that will result in the disenfranchisement of thousands of Virginia's voting-eligible citizens. In particular, the Virginia legislature passed SB 1038 despite the fact that the Social Security Administration's own Inspector General's Office issued a report in 2009 warning of the inherent flaws with the Social Security Administration's Help American Vote Verification (HAVV) program that would be used to match Virginia voter registration data against Social Security records under SB 1038. *See* Exhibit 1, Office of the Inspector General, Social Security Administration, "Quick Response Evaluation: Accuracy of the Help America Vote Verification Program Responses," Audit Report A-03-09-29115 (June 2009)(hereinafter, IG report).

The IG Report found that erroneous no-match results from the SSA's HAVV program are prevalent because the "program does not allow flexibility with matching the name and [date of birth] to its records to compensate for typographical errors, other common database errors, and mistakes because it does not use the full SSN," according to the IG Report. Ex. 1 at page 5. Since the program is inflexible, typographical errors, including minor errors such as the transposition of a single number in a date of birth or omission of a hyphen in a hyphenated last name, will result in a no-match result.

The Inspector General also found apparent anomalies in the matching program, resulting in responses "initially indicat[ing] a match response" subsequently being changed to "a no-match response when the same data (name, SSN, [date of birth], and last four digits of the SSN) were entered into the verification program." Ex. 1 at page 4.

The IG Report concluded:

> Based on our review of SSA's HAVV matching criteria and verification responses, SSA did not always provide the States with accurate verification responses because of the limitation of using the last four digits of the SSN to match data to its records. Since SSA is mandated to use the last four digits of the SSN, the HAVV program provided the States with responses that may have prevented eligible individuals from registering to vote and allowed ineligible individuals to vote.

Ex. 1 at page 11.

Tellingly, at the time of the 2009 IG Report, the SSA HAVV program's "no-match response rate was 31 percent, while the no-match response rate for other verification programs used by the States and employers ranged from 6 to 15 percent." Ex. 1 at page 4. Unfortunately, the SSA HAVV program's "no match" rate has not improved since the 2009 IG Report and has gotten much worse, rising to 39 percent between January 2011 and March 2009. *See*, SSA HAVV website: https://www.ssa.gov/open/havv/havv-jan2011-todate.html. Thus, it is patently foreseeable that if SB 1038 is enacted, thousands of Virginia citizens will become disenfranchised due to the inherent flaws with the Social Security Administration's HAVV program and its high "no-match" rates.

The State of Wisconsin wisely decided against adopting a similar voter registration database matching requirement after it was discovered that four of the six judges charged with overseeing the state's elections failed the exact match protocol in a test run. *See* Adam Skaggs, Brennan Center for Justice, "No Match" Dropped after 4 of 6 Judges Fail: https://www.brennancenter.org/blog/no-match-dropped-after-4-6-judges-fail.

Given the fact that the fundamentally flawed SSA HAVV program will produce erroneous results which will disenfranchise voting-eligible Virginia citizens, we strongly urge you to veto SB 1038.

SB 1038 should also be vetoed because of the likelihood that it will disproportionately and negatively impact Virginia's voting-eligible citizens of color, just as Georgia's similar "exact match" voter registration scheme has been shown to do in litigation brought by the Lawyers' Committee and other organizations. *See, e.g., Georgia Coalition for the People's Agenda, et al. v. Raffensberger*, Civil Action No. 1:18-cv-04727-ELR, U.S. District Court, Northern District of Georgia (filed 10/11/2018)); *GA NAACP v. Kemp*, Civil Action No. 2:16-cv-00219-WCO, U.S. District Court, Northern District of Georgia (filed 9/14/2016).

The disproportionate impact of Georgia's "exact match" voter registration law on Black voters was highlighted in an October 2018 report by the Associated Press. In that report, the Associated Press determined that there some 53,000 voter registration applications in "pending" status as a result of Georgia's "exact match" voter registration law and that ***over 70 percent of those applications had been submitted by applicants who identified as Black.*** *See* Associated Press, "Voting Rights Become A Flashpoint In Georgia Governor's Race," WABE (October 9, 2018); https://www.wabe.org/voting-rights-become-a-flashpoint-in-georgia-governors-race/

In the wake of repeated legal challenges to, and negative press reports about, Georgia's "exact match" voter registration requirement, the Georgia House of Representatives recently passed HB 316, which would substantially roll back provisions of the state's "exact match" voter registration law (O.C.G.A. Section 21-2-220.1) and would permit applicants whose voter registration data did

not exactly match SSA or Georgia Driver's Services records to nevertheless become *fully* registered voters. *See* Georgia Legislative Tracker Report on HB 316: http://www.legis.ga.gov/Legislation/en-US/display/20192020/HB/316

Unlike Virginia SB 1038, Georgia's existing "exact match" voter registration law does not purge registered voters from the state's voter registration list and we are not aware of any other state that employs the inherently flawed and error prone SSA HAVV program to purge registered voters from their registration rolls. If enacted, SB 1038 will potentially result in the massive purging of Virginia's eligible, registered voters from the registration rolls given the fact that the SSA HAVV's program "no-match" rate is currently at almost 40 percent.

Given the substantial likelihood that SB 1038 will disenfranchise voting-eligible Virginian citizens and disproportionately impact Virginians of color, the Commonwealth has no compelling interest that would justify the adoption of such a fundamentally flawed voter registration database matching process that will impose severe burdens on the right of Virginians to register and vote.

