BRENNAN CENTER FOR JUSTICE

AUTOMATIC REGISTRATION IN THE UNITED STATES: THE SELECTIVE SERVICE EXAMPLE

Laura Seago

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ABOUT THE AUTHOR

Laura Seago is a Research Associate in the Brennan Center's Democracy Program, working in the areas of voting rights and government accountability. In this capacity, Ms. Seago co-authored *Is America Ready to Vote? State Preparations for Voting Machine Problems* in 2008 and *Still Broken: New York State Legislative Reform 2008 Update*. Ms. Seago graduated from the University of Chicago with honors in 2007, and spent two years as the Development Director of an immigrant rights agency in Chicago. While conducting research on the governance of international trade, Ms. Seago also worked for the Federación de Cooperativas Agrícolas de Productores de Café de Guatemala (FEDECOCAGUA).

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INTRODUCTION

For decades, federal law required men to register with the Selective Service when they turn 18 and to keep their registrations current through the age of 25. Enforceable law helped encourage registration; so did the agency's efforts to make registration materials available in post offices, schools, and other public places.

Recently, however, the Selective Service System has taken a more pro-active role in registration and has deployed a range of technological resources that make registration easier and more efficient. Automatic registration programs and data-sharing arrangements with other government agencies including state departments of motor vehicles, Education, and the Department of Labor's Job Corps Program— significantly help the Selective Service to register members of the target population and to keep registrations current.

The Selective Service maintains records for about 16.5 million individuals in its target population--or about 95 percent of the approximately 17 million males between 18 and 25 living in the United States. It also reports that technological resources have significantly reduced the costs involved in building and maintaining registration lists.

This report explains how technology helps the Selective Service and partner agencies register and maintain current records on the majority of the agency's target population—with little or no effort on the part of registrants themselves.

We gathered the information in this report primarily from information the Selective Service reported to Congress and from interviews with Selective Service officials. The Brennan Center makes no claims about the quality of the Selective Service's files—there has been no independent audit of the Selective Service since 1982; however, available evidence suggests that the automatic registration methods described in this report enhance the effectiveness and efficiency of Selective Service registration.

The Selective Service's technologically advanced registration system may provide a useful model for those who would like to modernize our voter registration system. The Selective Service's experience shows that automatic voter registration is feasible. It also shows that the government agencies that could help expand and improve our voter rolls already have the necessary infrastructure, technology, and experience to do so.

It is not surprising that the Selective Service has deployed technology and other resources to identify and automatically register young men for the draft; the government has an obvious, central interest in its ability to mobilize an expanded military in time of crisis. The ability to participate in the electoral process is surely just as central to democracy. It is disconcerting that the government has not availed itself of the same technology and commitment to improve our voter registration system. The government has shown it can effectively and automatically register eligible men for the draft. It should now use the same tools to automatically register eligible citizens to vote.

I. ABOUT THE SELECTIVE SERVICE

The Selective Service System (the 'Selective Service') is an independent federal agency with its own leadership and budget, separate from the Department of Defense and its subsidiary branches of the military. The agency's mission is to oversee the execution of the Military Selective Service Act, a law that requires virtually all citizen and noncitizen males in the United States to register with the Selective Service when they turn 18 and to keep their information current with the agency until they turn 26 so that the Selective Service can effectively administer conscription in the event of a military draft. Historically, young men have fulfilled this obligation by filling out registration forms at post offices, schools, and more recently, on the Internet.

Law requires all men between the ages of 18 and 25 to register for the Selective Service, except for current patients of hospitals or mental institutions, the imprisoned, disabled men who cannot reasonably leave their homes or move about independently, students at military academies, holders of non-immigrant United States visas, and men who were born as biological females. Men who are not required to register due to a temporary condition must register immediately if a change in circumstances causing them to become eligible for registration, such as release from prison, occurs when they are between the ages of 18 and 25. Though they would be exempt from conscription in the event of a draft, conscientious objectors, members of the clergy, and men with disabilities that would make them ineligible for military service must register.

