VOTER REGISTRATION IN A DIGITAL AGE: WASHINGTON

BACKGROUND

The Washington State Legislature authorized online voter registration in April 2007, and officials at the Department of Licensing (DOL) decided to implement a fully paperless system for collecting and forwarding voter registrations at the same time.[1] The state began accepting both online and automated DOL registrations in January 2008.[2]

This state-level work was straightforward; county-level work—enabling local election offices to receive these registrations via direct data transfers—slightly less so. All states have been required to develop a statewide voter registration database system, and most created a single, top-down system for both state and county election officials at the same time. But Washington's counties developed registration management systems before the state did, and employed different vendors to do so.[3]

The result is that, in order to facilitate state-to-county data transfers, Washington had to further expand connectivity between the state's voter registration system and four different systems developed for its counties. This work was still underway when the state began accepting paperless registrations in January 2008. In the interim, the Secretary of State's office printed and mailed these registrations to the counties. By November 2008 all but eight counties had begun receiving registration data electronically.[4]

Washington spent approximately $170,000 on state-level implementation work, and $109,000 among its counties.[5] The DOL incurred some separate costs not included in this total, but according to DOL IT Specialist Michael Bethany, these were minimal.[6] Election Information Services Manager David Motz has estimated that server maintenance and electricity for the online system cost approximately $22,000 annually.[7]

OUTCOMES

Voter Registration

DOL registrations have increased dramatically in the past two years. From 95,000 in 2004 and 103,000 in 2007, their number grew to 178,000 in 2008 and 205,000 in 2009.[8] In relative terms, the DOL accounted for approximately 15 percent of all registrations recorded by the Secretary of State's office in 2004 compared to about 27 percent in 2008.[9] In 2009 this proportion rose to 70 percent.[10] Voters were also quick to embrace online registration, submitting over 200,000 online transactions in 2008. The online system's first off-election year brought lower usage, with only 35,000 transactions recorded in 2009.[11]

Whether these innovations have attracted new voters is unclear. Total registration among voting-age citizens in Washington was 66.8 percent in 2008, slightly down from 67.6 percent in 2004.[12] Registration also declined among the 18-24 year-old age group, a group that accounted for nearly one of every three online registration transactions in 2008.[13] The growth in online and motor vehicle

registration may have offset further decline, but to what extent remains a matter of conjecture until more time has passed and further data are available.

Efficiency

Paperless registration saved over $126,000 for the Secretary of State's office in 2008, minus the one-time cost of mailing electronic registrations to unconnected counties.[14] The effect has been even greater at the county level. Officials in Pierce County estimate that they can process an electronic registration in half the time required for a paper form, or less. They also report that electronic registrations are less error-prone than paper, requiring less follow-up work with voters.[15] A recent survey of four Washington counties (one for each of the four county database systems used in the state) has further determined that they save "anywhere from $.50 to $2.00" on each registration they receive electronically.[16]

Other benefits have been more widely enjoyed. DOL officials estimate their employees save 30 seconds per registration over the old approach, while offices save on the costs printing and processing paper.[17] DOL IT Specialist Michael Bethany also reports that his office received a large amount of positive feedback from employees and visitors alike when it first introduced the new system.[18] And Election Information Services Manager David Motz has estimated that, assuming people who submitted online transactions would otherwise send mail-in forms, the online portal saved voters nearly $90,000 in postage in 2008.[19]

Track Record & Future Plans

Washington accepts in-county address changes through an application separate from its main online portal, as further described below. This application was unavailable for eight weeks from May to July 2008: according to Voting System Specialist Patty Murphy, officials were making updates that destabilized the program, and could not immediately address the issue because of other priorities.[20] State officials reported no other notable problems.[21]

There are currently no major plans to modify or expand the paperless registration in Washington, although a few minor updates to the online portal are planned to enhance usability. These include adding a field where users can provide information about previous registrations, in order to assist county officials in identifying duplicates and eliminating outdated registrations.[22]