Accordingly, we respectfully request that you veto SB 1038.

Thank you for your attention and consideration in this matter.

Respectfully submitted,

Lawyers' Committee for Civil Rights Under Law

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SOCIAL SECURITY

MEMORANDUM

Date: June 22, 2009 Refer To:

To: The Commissioner

From: Inspector General

Subject: Quick Evaluation Response: Accuracy of the Help America Vote Verification Program Responses (A-03-09-29115)

The attached final Quick Response Evaluation presents the results of our review. Our objective was to assess the accuracy of the verification responses provided by the Help America Vote Verification (HAVV) program.

If you wish to discuss the final report, please call me or have your staff contact Steven L. Schaeffer, Assistant Inspector General for Audit, at (410) 965-9700.

Patrick P. O'Carroll, Jr.

Attachment

EXHIBIT 1

QUICK RESPONSE EVALUATION

Accuracy of the Help America Vote Verification Program Responses

A-03-09-29115

June 2009

Mission

By conducting independent and objective audits, evaluations and investigations, we inspire public confidence in the integrity and security of SSA's programs and operations and protect them against fraud, waste and abuse. We provide timely, useful and reliable information and advice to Administration officials, Congress and the public.

Authority

The Inspector General Act created independent audit and investigative units, called the Office of Inspector General (OIG). The mission of the OIG, as spelled out in the Act, is to:

- Conduct and supervise independent and objective audits and investigations relating to agency programs and operations.
- Promote economy, effectiveness, and efficiency within the agency.
- Prevent and detect fraud, waste, and abuse in agency programs and operations.
- Review and make recommendations regarding existing and proposed legislation and regulations relating to agency programs and operations.
- Keep the agency head and the Congress fully and currently informed of problems in agency programs and operations.

To ensure objectivity, the IG Act empowers the IG with:

- Independence to determine what reviews to perform.
- Access to all information necessary for the reviews.
- Authority to publish findings and recommendations based on the reviews.

Vision

We strive for continual improvement in SSA's programs, operations and management by proactively seeking new ways to prevent and deter fraud, waste and abuse. We commit to integrity and excellence by supporting an environment that provides a valuable public service while encouraging employee development and retention and fostering diversity and innovation.

Background

OBJECTIVE

Our objective was to assess the accuracy of the verification responses provided by the Help America Vote Verification (HAVV) program.

BACKGROUND

On October 29, 2002, the President signed Public Law Number (Pub. L. No.) 107-252,[1] the *Help America Vote Act of 2002 (HAVA)*, which mandates that States verify the information of newly registered voters. HAVA places certain requirements on the Social Security Administration (SSA) for verifying information to be used in each State's voter registration process. Section 303 requires that each State establish a computerized State-wide voter registration list and verify voter information with the State's motor vehicle authority or SSA. The States are required to first verify the driver's license number (if one exists) against the State's Motor Vehicle Administration (MVA) database. In situations where no driver's license exists, the States are to verify the applicant's name, date of birth (DoB), and the last four digits of the applicant's SSN with SSA. In addition, SSA is required to report whether its records indicate an applicant is deceased.

To comply with the section 303 requirement for SSA to verify information using the last four digits of the SSN, SSA developed HAVV, an online system that allows the MVAs to submit the required voter applicant information for verification.[2] SSA receives the verification information from the American Association of Motor Vehicle Administrators (AAMVA), which receives the data from each State's MVA.[3] HAVV uses the last four digits of the SSN to perform the initial match against the Alphident, a database that allows SSA to search the Agency's master file of all assigned SSNs based on name and DoB information. Then the resulting matched record(s) are compared with SSA's Numident File, which is the repository of all issued SSNs.[4]

[1] Pub. L. No. 107-252 § 303, 42 U.S.C. §§ 15483, 405(r)(8).

[2] See Appendix D for a flowchart of the HAVV process.

[3] The entity assists all MVAs and SSA by serving as an electronic information conduit between them.

[4] The Numident is a record of identifying information (such as name, DoB, date of death, mother's maiden name, etc.) provided by the applicant on his or her *Application for a Social Security Number* (Form SS-5) for an original SSN card and subsequent applications for replacement SSN cards. Each record is housed in the Numident Master File.

As of December 2008, we found 46 States and territories' MVAs had signed user agreements with SSA to use the HAVV system when a voter registration applicant who does not have a driver's license number provides the last four digits of their SSN for verification purposes. In Fiscal Year (FY) 2008, 41 of the 46 States and territories submitted about 7.7 million verification requests. Of the 7.7 million verification requests, SSA provided a "match" response for 5.3 million (69 percent) of the items and a "no-match" response for 2.4 million (31 percent) of the items. While 69 percent of the verification requests matched SSA records, SSA provided match responses that indicated there were single and multiple matches. This occurs because the last four digits of the SSN is not a unique identifier. A single match indicates that the input data matched only one record in SSA's database. However, a multiple match indicates that two or more individuals in SSA's records were determined to have the same characteristics—name, DoB, and last four digits of the SSN (see Table 1 below).

Table 1: HAVV Responses

Verification Responses	Counts
Unprocessed (invalid data provided)	3,824
No-Matches	2,366,922
Matches	5,323,408
Total HAVV Transactions	**7,694,154**
Types of Match Verification Responses	
Single Match Alive	5,266,119
Single Match Deceased	56,054
Multiple Match Alive[1]	1,077
Multiple Match Deceased[2]	5
Multiple Match Mixed[3]	153
Subtotal:	**5,323,408**

Note 1: A multiple match alive response indicates that SSA records include two or more individuals with the same characteristics and they are alive.