The Selective Service facilitates registration through public outreach, a volunteer registrar program with representatives in most high schools, and partnerships with government agencies. The aim of these efforts is twofold: both to receive information on registration-age males for the purposes of automatic registration, and to coordinate outreach to remind non-registrants of their responsibility under the law.

With the advent of recent data sharing technology, the Selective Service no longer relies solely on individuals to accomplish its mission of building a list of all registration-eligible men. For more than a decade, the Selective Service has assumed the responsibility of actively registering men between the ages of 18 and 25, using a combination of automatic registration and data collection techniques. The Selective Service partners with other government agencies such as state departments of motor vehicles and the Department of Education to automatically register the majority of its constituents and to collect data on others so that it can reach out to them and remind them of their responsibility under the law.

In fiscal year 2008, less than 30 percent of Selective Service registrations were applicant-initiated, and the vast majority of those who registered did so online through the Selective Service website.² The Selective Service and its government partner agencies initiated 72 percent of registrations, automatically registering 62 percent of registrants during transactions with other government agencies and sending reminder or compliance mailings to the remaining 10 percent, whose information the Selective Service gathered through data sharing with many of the same agencies that participate in automatic registration.³

A. About the Database

The Selective Service's data system is currently hosted on an IBM mainframe computer, though the agency is currently upgrading its system and moving all data onto a more modern server. ⁴ The Selective Service Data System includes several database files designed to track and process registrants, former registrants, suspected non-registrants, and system personnel. The Selective Service maintains these files at its headquarters in Arlington, Virginia, and at its Data Management Center in Great Lakes, Illinois, where the agency stores files that would be used in the event of a military mobilization.

The Selective Service maintains two files, both housed at the Data Management Center, that contain information about registration-age men. The first, the Registrant Information Bank (the 'registrant file'), contains information on all men who registered after 1979, including currently active registrants. Men are added to this list through their own independent registration or through automatic registration. The second relevant list is the Suspected Violator Inventory System (the 'suspected non-registrant file'), which contains information on all males between 18 and 25 whose information the Selective Service has received through data sharing as described below and who do not appear in the registrant file.

According to 2008 agency estimates, the Selective Service had over 15 million individuals in its registrant file and an additional 1.5 million individuals in suspected non-registrant file.⁵ Taken together, these estimates cover over 95 percent of the population of males aged 18 to 25 in the United States. 6 Given that a relatively small but nonzero number of males in this age group are not required to register for the Selective Service, the agency's data coverage of its actual target population may be higher.

The Selective Service collects and maintains only basic information about registrants and nonregistrants. Each entry in the registrant file contains a full name, date of birth, street address, city, state, zip code, and social security number.8 Each entry in the non-registrant file contains as much of this information as is available about each suspected non-registrant.9

II. BUILDING THE LIST

The Selective Service receives nearly three quarters of its information on registration-age men from other government agencies. State departments of motor vehicles, the Department of Labor's Job Corps Program, the Department of Education's federal student aid office, the Department of State, the United States Citizenship and Immigration Services, the Department of Defense, and the Alaska Permanent Fund all send information on registration-age men to the Selective Service. 10 Depending on the Selective Service's information sharing agreement with each agency, it either adds the information it receives from other government agencies directly to its registrant file or it adds records that do not match the registrant file to its list of suspected non-registrants.

