



July 22, 2019

Representative Duane Quam
247 State Office Building
Saint Paul, MN 55155

Dear Representative Quam:

You raised concerns about the number of individuals in Minnesota who fail voter verification through the Social Security Administration. The Office of the Legislative Auditor (OLA) indicated that we would conduct follow-up work related to your concerns after we had completed work on the program evaluations scheduled for release during the 2019 legislative session. This letter provides the results of that follow-up work.

Below, we discuss the questions we answered, our methodology for answering them, and our findings. We also provide general information about the processes that underlie verification of voters' names, dates of birth, and identification numbers.

RESEARCH QUESTIONS

We answered the following questions:

1. Of the individuals who were submitted for social security verification between August 28, 2016, and September 3, 2016, and who failed that verification, how many had been verified by January 2019?
2. Of the individuals who were submitted for social security verification between August 28, 2016, and September 3, 2016, and who failed that verification, how many voted in the 2016 state general election who had still not been verified by January 2019?
3. What are the reasons that someone with a social security number may fail social security verification?
4. What are the expected practices for handling voter registration for individuals who failed social security verification, and did counties follow them?

KEY FINDINGS

- We examined 119 individuals who were submitted for social security verification during the week of August 28, 2016, to September 3, 2016, and who subsequently failed that verification. Of these 119 people:
 - 66 (55 percent) had been verified as of January 22, 2019.
 - 29 (24 percent) had not been verified as of January 22, 2019, and voted in the 2016 state general election.

- 20 (17 percent) had not been verified as of January 22, 2019, and did not vote in the 2016 state general election.
- 4 (3 percent) did not become registered voters in the Statewide Voter Registration System.
- 44 of the 112 individuals we examined (39 percent) who were listed on a voter roster for the 2016 state general election appear not to have had the correct notation indicating a failure to verify their names, dates of birth, or identification numbers.

BACKGROUND

The federal Help America Vote Act (HAVA) directs states to implement “a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the State level.”¹ Minnesota’s system for fulfilling this requirement is the Statewide Voter Registration System (SVRS). The Minnesota Office of the Secretary of State (OSS) built and maintains SVRS, but county election officials and staff process and update the records of individual voters.²

HAVA also sets out a verification process that states must follow to verify voter information using state driver’s license databases and social security numbers. However, according to an analysis conducted by OLA’s legal counsel, HAVA does not require an individual to successfully complete the verification process to be eligible to vote. In other words, HAVA does not make passing the verification process a voter eligibility requirement.³

A person registering to vote in Minnesota must provide the following information for verification:⁴

1. Name
2. Date of birth
3. An appropriate identification number, if the person has one

The identification number can be:

1. A Minnesota driver’s license number
2. A Minnesota state identification number
3. The last four digits of the person’s social security number (L4SSN)

An individual can register to vote in Minnesota in advance of an election by using an online registration system or by submitting a paper registration application, as shown in Exhibit 1. A