HOW PAPERLESS REGISTRATION WORKS IN WASHINGTON

Motor Vehicle Registration

1. For Visitors

Individuals do business with the DOL through an interview process, during which the interviewer asks, "Do you want to register to vote or transfer your voter registration?"[23] If the visitor answers affirmatively, the interviewer asks if she is a U.S. citizen who is or will be at least 18 years of age before the next election. If she is obtaining a new document from DOL, rather than simply changing her address, he also provides the visitor a complete list of eligibility requirements to review.[24] The DOL interview resumes once the visitor has affirmed her eligibility to register.[25]

As in Arizona, paper forms are still available in the waiting area to ensure that visitors have the opportunity to register regardless of whether they interact with DOL employees, though employees no longer accept and mail completed forms.[26] In December 2009 the DOL also introduced an online change-of-address service that Washington residents can access from their homes, and which, at the user's request, will forward address updates to election officials.[27]

The DOL has electronically sent registration data to the Secretary of State's office since the 1990s, but with the purpose of complementing the use of paper forms.[28] Until 2008 the DOL collected signed registration forms from visitors and mailed them to the office of the Secretary of State, which would then forward them to the appropriate county offices.[29] The forms themselves were supplied to the DOL by the Secretary of State's office until 2006, when DOL began printing pre-populated registration forms on site.[30]

2. For Motor Vehicle and Election Officials

DOL employees conduct interviews using a computer program which prompts them to ask visitors if they would like to register to vote. If visitors answer affirmatively, and if they affirm their eligibility to register, employees mark their records for voter registration. The DOL system automatically collects registration data and digitized signatures from these records and posts them to a storage area network that night.[31]

The statewide voter registration system then retrieves and forwards applications to the local election office in the county of residence listed in each application.[32] Because an individual's county of residence is self-reported and not always correct, the state system compares the county and zip code in each DOL registration. When a mismatch appears in a new registration, the system automatically redirects it based on the zip code; with address changes, it generates a list of corrections that state election officials use to compile a report for each county.[33]

County officials verify an application's address, assign a precinct, and check for in-county duplicates. If everything is in order, they accept the registration.[34] The statewide voter registration system then automatically searches for duplicates statewide and performs a verification check against DOL records.[35]

Online Registration

1. For Users

Only state residents with a valid driver's license or non-driver's identification card can access Washington's online registration system. They submit new registrations through the main online portal, while registered voters submit address updates through a separate voter services site. Voters can only update an existing registration if they move within a county; if they move between counties, they must submit a new registration.

a. New Registrations

To submit an online voter registration, a user navigates to an introductory page on the Secretary of State's website, selects her language (English, Spanish, or Chinese), and begins.[36] She first clicks boxes to verify that she is a voting-age U.S. citizen and Washington resident, then proceeds to enter

her name, date of birth, zip code, and driver's license or identification card number. She is also presented with a CAPTCHA test, a distorted image of a series of letter or numbers that a user must decipher and copy, and which is employed to distinguish human users from automated programs.[37]

The online system authenticates the user's personal information in real time by attempting to pair it with a record in the DOL database that exactly matches it.[38] If it cannot establish a match, the system reloads the data entry page with a red box that reads: "Error Summary: Driver's license or ID card number, name and birth date do not match. Please enter this information exactly as it appears on your driver's license or ID card." The user is free to re-submit her information, although she will have to respond to a new CAPTCHA test each time she does so.[39]

The online system also searches the statewide voter registration database. If it finds an existing registration for the user, it displays this message: "You may already be registered to vote in Washington State. If you want to check your current registration status, please visit our MyVote page by clicking the Check MyVote button below. If you are moving from one county to another county within Washington State, please click on the Ignore Warning button below and proceed with this Online Voter Registration process. If you do not want to continue with this process, please click on the Close Window button."[40]