The registrant file is built by individual registrants who send their information to the Selective Service by mail, telephone, or Internet; and by automatic registration through data sharing with other government agencies. Through this last registration method, government agencies forward information on registration-age men to the Selective Service through a software program, an electronic network, or on hard media like a CD-ROM. This data is either automatically integrated into the Selective Service database as a part of the automatic registration transaction, or the Selective Service receives registrant information in a data file and initiates an automated process to upload this information to the registrant file. Approximately 62 percent of individuals added to the registrant file in 2008 were added through automatic registration.¹¹

In 2008, more than 60 percent of Selective Service-eligible men were automatically registered when they interacted with other government agencies. 12 With the exception of a few systems in which a registrant must check a box on a government form to indicate that he wishes to register with the Selective Service, 13 this type of registration requires no action on the part of the registrant. Participating government agencies include language on applicable forms that indicates that submitting a form implies consent to have one's name forwarded to the Selective Service. These agencies send information directly to the Selective Service for incorporation into the registrant file.

The Selective Service builds its non-registrant file through data sharing with other government agencies. As with automatic registration, agencies that have data sharing agreements with the Selective Service transfer information on registration-age men to the Selective Service in an electronic format. The difference between this kind of data sharing and that used in building the registrant file lies in what happens once the Selective Service receives the information. Rather than automatically add shared data to its active registrant file, the Selective Service compares the information it gathers from these agencies to the registrant file. If an individual's information matches a record already in the registrant file, the Selective Service destroys the incoming information.¹⁴ If the incoming information does not match any records in the registrant file, the Selective Service creates a new record in the suspected non-registrant file. 15 Approximately 96 percent of records in the suspected non-registrant file are the result of data sharing. 16 The Selective Service uses information in this file to contact individuals to remind them of their obligation to register; outreach to individuals on the list of suspected non-registrants contributed to 10.5 percent of Selective Service registrations in 2008.¹⁷

A. How Agencies Share Information

The methods that government agencies use to share information with the Selective Service are almost as diverse as the source agencies themselves. Whether the agencies use software, hard media, file transfer protocols, or another method depends on the architecture of the source database, institutional policies, and whether the agency is sharing the information for the purpose of automatic registration or data sharing to identify non-registrants.

1. Automatic Registration Software

The most common form of automatic registration, comprising two thirds of automatic registrations and 40 percent of total annual registrations, 18 relates to driver licensing. Thirty-seven states and the District of Columbia have automatic registration laws that require the department of motor vehicles to automatically register all men between the ages of 18 and 25 who apply for a driver's license, learner's permit, or non-driver's ID. 19 In a small number of states, men have the freedom to choose whether or not they are automatically registered; their information will not be sent to the Selective Service unless they check a box indicating their consent.²⁰ Because all states now collect social security numbers in addition to gender, date of birth, and address information from driver's license applicants, 21 state departments of motor vehicles are able to provide the Selective Service with complete registration information during the course of regular licensing transactions.

All states with automatic registration laws use a software program developed by the American Association of Motor Vehicle Administrators (AAMVA) called the Selective Service Registration Application, which automatically sends data on eligible men from the state department of motor vehicles to the Selective Service.²² The software sends information from the department of motor vehicles' driver's license database to a 'translator' software application installed on the department of motor vehicles' server called the Unified Network Interface, which edits driver's licensing data to the data elements used in Selective Service Registration and puts the information in the proper format for transmission.²³ The formatted information then travels to AAMVA's central server, which, in turn, sends the information to the Selective Service. 24 The Selective Service has Unified Network Interface software installed on its own system, which translates the information into the proper format for incorporation into its registrant file.²⁵

AAMVA's software operates continuously without the intervention of a human monitor or operator. The software automatically registers individuals who are not in the Selective Service registrant file; if an individual is already in the database, the system automatically updates his address information if it has changed.²⁶ After this automatic transaction, the AAMVA software returns either a confirmation message or an error message to the department of motor vehicles.²⁷ The software is a part of AAMVA's data sharing system and is provided at no extra cost to participating states. 28

2. Data Transfer Through Leased Lines

The Department of Education, which has a direct datalink with the Selective Service database for the purpose of verifying the registration status of applicants for federal financial aid, participates in both automatic registration and data sharing. Everyone who submits a Free Application for Federal Student Aid (FAFSA) is entered into the Department of Education's Central Processing System, which automatically sends information on all males between 18 and 25 to the Selective Service's registrant database.²⁹