Note 2: A multiple match deceased response indicates that SSA records include two or more individuals with the same characteristics and they are deceased.

Note 3: A multiple match mixed response indicates that SSA records include two or more individuals with the same characteristics but at least one individual is alive and the other is deceased.

OTHER VERIFICATION PROGRAMS

SSA has implemented several other verification programs that allow State agencies, employers, and third-party submitters to match the names and SSNs of individuals in SSA's records.[5]

[5] See Appendix E for a complete description of these verification programs.

- **Social Security Online Verification** (SSOLV) allows State MVAs to verify names and SSNs for applicants for drivers' licenses and State identification cards. SSOLV transactions are routed to SSA through AAMVA. Currently, 48 States are registered to use SSOLV.

- **Social Security Number Verification Service** (SSNVS) is an online program, with a batch option, that allows employers and third party submitters to verify employees' names and SSNs. SSNVS ensures employees' names and SSNs match SSA records before their wage reports are submitted to SSA. As of March 2009, about 167,000 employers had approximately 221,000 employees registered to use SSNVS.

- **E-Verify**, formerly known as the Basic Pilot/Employment Eligibility Verification, is a joint initiative administered by the Department of Homeland Security (DHS) to verify the employment eligibility of newly hired employees. Participating employers register online with DHS to use the voluntary program. The information the employer submits to DHS is sent to SSA to verify the name, SSN, and DoB match SSA's records. SSA also provides DHS with work eligibility information based on data in SSA records. DHS confirms the current employment-authorization for non-citizens. As of December 4, 2008, more than 96,000 employers had registered to use E-Verify.[6]

[6] United States Department of Homeland Security Office of Citizenship & Immigration Services Ombudsman, *Observations on the E-Verify Experience in Arizona & Recommended Customer Service Enhancements*, p. 3 December 22, 2008.

Results of Review

SSA's HAVV program was established to assist States with verifying the accuracy of voter information for newly registered voters. Our review found the HAVV program did not always provide States with accurate verification responses for individuals who were registering to vote. We determined the HAVV program had a significantly higher no-match response rate when compared to other verification programs used by States and employers. HAVV's no-match response rate was 31 percent, while the no-match response rate for other verification programs used by States and employers ranged from 6 to 15 percent. Additionally, we determined the HAVV program did not provide consistent verification responses to the States when the same applicant data were entered into the program. For example, States were provided responses for at least 356 applicants that initially indicated a match response but subsequently the States were provided a no-match response when the same data (name, SSN, DoB, and last four digits of the SSN) were entered into the verification program.[7]

We believe the high no-match response rate and the inconsistent verification responses can be attributed to the lack of (1) a unique identifier (full SSN), (2) flexible matching criteria, and (3) testing to assess the accuracy of the verification responses. Because of the limitations of the matching criteria established by the legislation, the HAVV program may indicate a no-match when a match does in fact exist in SSA records. SSA does alert the States of some of the inherent problems in attempting verifications using only the last four digits of an SSN. The User Agreements between the State, MVA and SSA, state ". . . because SSA's enumeration records are based on a complete and unique 9 digit SSN, verification using only the last 4 digits of that number are inherently a partial rather than the full '9 digit' verification and may result in multiple positive matches or false positive matches of information." However, the high no-match response rate and the inconsistent verification responses could hinder the States' ability to determine whether applicants should be allowed to vote.

HELP AMERICA VOTE VERIFICATION MATCHING CRITERA

Our comparison of the FY 2008 verification responses for HAVV and three other verification programs used by the States and employers[8]—SSNVS, E-Verify, and SSOLV—showed that HAVV had a significantly higher no-match response rate (see Table 2). The three verification systems were developed for different purposes and use varying tolerances because they require the full nine-digit SSN for verification. HAVV, on the other hand, does not use these same tolerances because it requires use of the last four digits of the SSN as mandated by the legislation.

[7] See page 7 for more details about the inconsistent verification responses.

[8] See Appendix E for a description of SSA other verification programs.

The no-match response rate for the three other programs ranged from 6 to 15 percent, whereas HAVV's no-match response rate was 31 percent. Therefore, HAVV's no-match response rate was about two to five times higher than the no-match response rate for the other three programs. For example, the HAVV no-match response rate was 5 times higher than the no-match response rate for SSA's SSNVS program, which is an SSN verification program used by employers to ensure accurate wage reporting. In FY 2008, the no-match response rate for SSNVS was 6 percent.

There could be several factors that contribute to the higher than expected no-match response rate for HAVV, such as individuals deliberately providing the States with invalid information (name, DoB, last four digits of the SSN). However, another contributing factor is the limitation of the HAVV matching criteria. As stated previously, HAVV does not use a truly unique identifier, such as the full SSN to match voter information to its records. In addition, the HAVV program does not allow flexibility with matching the name and DoB to its records to compensate for typographical errors, other common database errors, and mistakes because it does not use the full SSN. Because of the limitations of the matching criteria established by the legislation, HAVV may be providing a high number of false negative responses to the States, which may lead to applicants having difficulty while registering to vote.[9]

Table 2: Comparison of SSA Verification Programs—Verification Requests (millions)

Verification Response	SSNVS	Percent	E-Verify[1]	Percent	SSOLV	Percent	HAVV	Percent
Matched	89.1	94	6.0	86	17.9	89	5.3	69
No Match	6.0	6	0.6	9	2.3	11	2.4	31
Citizenship	N/A		0.4	6	N/A		N/A	
Total Transactions	**95.1**	**100**	**7.0**	**100**	**20.2**	**100**	**7.7**	**100**

Note 1: Since E-Verify is the only verification program that includes citizenship as a verification factor, we separately identified the citizenship no match responses. As such, E-Verify's total no match response rate is 15 percent for name, SSN, and citizenship. By comparison, E-Verify's no match response rate is less that half of HAVV even though E-Verify used more verification factors.