Once the online system establishes a match with DOL, the user can advance to a page in which she must enter her residential address, county, and gender; she may also choose to provide an alternate mailing address, a request for mail-in ballots, and other information.[41] On the same page she reads a declaration that states, "By submitting this document, I hereby assert, under penalty of perjury, that I am legally eligible to vote," and clicks boxes authorizing the use of her DOL signature and affirming the truthfulness of the information she has entered. The user then proceeds to a final page where she reviews and submits her information.[42]

b. Address Changes

The Secretary of State maintains a site called MyVote which voters may use to submit in-county address updates. The site also provides voters with information about elected officials, upcoming elections, and voter services in their localities.[43] A voter accesses MyVote by submitting her date of birth and first and last name. Once logged in, she may click a button labeled "change my address." A separate screen then opens, where the user must first enter her driver's license or state identification card number before proceeding to submit her new address.[44]

2. For Election Officials

After a user submits her registration, the online system retrieves the digitized signature from her DOL record to complete the application and posts it to the same storage area network where DOL registrations are held. Every night these applications are then collected, forwarded, and processed in the same way described above for DOL registrations.[45]

ENDNOTES

[1] Telephone Interview with Michael Bethany, Info. Tech. Specialist, Wash. Dep't of Licensing (Dec. 23, 2009) [hereinafter Michael Bethany]. According to Mr. Bethany, officials at DOL saw the move as a logical step forward, and one that would eliminate several minor but recurring problems such as the occasional failure of DOL offices to forward registrations in a timely manner. *Id. See also* 2007 Wash. Sess. Laws Ch. 157 (H.B. 1528), creating WASH. REV. CODE ANN. § 29A.08.123.

[2] As noted below, the DOL began to send raw data for all voter registrations to the Secretary of State's office in 1990s. But prior to 2008 it did not include digitized signatures, and data were not automatically forwarded to county officials. *See* text accompanying note 29.

[3] Telephone Interview with David Motz, Election Info. Services Manager, Wash. Sec'y of State (Nov. 17, 2009) [hereinafter David Motz Nov. 17]; Telephone interview with Katie Blinn. Ass't Dir. of Elections; Randy Newton, Voter Registr. Database Support & Patty Murphy, Voting Systems Specialist, Wash. Sec'y of State (Dec. 29, 2009) [hereinafter Katie Blinn et al.].

[4] Counties began accepting data transfers in February, and the number connected increased gradually over the course of the year. All counties are now connected, though a group of eleven counties was unconnected through part of 2009 and early 2010 because they decided to completely redevelop their database systems. David Motz Nov. 17, *supra* note 3; E-mail from Patty Murphy, Voting Systems Specialist, Wash. Sec'y of State (Feb. 1, 2010); Telephone Interview with Patty Murphy & Randy Newton, Voter Registr. Database Support, Wash. Sec'y of State (Feb. 18, 2010) [hereinafter Patty Murphy & Randy Newton].

[5] OFFICE OF THE WASH. SEC'Y OF STATE, WASHINGTON STATE ONLINE VOTER REGISTRATION 8 (Oct. 2009) (on file with the Brennan Center) [hereinafter WASH. OVERVIEW]. A slightly older version of this overview is available at: http://nass.org/index2.php?option=com_docman&task=doc_view&gid=632&Itemid=99999999.

[6] Michael Bethany, *supra* note 1.

[7] E-mail from David Motz, Election Info. Services Manager, Wash. Sec'y of State (Oct. 16, 2009) [hereinafter David Motz Oct. 16].

[8] WASH. SEC'Y OF STATE, WASH. VOTER REGISTRATION STATISTICS (2004, 2007-09) (on file with the Brennan Center) [hereinafter WASH. VOTER REGISTRATION STATISTICS]. These figures were collected by the Secretary of State's office, which until 2008 directly processed every registration form collected by the DOL, and whose address was pre-printed on all mail-in forms until late 2009. Consequently the office was able to maintain its own tallies accounting for nearly every voter registration transaction in the state, with the exception of in-person registrations and forms submitted directly to county offices by organizations conducting registration drives. E-mails from David Motz, Election Info. Services Manager, Wash. Sec'y of State (Nov. 10 & Nov. 30, 2009); David Motz Oct. 16, *supra* note 7. Figures are missing for two weeks in 2004, and may also be slightly understated for 2008 owing to some transitional complications in tallying numbers for the new systems. Because the state tracks these numbers on a weekly basis, a given yearly total may gain or lose a few days in January and December: for example, Week 1 of 2009 begins on January 5, while the 2008 totals begin with December 31, 2007 and end with January 2, 2009.