On the FAFSA, a field on the first page of the form says, "Most male students must register with Selective Service to get federal aid. If you are male, age 18-25, and have NOT registered, select 'Register me." The form includes a corresponding box where students may indicate their desire to be registered. Individuals who check this box are automatically incorporated into the Selective Service's registrant file. Information on individuals who do not check the 'register me' box is compared to the registrant database, and the Selective Service's data system sends information about the applicant's registration status back to the Department of Education. When an individual is not found on the Selective Service's registrant database, the system automatically generates a new entry in the suspected non-registrant file.

The Department of Education's Central Processing System and the Selective Service exchange information through leased lines, which are essentially private, dedicated long-distance telephone lines through which users can transmit data to one another. The Selective Service database automatically transmits information about the student's registration status back to the Department of Education.³²

3. Secure File Transfer

The Selective Service receives information from Departments of motor vehicles in "almost every state and territory" that does not have an automatic registration law. ³³ For example, in Nebraska, state law requires the Department of Motor Vehicles to provide the Selective Service with the name, address, date of birth, and social security number of all males between the ages of 17 and 26 in the department database. ³⁴ Twice a year, the Department of Motor Vehicles sends all records on registration-age men to the Selective Service electronically through a secure file transfer protocol. ³⁵ The Department of Motor Vehicles uploads all data files for men between the ages of 17 and 26 to a secure server maintained by the Selective Service, and the Selective Service downloads the files from the server and integrates them with its current database. The Selective Service bears the cost of this transaction. ³⁶ Unlike its practices with states that have automatic registration laws (described above), the Selective Service matches the information it receives from states that send information through a file transfer protocol against its registrant database and enters the non-matched records into its suspected non-registrant file.

The Department of Defense also uses a secure, private connection to transmit information about all active duty and reserve personnel to the Selective Service. Unlike data sharing between the Selective Service and state Departments of motor vehicles that use file transfer protocols, the Selective Service automatically registers men whose information it receives from the Department of Defense.

Department of Defense guidelines require a certified private network between the Department and any other agency with which it exchanges information, including the Selective Service.³⁷ The Department of Defense sends information from its U.S. Military Processing Command Integrated Resource System to the Selective Service through a private Department of Defense network called the Recruiting Services Network.³⁸

Finally, the Department of Labor's Job Corps Program also uses a secure, electronic file transfer to send data on all registration-age Job Corps participants to the Selective Service. Rather than establishing a dedicated network, the Job Corps secures the data file itself through encryption and password protection.³⁹ The Selective Service automatically registers men whose information it receives from the Department of Labor. 40

4. Data Exchange Using Hard Media

Once a month, the United States Citizenship and Immigration Services (USCIS) loads information on all Selective Service-eligible applicants and petitioners for immigration benefits from the Department of Homeland Security's Computer Linked Application Information Management System (CLAIMS) onto a CD-ROM, which it sends to the Selective Service. 41 There is no direct electronic communication between the two agencies' data systems. 42 The Selective Service uses the information on the CD-ROM to automatically register men from the USCIS files who have become permanent residents of the United States or who have completed an application for an immigrant visa to the United States.

Alaska's automatic registration program also transmits information to the Selective Service on physical media. Alaska uses its Permanent Fund Dividend program for automatic registration in lieu of a driver's license registration program. 43 Nearly all Alaskans are eligible for the Permanent Fund Dividend, which is funded by royalties from mineral extraction in the state. The state exchanges information with the Selective Service using data tapes, 44 which are cartridges or cassettes that can store electronic information like a CD, but with a much higher capacity. Alaska sends the Selective Service information on registration-age men who have applied for the Permanent Fund Dividend in the past year on a semi-annual basis, and the Selective Service incorporates this information into its registrant file. 45