Full Social Security Number

HAVV is the only SSA verification program that does not use the full SSN to perform the match to SSA records. HAVA mandates that SSA verify the last four digits of the SSN along with the name and DoB if the voter applicant has not been issued a driver's license, which is an inherent limitation because the last four digits of the SSN is not a unique identifier. Since SSA is limited to using the last four digits of the SSN, it has to

[9] We plan to conduct a separate review that will focus on States' use of the HAVV program. It will cover actions taken by States when they received a no-match response from SSA.

use two databases, Alphident and Numident, to verify the HAVV input data. However, for SSNVS, E-Verify, and SSOLV, SSA only uses the Numident to match input data because the full SSN is provided. For HAVV, initially SSA matches the last four digits of the SSN against the Alphident, which is a database that contains records that allow SSA to search its master file of all assigned SSNs using the individual's name and DoB. To match against the Alphident, HAVV uses a soundex code based on the last name,[10] a portion of the first name, and the month and year of birth. The resulting matched record(s) are then compared with SSA's Numident—the repository of all issued SSNs—using the full first and last names.

As SSA does not receive the full SSN for verification, it is possible it will provide States with a verification response that indicates more than one person met the criteria. According to SSA, this occurs because up to 40,000 numberholders possibly share SSNs that have the same last four digits, which could result in duplicate matches for the HAVV program. For example, in FY 2008, SSA provided about 1,200 multiple responses to the States, which meant 2 or more individuals were determined to have the same characteristics--name, DoB, and last four digits of the SSN (see Table 1). In fact, for 153 of these cases, the response indicated that individuals with the same characteristics were both alive and deceased.

Name Tolerances

The name-matching criteria for the HAVV program are more rigid than SSOLV, SSNVS, and the E-verify verification program. We found that the other verification programs used at least seven name tolerances to determine whether a name matches SSA's records, because of the inherent risk with matching information to large databases. For example, the three programs will match based on a portion of the last name and the first and middle initials. The name tolerances allow flexibility in matching the input data to account for typographical errors and other mistakes that generally exist within large databases. HAVV on the other hand, searches for exact matches on the full first and last name, which is problematic because it does not consider possible human error (that is, data entry errors, transpositions, and nicknames). For example, the HAVV program would provide a no-match response for the common errors shown in Table 3 below. However, the other three verification programs would have provided a positive match response for the same data. We found that about 83,000 of the 2.4 million HAVV no-match responses were provided because of errors associated with first or last names.

[10] Soundexing is the idea of indexing information by how it sounds rather than spelled. HAVV uses the first letter of the input last name in conjunction with the American Soundex System.

Table 3: Example of Common Errors with Names

Type of Error or Complex Name	Voter Information	Numident Information
Transposition	Mary Simth	Mary Smith
Missing letters	Mary Smth	Mary Smith
Extraneous letters	Mary Smmith	Mary Smith
Nicknames	Greg Smith	Gregory Smith

In addition, HAVV does not recognize compound names that do not exactly match the Numident. For example, if a compound name is reported as Mary Jones-Smith but the Numident includes Mary Smith, HAVV would provide a no match response. However, SSNVS, E-Verify, and SSOLV would provide a match response for the same data. We found that about 65,000 of the 2.4 million HAVV no-match responses related to compound names.

Date of Birth Tolerances

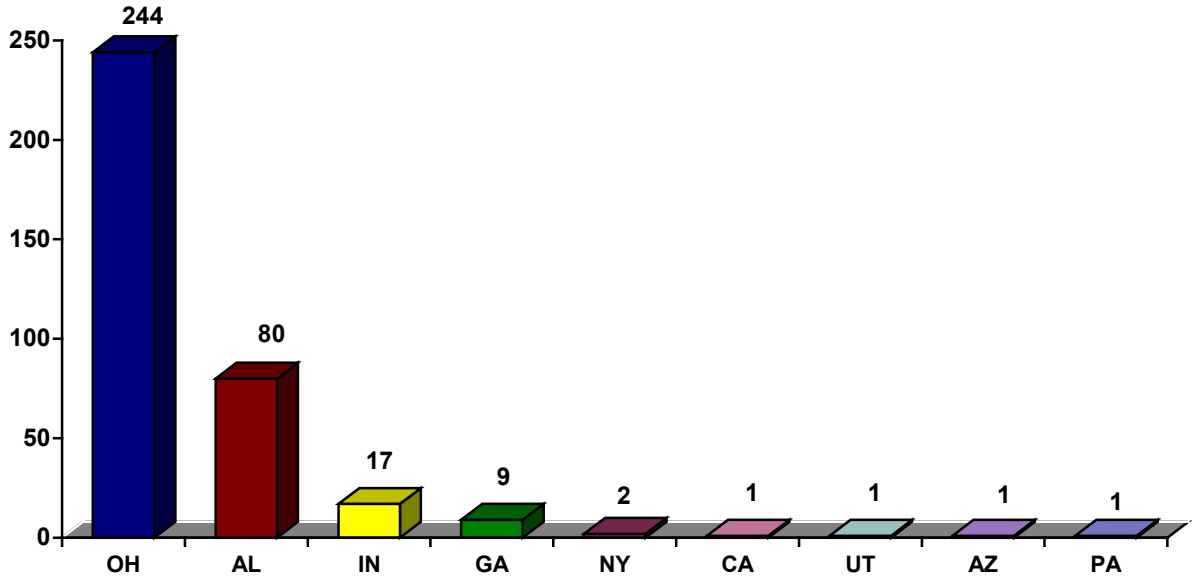
HAVV does not allow for variations in the DoB unlike the other three verification programs. Under HAVV, the DoB must match SSA's records exactly or a no-match response is provided.[11] However, the other verification programs allow for a variation in the DoB to receive a positive match response. For example, if the Numident showed the DoB was January 10, 1990 and January 1, 1991 was input into the E-Verify program by mistake, a positive match response would be provided. However, HAVV would have provided a no-match response in this instance.

