

Investigation into Certain Inaccuracies Within the Inactive Voter Lists Provided by Ohio Counties

Executive Summary

In response to concerns about the accuracy of voter registration data included in county inactive voter lists and provided to the Secretary of State for inclusion within the Registration Reset list, an investigation by the Secretary of State's Office produced the following findings:

- The voter registration system vendor ES&S DIMS failed to adequately support their contracted counties, leading to registrations being improperly placed on the Last Chance and Registration Reset lists.
- The Secretary's Office worked with ES&S to identify the specific problem with each county in order to provide the appropriate remedy.
- The Secretary's Office worked with ES&S and the impacted counties to determine how to identify the registrations impacted by the vendor's failure.
- The Secretary's Office directed each of the respective impacted counties to identify the appropriate status of registrants and not cancel any registrations which should not be properly cancelled on September 6, 2019.

Voter Registration System Overview

- Ohio is a bottom-up, decentralized voter registration state. This means that voter registration data and the processing of that data is maintained at the county level. The county chooses their voter registration vendor, contracts with them, and subsequently administers (i.e. codes or flags the voter registration data) the system at the county level.
- In Ohio, the 88 counties utilize one of four vendors who support the respective county's registration information: ES&S, DIMS (owned by ES&S), Triad or Sequoia.
- The Secretary of State's Office does not have access to the specific voter history data contained in the local county voter registration database.
- There is currently no certification process within Ohio law for voter registration systems.

Collection and Transmission of Voter Registration Data

County boards of elections use vendors to identify, collect and transmit the list of inactive voters as defined by the NCOA and Supplemental Processes and accompanying Directives. The vendor runs what is called a query, or formula, to identify registrations that qualify to receive a confirmation notice and then ultimately four years after the confirmation notice is sent a last chance notices. The vendor provides those lists of registrations identified by the query to the county boards of elections who provide that to a mail vendor to distribute confirmation notices and last chance notices. This year, Secretary LaRose required counties to submit the list of registrations that the county sent a last chance notice to the Secretary's Office to be included in the Registration Reset list.

Discovery of Problems with Voter Registration Data

Late on August 14, 2019, the Secretary of State's Office learned that All Voting is Local and others were having a press conference the next day. There was no correspondence prior to the press conference regarding concerns about the accuracy of the data. During that press conference, Mike Bricker claimed 4,000 registrations should not have been on the list in the first place because they were active voters. Our statement from our responsive press tele-conference remains the same: Mike Bricker's claim was not accurate then and is not today. In fact, as of the writing of this document, 12,496 registrations originally on the Registration Reset list have taken action since July 1 to remain active voters.

Upon receipt of data provided by the League of Women Voters, the Secretary of State's Office began an investigation into concerns about the accuracy of data. That review uncovered additional errors in some other counties. It quickly became apparent that each of the impacted counties utilizes DIMS as their vendor, and sparked an investigation into the situation. It is important to once again reinforce that ES&S is the parent company of DIMS.

Mistake in the Vendor's Query

The investigation uncovered how DIMS wrote their query to compile the voter registration data. The code required the following:

- (1) The voter must have been sent a confirmation card as a result of the Supplemental or NCOA process in 2015.
- (2) The voter must currently be in Confirmation status.
- (3) The voter must not have been removed from Confirmation status after the confirmation card was sent in 2015.

According to ES&S DIMS, the script is customized for each county based on the reason code used by the county and the dates of the activity in 2015.

Upon review of the script, it did not contain the correct criteria to determine if a voter engaged in voter-initiated activity or voted in an election. **This was the factor that led to the vast majority of inaccuracies in the data.**

In the below county breakdown, this issue is identified as Situation A. Boards of Elections have been directed by Secretary LaRose to not cancel any registrations impacted by Situation A pursuant to the 2015 NCOA and Supplemental Processes.

Problem with the Delivery of Data for 254 Registrants

During the course of the investigation, it was also discovered that 254 registrants were properly identified as being inactive, but due to improper data transmission by the DIMS system, were listed as active on the state registration database. The impacted registrations will not be cancelled pursuant to the 2015 NCOA and Supplemental Processes because it is possible that these registrations may have looked at the Statewide Voter Registration Database to determine their voter registration status.

In the below county breakdown, this issue is identified as Situation B.