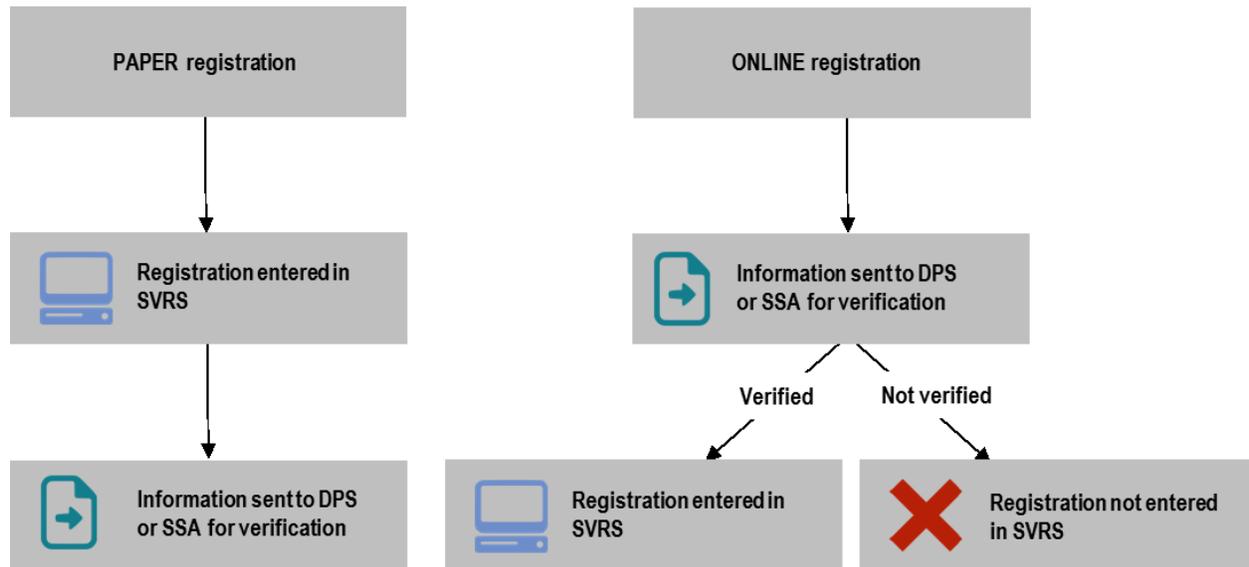
¹ Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1708, codified as *52 U.S. Code*, sec. 21083(a)(1)(A), accessed electronically February 5, 2019.

² Some city election officials also have access to SVRS to perform functions related to absentee voting. Those functions are beyond the scope of this letter.

³ OLA’s legal counsel based this conclusion on the language of the HAVA law, the law’s legislative history, court cases, and analysis of HAVA by legal experts. OLA’s legal counsel found that states can make successfully completing the verification process a requirement to vote, and some have; Minnesota has not done so.

⁴ *Minnesota Rules*, 8200.9310, subp. 2, A(1), published electronically May 22, 2008.

Exhibit 1: Paper voter registration applications are entered in the Statewide Voter Registration System (SVRS) before verification; online registration applications are entered in SVRS only after verification is successful.



NOTES: "DPS" is Department of Public Safety. "SSA" is Social Security Administration.

SOURCE: Office of the Legislative Auditor.

paper registration application can be submitted, for example, to a county auditor or any state agency.⁵

To register online, an individual must provide (1) their L4SSN or (2) their Minnesota driver's license number or state identification number.⁶ An online registrant must also provide an e-mail address. SVRS sends the information entered online by the registrant to the Department of Public Safety (to verify the combination of name, date of birth, and driver's license or state identification number) or the Social Security Administration (to verify the combination of name, date of birth, and L4SSN). If the registrant's information is verified, SVRS sends the registration to the county for processing; if the information is not verified, the registration is not sent to the county and the individual is not registered to vote.

⁵ *Minnesota Statutes* 2018, 201.061, subd. 1(a)(2), says, "A state or local agency or an individual that accepts completed voter registration applications from a voter must submit the completed applications to the secretary of state or the appropriate county auditor within ten calendar days after the applications are dated by the voter." *Minnesota Rules*, 8200.9310, subp. 1, published electronically May 22, 2008, says, "Voter registration applications submitted to the secretary of state must be forwarded to the appropriate county auditor for entry into the statewide registration system. With the approval of the appropriate county auditor, the secretary of state shall enter the registration applications into the statewide registration system for that county."

⁶ Persons without an identifying number may submit only a paper registration application; they may not use the online application.

If a person submits a paper voter registration application, county staff enter the registration information into SVRS to be verified by either the Department of Public Safety (DPS) or the Social Security Administration (SSA). Exhibit 2 shows where SVRS sends information from paper voter registration applications for verification based on the identification number(s) provided.

If the registrant provides their Minnesota driver’s license number or state identification number or no number at all, the person’s information is checked against DPS’s database. If there is no exact match in the database for a given name, date of birth, and DPS-issued identification number, DPS returns “possible matches” for applications submitted on paper.⁷ County staff review these “possible matches” to determine whether the registrant’s information can be verified.⁸

If the person provides their L4SSN, the person’s information is checked against the Social Security Administration’s (SSA’s) database only if DPS verification fails. Unlike DPS, SSA

Exhibit 2: Not all voter registrations are sent to the Social Security Administration for verification.