INCONSISTENT VERIFICATION RESPONSES

We found the HAVV program did not always provide consistent verification responses to the States when the same applicant data were entered into the HAVV program. We identified at least 356 applicants for whom HAVV initially provided a match response and later provided a no-match response when the same data (name, SSN, DoB, and last 4 digits of the SSN) were entered. These responses were provided to nine different States, as shown in Figure 1. Ohio received 244 (69 percent) of the inconsistent responses followed by Alabama with 80 inconsistent responses (22 percent).

[11] For the DoB, SSA uses only the month and year of birth as part of the matching criteria.

Figure 1: Number of Voter Applicants from Each State that Received Different Verification Responses



According to SSA officials, the inconsistent verification responses occurred because of a conversion issue that arose in the 1970s. When SSN records were converted from computer cards to tapes in 1972, a conversion indicator was entered on records where certain conditions existed. One of those conditions was a mismatch between the Alphident and Numident. The mismatch could relate to instances where a Numident record existed but an Alphident record did not or vice versa. SSA estimated there were about 4 million records assigned the conversion indicator. During the initial development of the HAVV program, SSA decided to provide a no-match response to the States for the records that contained the conversion indicator.

However, in October 2007 when SSA converted the Numident from the Master Data Access Method (MADAM)[12] to a relational database, the Alphident file ceased to exist as a separate database and became part of the Numident. During that transition, SSA did not copy the conversion indicators to the new system. As a result, the Agency provided a match response to the States for the records that contained a mismatch between the Alphident and Numident. SSA realized this error, and the conversion indicator was reinstated by April 2008. SSA officials believed the extent of this anomaly was minor because the time the condition existed was limited to late October 2007 to early April 2008. In addition, they believed the potential universe of affected SSNs marked with a conversion indicator represented about 4 million (less than 1 percent) of the 455 million Numident records.

[12] MADAM is an in-house access method designed to access SSA's major master records.

TESTING LIMITATIONS

Although HAVV is the only SSN verification program that does not use the full SSN as part of the matching criteria, SSA has not conducted any tests or studies that assessed the accuracy of the HAVV verification responses provided to the States. The agency has conducted integration testing with each State MVA prior to providing them access to HAVV to ensure proper network connection. Further, the agency has conducted internal validation testing when making any coding changes to the HAVV system. One reason SSA did not assess the accuracy of verification responses because it did not have the capability to submit sample data through the HAVV program. As part of our review, we requested access to the HAVV program to submit sample data to determine whether the high no-match response rate was appropriate. However, Agency staff informed us that when the HAVV program was designed, the Agency did not build an in-house test facility. Therefore, if they were to submit sample data through the HAVV program, they would need to coordinate with 1 of the 46 States and territories registered to use HAVV. We believe by not conducting any tests or studies to determine the accuracy rate, the Agency does not know whether the program is providing the States a high or low rate of false positives or false negatives. In addition, we believe the inconsistent responses and the higher than expected no-match response rate demonstrates that the HAVV responses were not always accurate.

FEASBILITY STUDY FOR USING SSNs FOR VOTER REGISTRATION

The Congress was interested in learning whether the verification of applicants' data against SSA records were appropriate for establishing the voter registration list. As part of HAVA, the Congress had requested that the Election Assistance Commission (EAC), a new agency created under HAVA, in consultation with SSA, determine the feasibility and advisability of using SSNs or other information to establish voter registration. Specifically, Section 244 (b)[13] of HAVA states,

> Not later than 18 months after the date on which section 303(a)(5) takes effect, the Commission, in consultation with the Commissioner of Social Security, shall study and report to Congress on the feasibility and advisability of using Social Security identification numbers or other information compiled by the Social Security Administration to establish voter registration or other election law eligibility or identification requirements, including the matching of relevant information specific to an individual voter, the impact of such use on national security issues, and whether adequate safeguards or waiver procedures exist to protect the privacy of an individual voter.