Some state departments of motor vehicles that do not participate in the automatic registration program using AAMVA's software use hard media instead of a file transfer protocol to share information on registration-age men with the Selective Service. For example, the Selective Service provides the state of New Jersey with data tapes like the ones Alaska uses to share its permanent fund recipient files. 46 New Jersey loads information on registration-age men onto the data tapes and returns them to the Selective Service for comparison against the registrant file to identify nonregistrants.47

B. How the Selective Service Processes Information

Depending on whether the source agency engages in automatic registration or data sharing, the Selective Service either incorporates the information it receives from other agencies into its registrant file or matches the incoming information against the registrant file to identify potential nonregistrants. In the latter case, if incoming information matches a record in the registrant file, the agency deletes or destroys the incoming record. If the incoming information does not match a record in the registrant file, the Selective Service creates a new record in the suspected non-registrant file using the incoming information. Even when the Selective Service automatically registers individuals whose information it receives from a particular agency, it typically compares the incoming information to the registrant file so as not to re-register individuals who are already registered. 48

Regardless of whether government agencies send data to the Selective Service for automatic registration or whether they share data to identify non-registrants, most of the Selective Service's processes for incorporating information into its data system are automated.⁴⁹ For example, AAMVA's automatic registration software sends information on registration-age men who interact with departments of motor vehicles in participating states directly to the Selective Service database and sends a response to the department of motor vehicles database without staff at either agency inputting any information or facilitating the transaction. 50 Of course, some methods of data transfer, like hard media, necessitate a small amount of human facilitation, but once an individual loads a disk or data tape into the computer system and opens the file, the rest of the process can be automated. As the Selective Service updates its computer system, it will combine several processes that currently require human input into automated batch processes.⁵¹

III. MAINTAINING THE LIST

Once the Selective Service collects data on registration-age males, it must keep registrant information current. Because the Selective Service is charged with administering a draft should the need arise, the agency must maintain current contact information so that it can notify individuals if they are conscripted. This is particularly necessary in light of the fact that 18-to-25 year-olds are among the most mobile members of American society. 52 Selective Service registrants who go to college are likely to move two or three times, once from their parents' home to school, again when they graduate college, and likely once or twice in between as they move within university housing or into an offcampus apartment.

As with initial registration, Selective Service-eligible men are required by law to update the Selective Service when their address changes, but the agency does not rely on registrants alone to keep its records up-to-date. The Selective Service receives information on registrants' addresses from a number of government agencies and updates registrant and non-registrant addresses using mechanisms very similar to those used in incorporating new registrations into the registrant file. The Selective Service claims a high deliverability rate on mailings sent to individuals in its registrant and non-registrant files resulting from its address updating activities.⁵³

The agency also takes a proactive approach to keep registrant information current. In addition to providing change of information forms in all United States Post Office locations and allowing registrants to change information through its website, 54 the Selective Service takes responsibility for facilitating registration through a variety of partnerships with other government agencies.

A. State Departments of Motor Vehicles

All states have laws requiring drivers to update their address information within a certain (usually brief) period of time after moving. As such, state departments of motor vehicles are valuable sources of address information as well as automatic registrations. In the thirty-five states that have automatic Selective Service registration through AAMVA, AAMVA software automatically sends address information to the Selective Service every time a registration-age male interacts with the department of motor vehicles. If a man has already registered — through the department of motor vehicles or another method — the system updates his information in the Selective Service database with the address provided to the department of motor vehicles.⁵⁵ For more information on how this software works, see page 5.

B. United States Postal Service

The Selective Service also relies heavily on the United States Postal Service's National Change of Address System. The National Change of Address file contains over 160 million records at any given time.⁵⁶ Individuals themselves provide the information contained within the database by filing a notice with the postal service when they move; the postal service updates the database weekly to reflect all new changes of address.⁵⁷ The National Change of Address System keeps files of each move

on record for three years and links records for individuals who move multiple times within this period so that customers like the Selective Service may obtain the most recent address.⁵⁸

Each entry in the National Change of Address System contains an individual's name, old address (the residence he or she is leaving), and new address (the address to which he or she is moving). The party responsible for list updating matches the old address against the original file provided by the customer. If an old address in the National Change of Address System matches a name and address in the original file, the party responsible for updating replaces the address in the original file with the newest address in the National Change of Address System.