[9] WASH. VOTER REGISTRATION STATISTICS, *supra* note 8. As noted above, these totals generally do not include registrations submitted by organizations directly to county election offices, or made there in person by individuals.

[10] *Id.*

[11] *Id.*

[12] U.S. CENSUS BUREAU, REPORTED VOTING AND REGISTRATION OF THE CITIZEN VOTING-AGE POPULATION, FOR STATES: NOVEMBER 2004, *available at* http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2004/tables.html, Table 4b; U.S. CENSUS BUREAU, REPORTED VOTING AND REGISTRATION OF THE CITIZEN VOTING-AGE POPULATION, FOR STATES: NOVEMBER 2008, *available at* http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2008/tables.html, Table 4c.

[13] 58.5 percent of 18-24 year-old citizens were registered to vote in 2004, compared to 54.1 percent in 2008. *Id.* In the latter year 18-24 year olds accounted for 32.6 percent of online transactions made July 5-19, and 30.7 percent of those made Sept. 27-Oct. 4. WASH. OVERVIEW, *supra* note 5, at 6.

[14] David Motz Oct. 16, *supra* note 7. $126,000 is the amount it would have cost the office to process and mail the paperless registrations the state received in 2008, assuming they would otherwise have arrived as mail-in forms and paper-based DOL registrations.

[15] As in Maricopa County, Arizona, officials in Pierce County, Washington, have found that defects in electronic registrations are limited to minor address discrepancies and oversights, which they estimate to be about equally common in paper applications. Telephone Interview with Michael Rooney, Elections Supervisor & Dave Heinemann, Elections Clerk, Pierce County Auditor's Office (Jan. 8, 2010) [hereinafter Michael Rooney & Dave Heinemann].

[16] MATT A. BARRETO ET AL., ONLINE VOTER REGISTRATION (OLVR) SYSTEMS IN ARIZONA AND WASHINGTON: EVALUATING USAGE, PUBLIC CONFIDENCE AND IMPLEMENTATION PROCESSES 122, 138-9 (Apr. 2010), *available at* http://www.pewcenteronthestates.org/uploadedFiles/wwwpewcenteronthestatesorg/Initiatives/MVW/online_voter_reg.pdf?n=2908. The authors note that "[v]ariation in staffing and wages contribute to variation in the average pay associated with processing registrations." *Id.* at 139.

[17] Michael Bethany, *supra* note 1. Postage, however, was paid by the Secretary of State's office. David Motz Oct. 16, *supra* note 7.

[18] Michael Bethany, *supra* note 1.

[19] David Motz Oct. 16, *supra* note 7; E-mail from David Motz, Election Info. Services Manager, Wash. Sec'y of State (Oct. 20, 2009).

[20] E-mails from Patty Murphy, Voting Systems Specialist, Wash. Sec'y of State (Jan. 8 & Feb. 1, 2010).

[21] *Id.*; David Motz Nov. 17, *supra* note 3. Aside from the MyVote outage noted above, officials noted only a few minor anomalies. For example, one day in early September 2008, users started reporting that they were receiving error messages from the online portal—a problem that disappeared after officials restarted one of their

servers. The online portal was also down for a few hours one morning in October 2009, when motor vehicle officials neglected to reestablish their connection to the voter registration system after disabling their servers over the weekend for routine maintenance. They had reestablished the connection, and the portal was again active, by noon. Patty Murphy Jan. 8, *supra* note 20.

[22] David Motz Nov. 17, *supra* note 3.