Identification Number Provided by Registrant	Sent to Department of Public Safety (DPS)?	Sent to Social Security Administration?
Last four digits of social security number (L4SSN) only	Yes ^a	Only if DPS verification fails
Minnesota driver’s license number or state identification number (DPS-issued number) only	Yes	No
Both L4SSN and a DPS-issued number	Yes	Only if DPS verification fails
Neither L4SSN nor a DPS-issued number ^b	Yes ^a	No

NOTE: This exhibit refers to voter registration applications submitted on paper, not those submitted online.

^a DPS returns “possible matches,” if any exist, based on name and date of birth; the Social Security Administration does not do so.

^b 52 U.S. Code, sec. 21083(a)(5)(A)(ii)-(iii), accessed February 5, 2019, requires that states assign a unique voter identification number to a person who lacks both a social security number and driver’s license number. Federal law gives states discretion to determine whether the information provided by the registrant is sufficient to meet state voter registration requirements. *Minnesota Rules*, 8200.9310, subp. 2, A(1), published electronically May 22, 2008, says that a registration is verified if a person (1) lacks both a social security number and a DPS-issued number and has so indicated on the voter registration application and (2) provides their name and date of birth.

SOURCE: Office of the Legislative Auditor.

⁷ Federal law requires that states assign a unique voter registration number to individuals who do not have either a state-issued identification number or a social security number. Federal law allows states to determine whether the information provided by the registrant is sufficient to meet state registration requirements. 52 U.S. Code, sec. 21083(a)(5)(A)(ii)-(iii), accessed electronically February 5, 2019. Minnesota administrative rules say that a registration is considered verified when a registrant who does not have a state-issued identification number or a social security number and has so indicated on the voter registration application provides their name and date of birth. *Minnesota Rules*, 8200.9310, subp. 2, A(1), published electronically May 22, 2008. Paper registration applications without an identifying number are nevertheless checked against DPS records to see if a possible match exists.

⁸ For example, a registration application containing the name “Mike Smith,” a date of birth of January 1, 1990, and a Minnesota driver’s license number of D123-456-789-101 may result in a possible match of a “Michael Smith” with the same date of birth and driver’s license number. The county election official, if satisfied that the possible match returned by DPS is the same individual who submitted the registration application, will manually verify the registration.

does not return possible matches if no exact match is found in the database for a given name, date of birth, and L4SSN. Our analysis focused on persons who failed verification through SSA.

Each voter record in SVRS includes a “voter status” and a “verification status.” County staff enter new registrants who submit a paper application into SVRS with a voter status of “Active” and a verification status of “To Be Verified.” Registrants who successfully registered online also have a voter status of “Active” and a verification status of “Verified.”

If a person’s registration information cannot be verified with either DPS or SSA data, county staff are supposed to change their verification status to “Auditor Failed Verification.” According to OSS, if the person does not resolve the issue prior to the election, county staff are supposed to change their voter status to “Challenged—Unverifiable.” Some individuals, who meet specific criteria listed later, will also have a roster notation indicating that they must show identification before voting.

METHODOLOGY

We obtained data from OSS on persons submitted for social security verification between August 28, 2016, and September 3, 2016, and who failed that verification (N = 119). This count of individuals is a different metric from what is reported on the Help America Vote Verification website.⁹ The website reports the number of failed social security *verification requests*, which is not necessarily the number of *individuals* who failed verification. An individual can be submitted for verification multiple times. For example, 24 of the 119 individuals we examined submitted a voter registration application online. We estimated that their information was submitted for verification a combined total of at least 70 times between August 28, 2016, and November 7, 2016. On page 6 we discuss reasons why an individual may need to resubmit information for verification.

We selected this week (August 28, 2016, to September 3, 2016) for two primary reasons. First, we selected a week reasonably close to the 2016 election but also far enough in advance to provide adequate time for a registrant to resolve the social security verification failure before the election. Second, the week we selected had the most social security verification “nonmatches” of the weeks we were considering in July and August 2016. Throughout this letter, we provide statistics related to this week. The week is not necessarily representative, nor can the results of our analyses be generalized to all social security verification failures.