We found that as of May 31, 2009, the EAC had not prepared or submitted the mandated report, which was due to the Congress in July 2005. After consulting with the EAC and SSA, we learned that the report had not been submitted to the Congress because the EAC had terminated a contract it awarded in 2006 to a vendor to conduct

[13] Pub. L. No. 107-252 § 244(b), 42 U.S.C. § 15384(b).

the feasibility study on its behalf. In late 2007, the EAC contacted SSA to request the Agency conduct the feasibility study. In January 2008, SSA informed the EAC that it did not believe the Congress intended for SSA to conduct the feasibility study and report. SSA informed the EAC that it would be inappropriate for SSA to conduct this study since Congress intended that the independent Commission conduct an objective assessment of the use of Social Security information for elections in relation to other issues such as national security and privacy, areas in which SSA itself would have to rely on outside expertise. As required by HAVA, SSA did inform the EAC it would fulfill the consultation requirement mandated by the legislation by providing the EAC with (1) the status of State HAVA agreement execution and sample agreements, (2) HAVA verification data for participating States and territories, (3) systematic descriptions of the HAVA verification process, and (4) other background information for the report relevant to SSA's role in the HAVA verification process. In November 2008, an EAC representative informed us that to satisfy the reporting requirement for HAVA, they expect to issue a policy memorandum to the Congress in 2009 with the assistance of SSA.[14] We believe SSA should work with the EAC to prepare the policy memorandum for the Congress and encourage the EAC to ensure the memorandum addresses the limitations and potential risks (risk of providing a high rate of false positives or false negatives to the States) of using the last four digits of the SSN to verify the identity of an individual registering to vote.

[14] See Appendix F for concerns expressed by House committee members regarding HAVA requirements and its impact on eligible voters.

Matters for Consideration

Based on our review of SSA's HAVV matching criteria and verification responses, SSA did not always provide the States with accurate verification responses because of the limitation of using the last four digits of the SSN to match data to its records. Since SSA is mandated to use the last four digits of the SSN, the HAVV program provided the States with responses that may have prevented eligible individuals from registering to vote and allowed ineligible individuals to vote. Given that the HAVV verification responses are used as part of the process to approve or deny an applicant's right to vote, SSA should consider working with the States to develop an acceptable level of false negative or false positive verification responses for HAVV that would provide assurance to the States of the reliability of the data.

Furthermore, SSA should continue to work with the EAC to allow the EAC to provide the Congress with the mandated report. As part of this process, the Agency should ensure that the EAC is aware of the limitations and potential risks (risk of providing a high rate of false positives or false negatives to the States) of using the last four digits of the SSN to verify the identity of an individual registering to vote.

Appendices

APPENDIX A – Acronyms

APPENDIX B – Scope and Methodology

APPENDIX C – Verification Requests for Top 10 States

APPENDIX D – Help America Vote Verification Flowchart

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APPENDIX F – House Committee Members Concerns Regarding the *Help America Vote Act of 2002*

APPENDIX G – OIG Contacts and Staff Acknowledgments

Acronyms

AAMVA	American Association of Motor Vehicle Administrators
BSO	Business Services Online
DHS	Department of Homeland Security
DoB	Date of Birth
EAC	Election Assistance Commission
EIN	Employer Identification Number
EIF	Employer Identification File
FY	Fiscal Year
HAVA	*Help America Vote Act of 2002*
HAVV	Help America Vote Verification
IEA	Information Exchange Agreement
MADAM	Master Data Access Method
MVA	Motor Vehicle Administration
PIN	Personal Identification Number
Pub. L. No.	Public Law Number
SSA	Social Security Administration
SSN	Social Security Number
SSNVS	Social Security Number Verification Service
SSOLV	Social Security Online Verification
TNC	Tentative Nonconfirmation

Scope and Methodology

To accomplish our objective, we:

- Reviewed pertinent sections of the Social Security Administration's (SSA) policies and procedures as well as other relevant Federal laws and regulations.
- Reviewed Office of the Inspector General reports, Government Accountability Office reports and other relevant documents.
- Obtained and analyzed Help America Vote Verification (HAVV) transactions processed in Fiscal Year (FY) 2008.
- Obtained and reviewed FY 2008 management information reports for the HAVV, E-Verify, Social Security Number Verification Service (SSNVS), and Social Security Online Verification (SSOLV).
- Obtained and analyzed the matching criteria SSA uses for the following verification programs: HAVV, E-Verify, SSNVS, and SSOLV.
- Spoke with staff from SSA and the Election Assistance Commission to gain a better understanding of the *Help America Vote Act of 2002* requirements.

Because of time constraints, we did not review the internal controls over the HAVV program. We conducted limited testing to determine whether the data provided were reliable for the purpose of our review. The entities audited were the Offices of Earnings, Enumeration and Administrative Systems within the Office of the Deputy Commissioner for Systems and Financial Policy and Operations within the Office of the Deputy Commissioner of Operations. We performed our review in Philadelphia, Pennsylvania, between January and March 2009 in accordance with the President's Council on Integrity and Efficiency's[1] *Quality Standards for Inspections.*

[1] In January 2009, the President's Council on Integrity and Efficiency was superseded by the Council of the Inspectors General on Integrity and Efficiency, *Inspector General Reform Act of 2008*, Pub. L. No. 110-409 § 7, 5 U.S.C. App. 3 § 11.

