

“Making the List” in North Carolina

Voter Registration and the “No Match - No Register” Rule
Voter Registration Database as an Administrative Barrier to Voting

By the N.C. Coalition for Verified Voting.
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Voter Registration and the “No Match - No Register” Rule Administrative Barriers to Voter Registration

In North Carolina, when a person registers to vote, they must either provide a drivers license number, a social security number, or some other form of identification.

A positive match between the number given and either the drivers' license or social security database must occur before a person's name is placed into the voter registration database.

Justin Levitt , an attorney at the Brennan Center for Justice advises that: *"North Carolina's procedures * as we understand them * will predictably keep eligible citizens from voting, in a way that is contrary to federal law ... and that is why we remain concerned."*

Our goal is to seek a change in this rule either administratively or legislatively.

When North Carolina's Voter Registration checks the Dept. of Motor Vehicles' and the Social Security Departments' Database for a “match”, some eligible voters will not be registered:

- Matches of Drivers license numbers (most commonly used) had a 98.25 % valid rate of return,
- Matches against the Social Security Database had only about an 80 % valid rate of return.

Matches can fail because of clerical errors, identical 4 digits of SS numbers between multiple people, applicants providing driver license numbers from a previous state because they don't yet have a new driver license, or an elections clerk may make an honest mistake in data entry for example. None of these mistakes mean that the applicant is ineligible to vote, but any of them may keep eligible citizens from the polls because of North Carolina's practices.

The registrant who does not provide a drivers license or social security number will not be subjected to the matching, but will be assigned a unique identifier and will be registered. This voter will be required to show some sort of identification the first time they vote. See the enclosed North Carolina Voter Registration Form.

HAVA did not intend for the voter registration database to be a barrier to voter registration, but to serve as a tool. It is meant to allow states to waive ID requirements for first time voters who register to vote by mail. In fact, if the applicant does not have either a driver's license or a social security number, then HAVA says that applicant shall be given a unique identifier . HAVA never requires a positive match as a precondition for an acceptable registration.

Few other states have implemented this “no match no register” rule. A recent ruling upheld an agreement by the State of Washington to abandon this barrier to voter registration.

Even if North Carolina passes a Same Day Registration law, the “matching” rule will still impede eligible voters from registering.

Justin Levitt, attorney at the Brennan Center for Justice has drafted legislative language in the event that an administrative change is not forthcoming.

Rejected Registrations - the Numbers

Data on Voter Registration "Matching" with the Department of Motor Vehicles and with the Social Security databases:

2006 County DMV Validation Count 169,673
DMV Returned Valid 166,703
Number Rejected 2,970
Percent Valid Return 98.25%
Percent Not Valid 1.75

2006 County SSN Validation Count 61,337
SSN Returned Valid 48,693
SSN Rejected 12,644
Percent Valid Return 79.39%
Percent Not Valid 20.61%
http://www.ncvoter.net/downloads/dmv_ssn_validation_counts.xls

Provisional Ballots Issued and Rejected - the Numbers

North Carolina's "no match - no register" rule plays a part in the high rate of provisional ballots cast, and the high rate rejected.

This November, statewide, provisional ballots accounted for about 4.55% of all ballots cast. About 40% of those provisional ballots were rejected and not counted.

Provisional ballots are given to voters when there is some question in regards to their eligibility to vote. Provisional ballots are counted after election day and contingent upon the verification of that voter's eligibility.

Data on Provisional Ballots Issued and Rejected in 2004 and 2006

3,552,499 voters turned out in November 2004,
<http://www.sboe.state.nc.us/voterreg/other/turnout2.htm>
77,469 or provisional ballots were issued, or 2.18 % of total turnout.
42,348 of the provisionals, or 55% were counted.
35,121 or 45% were discarded.
<http://electionline.org/Portals/1/Publications/ERIP10Apr05.pdf>

2,036,451 voters turned out in November 2006
92,621 provisional ballots were issued, or 4.55 % of total turnout
55,775 or 60% - of provisionals were counted.
36,846 or 33% of provisionals not counted.
6,403 or 7% partially counted.
http://www.ncvoter.net/downloads/Provisional_Stats_Nov2006pdf.pdf

Brennan Center warning in the New York Times

October 19, 2006

New Laws and Machines May Spell Voting Woes New York Times:

...Justin Levitt, a lawyer with the Brennan Center for Justice at New York University School of Law, said that on election night his organization will be keeping particularly close watch on North Carolina, Florida and South Dakota, because of new voter registration databases there. Under the federal Help America Vote Act passed in 2002, election officials were required to create computerized statewide voter registration rolls. These databases were intended to help streamline registration and decrease fraud, and they help political parties track potentially supportive voters. In some states, however, the databases have blocked large numbers of eligible voters from joining registration lists.

North Carolina, for example, requires that information provided by voters for registration forms match information in the motor vehicle or Social Security databases.

“If someone is listed with their maiden name in one list and their married name in another list, that voter will be blocked from the eligible voter roll,” said Mr. Levitt, adding that these voters may show up in large numbers and not realize that there is a problem.

<http://travel.nytimes.com/2006/10/19/us/politics/19voting.html?n=Top%2FReference%2FTimes%20Topics%2FPeople%2FU%2Furbina%2C%20lan&pagewanted=print>

NC Policies - SEIMS HAVA Policies and Procedures

SEIMS - Is the North Carolina State Election Information Management System

...The new voter registration forms now require the North Carolina drivers license number, the last 4 digits of the Social Security Number or an indication that neither was provided.

Applications that include neither a driver license number nor the last 4 digits of Social Security Number are processed as they normally would, are **not** rejected. If additional ID is required the SEIMS system will track this, generate a letter to the voter and note that ID is required in the poll list.... <http://www.eac.gov//bp/docs/SEIMS%20Procedures.doc>

Recent Court Decision - Washington State Agrees to end “no match no register rule -
Not enclosed, download and read here:

http://www.ncvoter.net/downloads/Washington_State_Registration_Final_Decision.pdf

Project Vote’s Letter to NC SBOE urging end to “no match no register” rule -

http://www.ncvoter.net/downloads/Project_Vote_Mar07_letter_no_match_no_register.doc

Brennan Center Draft Bill - would end the “no match no register” rule -

http://www.ncvoter.net/downloads/Brennan_Ctr_Draft_Bill_Registration.doc

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