To conduct our work, we accessed the “practice” environment of SVRS.¹⁰ We looked up the 119 people in our sample to review their voting history, a log of the changes made to their voter record, and a list of the SVRS-generated correspondence they were sent. During the time period we had access to SVRS, its content was “frozen” as of January 22, 2019, in preparation for the March 2019 township elections.¹¹ Therefore, our analysis does not capture any changes that may have been made to anyone’s verification status since that date.

⁹ <https://www.ssa.gov/open/havv/>

¹⁰ SVRS’s practice environment is the version of SVRS that is used for training county election staff to use the database. It allows a user to view real voter registration data, but a user working in the practice environment cannot make changes to registrants’ records.

¹¹ OLA staff began this work in February 2019, and it took several months to complete.

FINDINGS

Verification Status as of January 2019

- **Among those we examined who failed social security verification, 55 percent had been verified as of January 2019.**

Exhibit 3 shows the verification statuses as of January 22, 2019, for the 119 individuals we examined. Not all of those who had been verified were verified based on L4SSN. Half of those who had been verified were verified based on a Department of Public Safety-issued identification number.

A HAVA verification failure occurs because the information supplied by the registrant does not match the relevant information in the DPS or SSA database. This could happen because the person provided false information. However, HAVA verification failure can also happen due to more innocuous reasons.¹² Our review found the following to be common reasons for verification failure:

- Name-related issues (for example, misspelled or use of a shortened version)
- Birthdate-related issues (for example, off by one digit)
- Timing issues (for example, a name change not yet reported to SSA)¹³

HAVA verification failures can be resolved in a few ways. For example, a person who resubmits a voter registration application with corrected information may then pass verification.¹⁴ Alternatively, county staff must proactively take steps to obtain corrected information.¹⁵ As part of OLA's 2018 *Voter Registration* evaluation, we conducted site visits with eight county election officials. We learned that county election staff may call or e-mail the applicant to confirm the information in the application. One county election staff member told us that she may use property tax information to look up an address—if it is not a rental property—in order to check the spelling of the applicant's name.

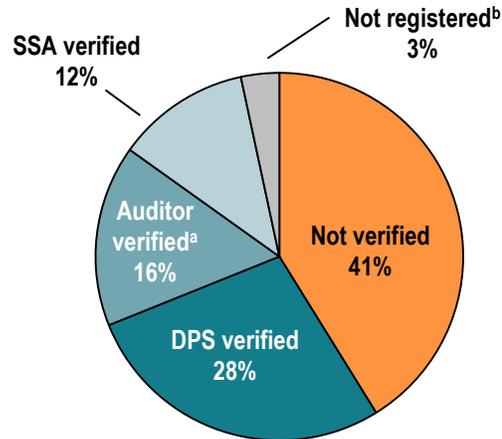
¹² Because SSA does not provide possible matches like DPS, social security verification failures that occur due to less benign reasons—for example, because no such person exists—are indistinguishable from those that occur due to reasons like misspellings. OLA is able to infer a reason for a verification failure only when a subsequent verification attempt using corrected information is successful.

¹³ A report by SSA's Office of the Inspector General notes that a lack of flexible matching criteria is another reason why a registrant may mistakenly fail social security verification. The report says, "Because of the limitations of the matching criteria established by [HAVA], the [Help America Vote Verification] program may indicate a no-match when a match does in fact exist in SSA records." Moreover, social security numbers are nine digits long; the last four digits are not sufficient for uniquely identifying an individual. Consequently, relying on a partial social security number match can result in false positive matches. Patrick P. O'Carroll, Jr., Inspector General, Social Security Administration, memorandum to Commissioner, *Quick Evaluation Response: Accuracy of the Help America Vote Verification Program Responses*, June 22, 2009, 4.