Verification Requests for Top 10 States

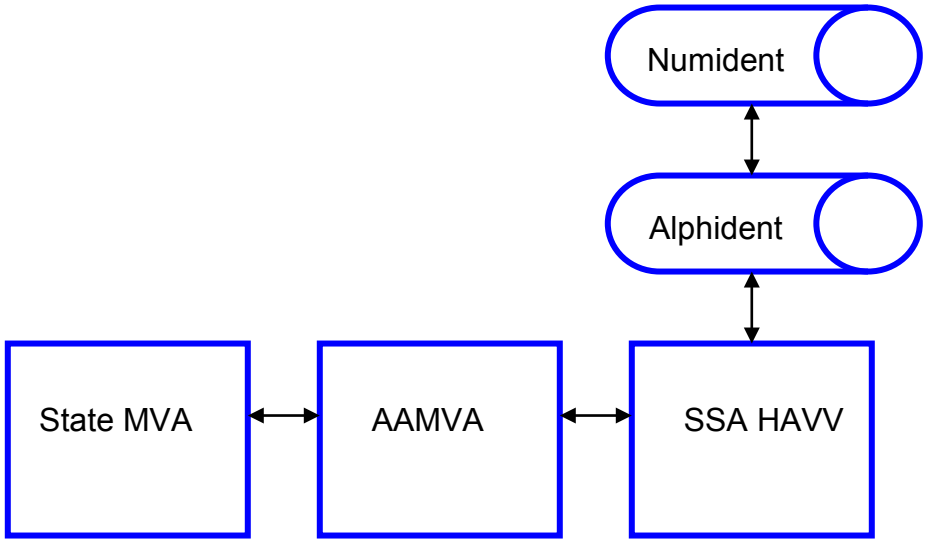
In Fiscal Year (FY) 2008, 41 States and territories submitted about 7.7 million verification requests for Help America Vote Verification (HAVV) program. Of the 7.7 million verification requests, the Social Security Administration (SSA) provided a match response for 5.3 million (69 percent) and a no-match response for 2.4 million (31 percent). The top 10 States that submitted verification requests accounted for approximately 85 percent of the 7.7 million transactions submitted during FY 2008. We found that Georgia submitted the most verification requests (about 2 million), and Nevada received the highest number of no-match responses (about 716,000), which represented 96 percent of its total verification requests, see Table 1 below.

Table 1: Verification Requests for Top 10 States
Fiscal Year 2008

	State	Transactions	Matches	No Matches	Percent of No Matches
1	Georgia	1,956,464	1,690,773	265,691	14
2	Alabama	1,037,372	910,901	123,929	12
3	Nevada	744,913	28,661	716,252	96
4	Ohio	741,132	450,833	289,603	39
5	Indiana	415,517	357,477	57,887	14
6	California	410,777	118,409	292,324	71
7	North Carolina	395,155	320,297	74,797	19
8	New York	337,940	243,366	94,561	28
9	Pennsylvania	262,054	189,770	72,137	28
10	New Jersey	205,300	136,332	68,939	34
	Total	**6,506,624**	**4,446,819**	**2,056,120**	**32**

Help America Vote Verification Flowchart

The Help America Vote Verification (HAVV) is an online program that allows States' Motor Vehicle Administrations (MVA) to submit the required voter applicant information for verification. The Social Security Administration (SSA) receives the verification information from the American Association of Motor Vehicle Administrators (AAMVA), which receives the data from each State's MVA. The entity jointly serves the interests of all MVAs and SSA by serving as an electronic information conduit between the MVAs and SSA. HAVV uses the last four digits of the Social Security number (SSN) to perform the initial match against the Alphident. Then, HAVV matches the first six characters of the first name, the first eight characters of the last name, and the month and year of the date of birth. The resulting matched record(s) are then compared with SSA's Numident—the repository of all issued SSNs—using the full first and last names. Based on these matches, SSA provides verification responses to the States that indicate the following: (1) single match alive, (2) single match deceased, (3) multiple matches alive, (4) multiple matches deceased, (5) multiple matches mixed, (6) no match, or (7) invalid input data, system error.



Verification Programs

The Social Security Administration (SSA) has implemented several verification programs that allow State agencies, employers, and third-party submitters to match the names and Social Security numbers (SSN) of individuals with SSA's records. Below, we describe (1) two verification programs offered to State Agencies-the Help America Vote Verification (HAVV), and Social Security Online Verification (SSOLV) and (2) two verification programs offered to employers and third-party submitters-the Social Security Number Verification Service (SSNVS) and E-Verify

HAVV

SSA developed HAVV, which is an online program that allows States' Motor Vehicle Administrations (MVA) to verify new voter applicant[1] information.[2] HAVV uses the last four digits of the SSN to perform the initial match against the Alphident.[3] Then, HAVV matches the first six characters of the first name, the first eight characters of the last name, and the month and year of the date of birth (DoB). The resulting matched record(s) are then compared with SSA's Numident—the repository of all issued SSNs—using the full first and last names. Based on these matches, SSA provides verification responses to the States that indicate the following: (1) single match, (2) single match deceased, (3) multiple matches, (4) multiple matches deceased, (5) multiple mixed, (6) no-match, or (7) unprocessed. Forty-six States have executed reimbursable Help American Vote Act Information Exchange Agreements (IEA) with SSA.

SSOLV

SSOLV allows State MVAs to verify names and SSNs of applicants for drivers' licenses and State identification cards. SSOLV transactions are routed to SSA through a nationwide MVA hub organization, known as American Association of Motor Vehicle Administrators (AAMVA). Currently, 48 States have executed reimbursable SSOLV IEAs with SSA.

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[1] HAVV only verifies individuals who do not have a State drivers' license or identification card.