DIMS County-by-County Issues:

1. Mercer
 - a. The initial file submitted to the Secretary of State's Office contained records that were not actually included in the last chance notice mailing. The county, after supplying the office with the original file, made a correction to its file but never provided to the Secretary of State's Office an updated file. The county only provided an updated file after the Secretary of State's Office noticed a discrepancy in the number of records reported versus the number of mail pieces mailed.
 - b. One voter was on the list provided by Mercer County who had voter history on their record. The history, however, was carried over from Athens County. After researching this issue, it appears that the voter history from Athens County merged to the voter's Mercer County record in error. The voter was placed in a confirmation status properly in 2015 and did not engage in voter-initiated activity or vote after being placed in confirmation status.
 - c. Situation B
2. Huron
 - a. The county provided two separate files to the Secretary of State contrary to the instructions provided. The original Registration Reset List did not include all of the records supplied by the county. The list was updated on August 2, 2019 after the issue was detected.
 - b. One voter had duplicate records that had inconsistent status; there is no action needed for this voter as the duplicate record was corrected and she is in active status.
3. Henry
 - a. The county provided two separate files contrary to the instructions provided. The original Registration Reset List did not include all of the records supplied by the county. The list was updated on August 2, 2019 after the issue was detected.
 - b. A computer hardware event affected the Henry County Board of Elections on October 31, 2016. The Board and ES&S were unable to rebuild voter history for the 2016 Primary Election.
4. Crawford
 - a. Situation A
 - b. Situation B
5. Clermont
 - a. Situation A
 - b. Situation B
6. Fairfield
 - a. Situation A
 - b. It was also discovered that voters in Fairfield County were never placed in confirmation status in 2015 and therefore were improperly designated in their county voter registration database.
 - c. Situation B
 - d. One voter moved to and registered in another county but was never merged to the other county. The voter, upon moving back to Fairfield County, was entered in as

a new voter. After the voter voted in November 2016, the county realized there was a duplicate record but added the voter history to the older record. Because of this error, the voter was incorrectly identified as being subject to cancellation and will not be cancelled.

7. Wayne

a. Situation A

b. Situation B

c. One voter was mailed a confirmation notice in 2015 in Wayne County. The voter moved to Holmes County, changed their last name, and voted in Holmes County in 2017 and 2018. The voting history was from Holmes County. The voting history from Holmes County was recognized by the system, but the voter did not have voting activity in Wayne County in the relevant time period. Wayne County did not merge the voter record to Holmes County potentially because of the name change. They registered to vote on August 23, 2019 in Wayne County. This voter will not be cancelled and should not have been on the list.

8. Cuyahoga

a. Situation B

9. Hancock

a. Situation B

10. Trumbull

a. Situation B

b. One voter voted a provisional ballot but did not sign envelope. The county gave the voter voting credit. This voter will not be cancelled and should not have been on the list.

11. Stark

a. Two registrations were impacted by human error: (1) the status was not updated when voter history was given and (2) the voter was manually given voter history without status update. These voters will not be cancelled.

12. Butler

a. Two registrations were incorrectly placed on the Registration Reset List by the board. Both voters cast a provisional ballot in 2016 (invalid-wrong polling location). Both registrations will not be cancelled.

Secretary LaRose has directed the above-mentioned counties not to cancel any registration impacted by the issues identified above.

Morrow, Wood, Richland are DIMS counties but were not found to have any issues.

Non-DIMS county: Franklin

Franklin County Board of Elections made the policy decision to include signing a petition as voter activity for purposes of the General Voter Records Maintenance in 2016. They retroactively applied this policy decision to voters included in the 2015 General Voter Records Maintenance.

Voter Registration by the Numbers

- In 2015, 1,755,447 registrations received confirmation notices under both the NCOA and Supplemental processes. 86.6% of those registrations took action between that time and 2019.
- In 2019, 234,879 registrations were identified as having no activity since the confirmation notice were sent in 2015.
- Since July 1, 2019, and as of the morning of September 6, 2019, 12,496 of those 234,879 have taken action to activate their registration. The number of active registrations is subject to change.
- A list of cancelled registrations pursuant to the 2015 NCOA and Supplemental Processes are due to the Secretary of State's office by Friday, September 13, 2019.

Reviews Conducted by Other Vendors

Following the discovery of the issue with ES&S/DIMS, the Ohio Secretary of State's Office contacted the other three voter registration vendors, as well as counties who process their voter registration data without the support of vendors. Each vendor was asked to conduct a review of their processes and confirm the accuracy of the data in their respective counties. Each affirmed in the positive.

Conclusion

The clear cause of the vast majority of improperly submitted voter registration data was a mistake made by ES&S/DIMS in formulating the query for certain counties that utilize their product. These and other smaller issues were addressed and have been rectified in a directive issued on September 6, 2019.