¹⁴ In OLA's *Voter Registration* evaluation, we recommended that OSS make improvements to the online voter registration application. Specifically, we recommended adding a step that would check to see if a person was already registered before continuing with the application. We also recommended adding a confirmation page prior to the final submission of the application so that the registrant could review the information for typographical or other errors. OSS reported implementing these features in May 2018. Office of the Legislative Auditor, Program Evaluation Division, *Voter Registration* (St. Paul, 2018), 21.

¹⁵ *Minnesota Rules*, 8200.9310, subp. 2, C, published electronically May 22, 2008.

Exhibit 3: More than half of the people in our sample were verified by January 22, 2019.



NOTES: "DPS" is Department of Public Safety. "SSA" is Social Security Administration. This exhibit is based on persons who were submitted for social security verification between August 28, 2016, and September 3, 2016, and who failed social security verification (N = 119). Verification statuses shown are current as of January 22, 2019.

^a "Auditor verified" means that the county election official manually verified the registrant based on a possible match returned from DPS or because the registrant lacked both a social security number and a DPS-issued identification number.

^b Persons who are "not registered" are those who submitted a voter registration application online, failed verification through DPS and SSA checks, did not resolve the reason for the failure, and did not subsequently register through other means. Therefore, they do not have a voter record in the Statewide Voter Registration System.

SOURCE: Office of the Legislative Auditor, analysis of data from the Office of the Secretary of State and the Statewide Voter Registration System.

Voting in 2016

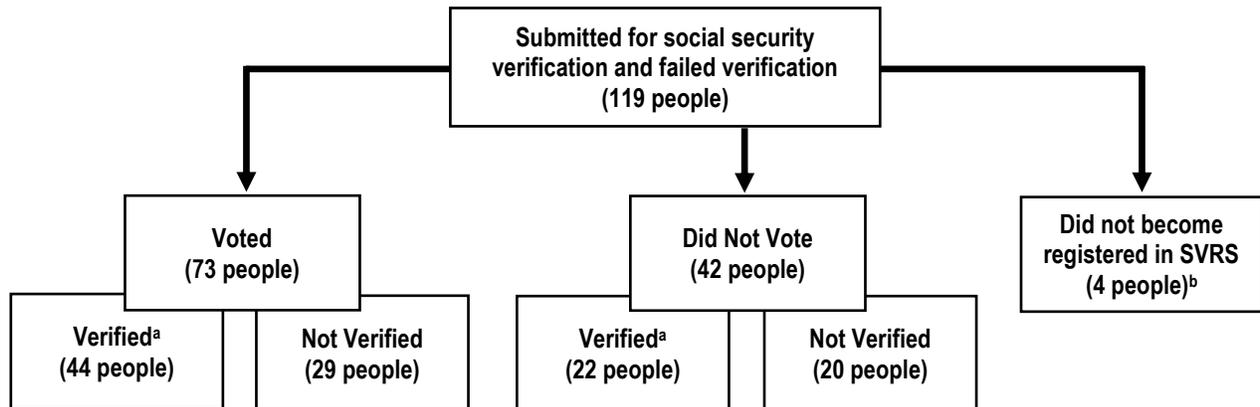
We determined whether the 119 individuals in our sample voted in the 2016 state general election. We also identified the method by which they voted and their verification status as of January 22, 2019.

- **Among the 119 individuals we examined, 29 (24 percent) voted in the 2016 state general election and had not been verified as of January 2019.**

Exhibit 4 shows the breakdown of our sample registrants by their participation in the 2016 state general election and their verification status as of January 22, 2019. Most of the people in our sample voted. A few did not become registered voters with a record in SVRS.

Among those whose failure was *not* resolved by January 22, 2019 (49 people), 29 voted. These voters included persons who voted without having been challenged, persons who were sent correspondence indicating that they needed to show identification before voting but may not have been asked to do so (see the finding on page 10 related to an SVRS

Exhibit 4: Among those who were submitted for social security verification during a particular week and who failed verification, more than half voted in the 2016 state general election.



NOTE: This exhibit is based on persons submitted for social security verification between August 28, 2016, and September 3, 2016, who failed that verification (N = 119).

^a "Verified" indicates that the person was verified by January 22, 2019, through either the Social Security Administration or the Department of Public Safety or manually by a county election official.