[2] SSA receives the verification information from AAMVA, which receives the data from each State's MVA. SSA determined it was most appropriate for SSA to provide the required verification services by interacting electronically with only one entity. The entity assists all MVAs and SSA by serving as an electronic information conduit between them.

[3] The Alphident is a database that contains records that allow SSA to search its master file of all assigned SSNs.

SSNVS

SSNVS is an online program, with a batch option, that allows employers and third party submitters to verify employees' names and SSNs. The purpose of SSNVS is to ensure employees' names and SSNs match SSA's records before their wage reports are submitted to SSA.[4] Employers and third-parties must first register online at SSA's Business Services Online (BSO) website to use this service. Following registration, SSA will mail an activation code,[5] which is a code needed to gain access to SSNVS, directly to the company's address shown in SSA's Employer Identification File (EIF).[6] Once the registered users activate SSNVS using their personal identification number (PIN)[7] and the activation code, they can start submitting verifications. Registered users can:

- Submit up to 10 employee names and SSNs (per screen) via the online SSNVS and receive immediate results.
- Upload files containing up to 250,000 employee names and SSNs and usually receive verification results the next government business day. This bulk procedure allows employers to verify an entire payroll database or verify at one time the names and SSNs of a large number of newly hired workers.

SSA will return a verification code to the employer for each employee whose information does not match SSA's record. In addition to the verification code, SSA provides a death indicator if the employee's Numident[8] record includes a date of death.

E-Verify

E-Verify, formerly known as the Basic Pilot/Employment Eligibility Verification, is a Department of Homeland Security (DHS) program whereby participating employers verify whether newly-hired employees are authorized to work in the United States under immigration law. SSA supports DHS in operating this program. Employers must

[4] Before June 2, 2005, SSNVS was a pilot that was restricted to a limited number of employers.

[5] The activation code is an alphanumeric code sent by SSA to the employer or registered PIN holder (if self-employed) when access to certain services is requested. This code must be entered on the *Activate Access to BSO Service* web page to enable the user to access the requested service.

[6] The EIF is an Internal Revenue Service file that contains the Employer Identification Number of a business and the employer name and address associated with each Employer Identification Number.

[7] The PIN is a unique value issued by SSA to the applicant at registration, which must be entered to gain access to SSNVS.

[8] The Numident is a record of identifying information (such as name, DoB, date of death, mother's maiden name, etc.) provided by the applicant on his or her *Application for a Social Security Number* (Form SS-5) for an original SSN and subsequent applications for replacement SSN cards. Each record is housed in the Numident Master File in SSN order.

register with DHS to access E-Verify. Participating employers input information about the new hire, including the new hire's name, DoB, SSN, and whether the new hire claims to be a U.S. citizen or work-authorized noncitizen (for noncitizens, the DHS-issued alien or admission number is also entered), into the E-Verify program.

The information the employer submits via E-Verify is sent to SSA to verify the name, SSN, and DoB against SSA's Numident records. SSA also provides DHS an indication of U.S. citizenship, as recorded in SSA records. DHS confirms the current employment-authorization for non-citizens.

If the data input by the employer do not match the Numident, SSA sends a response to E-Verify which, in turn, generates a message for the employer indicating there is a discrepancy with SSA's records. This discrepancy is called an SSA Tentative Nonconfirmation (TNC). The SSA TNC means that the information submitted by the employer does not match SSA's records. At this stage of the process, the nonconfirmation is tentative because the new hire may contest the SSA TNC.[9] To contest an SSA TNC, the new hire must go to the SSA field office within 8 Federal workdays to resolve the Numident discrepancy.

[9] An SSA TNC does not necessarily mean that the new hire is not authorized to work in the U.S. An SSA TNC could be generated for a U.S. citizen or a work-authorized alien as well as an undocumented worker.

House Committee Members Concerns Regarding the Help America Vote Act of 2002

On October 28, 2008, House Judiciary Committee Chairman John Conyers, Jr., House Administration Committee Chairman Robert Brady, and respective Subcommittee Chairs Jerrold Nadler and Zoe Lofgren sent correspondence to each State's Secretary of State regarding voting issues.[1] The letters highlighted their concerns about the Help America Vote Act (HAVA)[2] requirements and its impact on eligible voters. Specifically, the letter stated the following.

> The Help America Vote Act (HAVA) requires states to implement statewide voter registration databases to ensure updated and accurate registration lists. Many problems exist with voter registration list maintenance, as most states update registration lists against change of address lists, the Department of Motor Vehicles records, the Social Security Administration records, and death and felon records, for example. Rigid matching requirements often result in erroneous removal of otherwise legitimate voters for clerical errors or incorrect information, misspellings, and hyphenated names, when processing voter registration data. There are reports that some of the new state registration systems are removing voters when discrepancies surface between their registration information and other official records, often because of errors outside voters' control.

[1] *State Preparation for the 2008 Election*, Letter to the Honorable Max Maxfield, Secretary of State of Wyoming, co-signed by John Conyers, Jr., Chairman of the Judiciary Committee; Robert Brady, Chairman of the House Administration Committee; Jerrold Naddler, Chairman of the Subcommittee on the Constitution, Civil Rights and Civil Liberties; and Zoe Lofgren, Chairwoman of the Subcommittee on Elections, October 28, 2008.

[2] Pub. L. No. 107-252 § 303, 42 U.S.C. §§ 15483, 405(r)(8).

OIG Contacts and Staff Acknowledgments

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