[23] WASH. DEP'T OF LICENSING, LICENSING SERVICE REPRESENTATIVES MANUAL § 6.25(II) (on file with the Brennan Center).

[24] Michael Bethany, *supra* note 1. The employee will read the declaration aloud if necessary. It specifically lays out the requirements of a) citizenship, b) age, c) state residency, and d) that a person not be presently denied her civil rights due to a felony conviction. WASH. DEP'T OF LICENSING, LICENSING SERVICE REPRESENTATIVES MANUAL § 6.25(I) (on file with the Brennan Center).

[25] There is no statement of party affiliation because Washington does not track this. Michael Bethany, *supra* note 1.

[26] E-mail from David Motz, Election Info. Services Manager, Wash. Sec'y of State (Nov. 10, 2009); WASH. DEP'T OF LICENSING, LICENSING SERVICE REPRESENTATIVES MANUAL § 6.25(II)(H) (on file with the Brennan Center).

[27] E-mail from Michael Bethany, Info. Tech. Specialist, Wash. Dep't of Licensing (Feb. 18, 2010).

[28] Applicants were not required to fill in information they had already provided for their DOL application— such as name, date of birth, and address. Instead they could simply sign the form, and the Secretary of State's office would later print and attach labels with the missing information, using the information they received from the DOL. E-mail from Patty Murphy, Voting Systems Specialist, Wash. Sec'y of State (May 6, 2010).

[29] Michael Bethany, *supra* note 1; Patty Murphy Jan. 8, *supra* note 20.

[30] *Id.*

[31] David Motz Nov. 17, *supra* note 3; Patty Murphy Jan. 8, *supra* note 20; WASH. DEP'T OF LICENSING, LICENSING SERVICE REPRESENTATIVES MANUAL § 6.25(II)(B)(3) (on file with the Brennan Center).

[32] Michael Bethany, *supra* note 1.

[33] E-mails from Patty Murphy, Voting Systems Specialist, Wash. Sec'y of State (Feb. 1 & Feb. 12, 2010).

[34] Katie Blinn et al.*, supra* note 3; Michael Rooney & Dave Heinemann, *supra* note 15.

[35] Katie Blinn et al., *supra* note 3. Some counties have automated the precinct-assignment process, while others have not. *Id.* Duplicate searches only flag exact matches at present, but in the future will be adjusted to recognize common associations (i.e. Bob for Robert). Patty Murphy Jan. 8, *supra* note 20.

[36] Wash. Sec'y of State, Online Voter Registration, https://wei.secstate.wa.gov/osos/secure/Pages/OnlineVoterRegistration.aspx.

[37] Screenshots provided by Patty Murphy, Voting Systems Specialist, Wash. Sec'y of State (Jan. 11, 2010) [hereinafter OLVR Screenshots].

[38] *Id.*; David Motz Nov. 17, *supra* note 3.

[39] OLVR Screenshots, *supra* note 37. The portal will also immediately display the following message if the user enters a card number that does not follow the sequence of letters and numbers used by DOL: "Driver license number or ID card number format is incorrect. Please re-enter the number exactly as it appears on your driver's license or ID card." *Id.*

[40] *Id.*

[41] *Id.* Other optional fields exist for phone number, e-mail address, and military status. In order to assist county officials with processing duplicates and identifying outdated registrations, state officials are planning to add fields where users can indicate their previous address and county of registration. David Motz Nov. 17, *supra* note 3.

[42] OLVR Screenshots, *supra* note 37.

[43] Office of the Wash. Sec'y of State, MyVote, http://wei.secstate.wa.gov/osos/VoterVault/Pages/MyVote.aspx (last visited by Washington Resident A, Nov. 19, 2009).

[44] *Id.*

[45] There is one slight difference: the state system will not compare the zip code and county listed in an online transaction, as it will for DOL registrations, since the portal itself ensures that these fields match when a user enters her address information. E-mail from Patty Murphy, Voting Systems Specialist, Wash. Sec'y of State (Feb. 12, 2010).