^b Persons who did not become registered in SVRS are those who submitted a voter registration application online, failed verification, did not resolve the reason for the failure, and did not subsequently register through other means.

SOURCE: Office of the Legislative Auditor, analysis of data from the Office of the Secretary of State and the Statewide Voter Registration System.

coding change), a person who registered on election day and subsequently failed verification, and a person who had to swear an oath in order to resolve a challenge.¹⁶

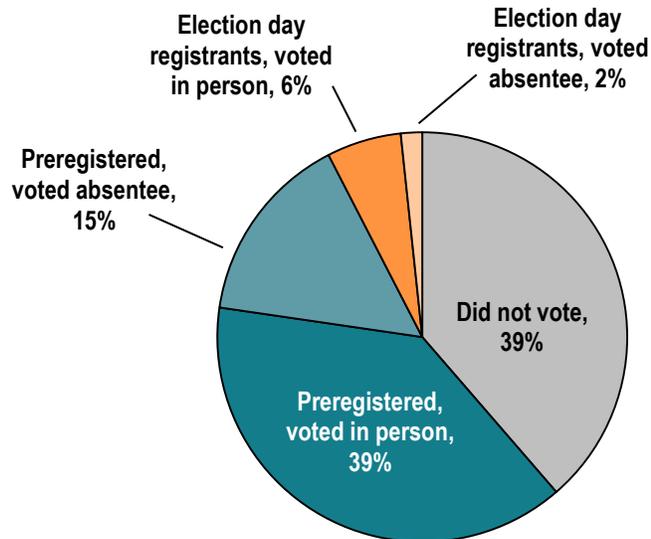
Exhibit 5 shows the voting methods used by the 119 individuals we examined; most were preregistered. Nine persons voted as election day registrants.

Additional Scrutiny Applied to Unverified Registrants when Voting

Only people who are registered to vote are listed on a voter roster. Seven people in our sample of 119 persons failed verification when submitting an online voter registration application and did not register by other means prior to the 2016 state general election. Consequently, they were not listed on a roster for that election. This group of seven includes four people who, as of January 22, 2019, had not become registered to vote, two who registered on election day in 2016, and one who successfully submitted an online registration application in 2018. We excluded all seven individuals from the following analysis regarding information found on the roster.

¹⁶ This person was challenged due to submitting an absentee ballot application that listed a residential address different from the address currently listed on their voting record, not due to failing verification.

Exhibit 5: Among those in our sample, most voted in the 2016 state general election as preregistered voters.



NOTE: This exhibit is based on persons submitted for social security verification between August 28, 2016, and September 3, 2016, who failed that verification (N = 119).

SOURCE: Office of the Legislative Auditor, analysis of data from the Office of the Secretary of State and the Statewide Voter Registration System.

- **Approximately 39 percent (44 of 112) of the persons we examined who were listed on a voter roster in 2016 did not have the correct notation in their voter record regarding their verification failure.**
 - **County election officials did not consistently follow the Office of the Secretary of State’s procedure for challenging registrants who failed verification.**

Based on the information OSS provided, a registrant who fails HAVA verification and does not provide updated information to resolve the reason for the failure prior to an election should be marked on the roster by a county election official as “Challenged—Unverifiable.”¹⁷ A person with the “Challenged—Unverifiable” notation on the roster would have to swear an oath to an election judge in order to be able to vote in Minnesota. In some cases, if the person meets the criteria outlined below, SVRS adds a notation that the registrant must show identification before voting.

¹⁷ *Minnesota Statutes* 2018, 201.121, subd. 1(f), says, “The county auditor shall send a notice of incomplete registration...and change the voter’s status to ‘incomplete.’” However, no such status exists in SVRS; instead, there is a verification status of “Auditor Failed Verification” and a voter status of “Challenged—Unverifiable.”

We expected to see the “Challenged—Unverifiable” notation for at least 26 individuals in our sample, but it was missing.¹⁸ The missing notations were for voters registered in Anoka, Blue Earth, Faribault, Hennepin, Ramsey, Rice, Saint Louis, and Washington counties. Among the 26 individuals with missing notations, 15 voted in the 2016 state general election.

OSS discusses the verification process in its training sessions with county election staff. However, the training documents we reviewed did not cover the challenge process. Moreover, state statutes, administrative rules, and the OSS-produced guide for county election officials are not always clear about when to apply a “Challenged—Unverifiable” status to new preregistered voters. OSS staff told us they will “review and re-emphasize” the correct process in upcoming trainings.

- **For 18 of the 44 voters whose names, dates of birth, and identification numbers could not be verified, a coding change in SVRS prematurely cleared a notation on registrants’ records indicating that they must show identification before voting.**

State and federal law require voters to present identification when all of the following conditions are met:

1. The person submits a voter registration application by mail.
2. The person has not previously voted in Minnesota in an election for federal office.
3. The person fails verification and does not resolve the failure prior to the election.¹⁹

When a registrant meets the above criteria, a notation indicating that they must show identification is supposed to be included by their name on the voter roster. Voters with that notation must supply a “proof of residence” before voting. Proofs of residence include a current Minnesota driver’s license or a U.S. passport combined with a recent utility bill.²⁰

As a result of a coding change to SVRS, at least 18 individuals we reviewed who should have had a notation indicating that they must show identification by their name on the voter roster did not. Consequently, election judges would not have

¹⁸ The 26 people we identified as missing the “Challenged—Unverifiable” notation were individuals who (1) were sent a notice of incomplete registration, as reported in SVRS; (2) had not resolved their verification failure as of January 22, 2019; and (3) did not have a challenge on their voter record at the time of the 2016 state general election.

¹⁹ *Minnesota Statutes* 2018, 201.061, subd. 1a; and 52 *U.S. Code*, sec. 21083(b)(1)-(2)(A) and (3), accessed electronically February 5, 2019.

²⁰ Acceptable proofs of residence are found in *Minnesota Statutes* 2018, 201.061, subd. 3; and *Minnesota Rules*, 8200.5100, published electronically, June 15, 2016. A voter with a notation indicating the need to show identification whose only available proof of residency is a voucher must re-register as an election day registrant. A voucher can be either (1) an employee of a residential facility in the precinct vouching for a facility resident or (2) a voter registered in the same precinct. The voucher signs an oath that he or she “personally knows” that the individual lives in the precinct.

known that these individuals needed to show identification in order to be able to vote. Eight of the 18 individuals who had this flag prematurely cleared voted in the 2016 state general election.

OSS staff believe this error began in May 2016 when it was unintentionally triggered by a coding upgrade to SVRS. The error went unnoticed until it was reported by Hennepin County election staff on September 22, 2016. OSS staff told us the error was resolved by early October 2016. We did not see evidence that the notation was added back to the records from which it had been prematurely cleared.

- **Some counties did not notify all persons of their verification failure before the election.**

State law requires counties to notify a person who fails verification, but the law does not establish timelines for doing so.²¹ In our sample, eight individuals—all in Dakota County—should have been sent a notice of incomplete registration but were not.

Although the law does not establish a required timeline for notification, we believe it is reasonable to expect that notifications will be sent to registrants before the next election, when possible. Based on information available in SVRS, large gaps sometimes occurred between when SVRS generated a notice and when county staff sent it. For example, in one instance from Scott County, SVRS generated a notice of incomplete information on September 6, 2016, but the county did not send it to the individual until nearly one year later on August 3, 2017. We observed two other instances of untimely notifications, both occurring in Anoka County. Although the gap was less extreme, these other cases involved notices generated by SVRS before the 2016 election but not sent by the county until after the election. In all of these situations, the affected registrants would not necessarily have known that they had failed verification prior to the election.

I hope this additional information answers your questions. OSS indicated that they are working with counties to follow up on any still-unverified registrants identified through our work. Thank you for your patience as we conducted this additional work.

Sincerely,



Judy Randall
Deputy Legislative Auditor
Program Evaluation Division

cc: The Honorable Steve Simon, Secretary of State

²¹ *Minnesota Statutes* 2018, 201.061, subd. 1a; and 201.121, subd. 1(f).