Once a year, the Selective Service provides a data file of records that were not updated in the past eighteen months to a private vendor licensed by the Postal Service. The vendor matches addresses as described above, providing new addresses for any individuals who filed a notice of change of address after their last date of contact with the Selective Service. 59 While the Selective Service only undergoes this process for the records of men ages 19 and 20 years old because the agency considers these individuals to be of "prime draft age," 60 this process could easily be expanded to an entire universe of records for voter registration purposes.

C. Internal Revenue Service

The Selective Service is authorized to share its suspected non-registrant file with the Internal Revenue Service to obtain current addresses of these individuals in order to contact them about registration compliance. 61 The Internal Revenue Service is likely to be a highly accurate source of address information year-to-year, particularly for individuals entitled to a tax refund, but no information is available as to whether the Selective Service exercises its authority under the law to use this information.

IV. PRIVACY AND SECURITY

While the Selective Service's primary objective is to identify, register, and track the greatest possible number of registration-age men, it also has an obligation to ensure the privacy of registrants to secure the database and the information contained within it against unauthorized access or attacks. The agency is bound by numerous federal laws governing privacy and data security, including the Privacy Act of 1974, which states that agencies that manage systems of records with personal information must collect only the information relevant to accomplish the agency's legally-mandated purpose. 62 The Federal Information Security Management Act of 2002, which sets standards for security controls in government databases, also applies. 63

The Selective Service must protect registrants' privacy while fulfilling its obligation to confirm information requested by institutions that require Selective Service registration as a prerequisite for employment, financial aid, and other benefits. One of the best ways to protect privacy is to limit the quantity of information collected and shared. The Selective Service only collects name, address, date of birth, and social security information from individuals. One best practice for protecting registrant privacy used by many government agencies that share information with the Selective Service is transferring only the information necessary to match a record to the Selective Service Database or create a new registration record. For example, the Nebraska Department of Motor Vehicles only extracts the name, address, date of birth, and social security number records from its database when it sends data to the Selective Service. The records it sends to the Selective Service do not include information such as the driver's license number, height and weight, or information about traffic violations. 64

The Selective Service also restricts access to information about an individual's registration status. To use the agency's online registration confirmation feature, one must supply a registrant's last name, date of birth, and social security number; only individuals or organizations to whom a registrant has released his full social security number can query information about his Selective Service registration. 65 This search feature only allows individuals to look up a registrant's Selective Service number and date of registration, keeping all other information private. 66

When the Selective Service provides registrant information to other government agencies, it obscures non-necessary data. For example, when the Selective Service provides the registrant file to the Department of Defense for recruiting purposes, the Department of Defense scrambles social security numbers upon receipt.⁶⁷ This form of encryption makes it difficult for a potential attacker to discern an individual's social security number or use it for malicious purposes. 68

Access to the Selective Service Database requires specific authorization by the System Administrator. 69 Passwords, firewalls, and intrusion detection systems protect all data managed by the Selective Service. 70 The Selective Service also works with the U.S. Computer Emergency Readiness Team (US-CERT) to mitigate security breeches. US-CERT is a special Department of Homeland Security program that provides technical assistance to federal agencies and state and local governments to protect information systems against cyber attacks. The program both helps agencies incorporate best practices for security into their data systems and provides incident response teams to help agencies address security breaches.⁷¹

The Selective Service also takes steps to preserve the physical security of its records, which it stores on microfilm and in its computer system.⁷² Once Selective Service employees enter information from paper records into the computer and transfer them to microfilm, they destroy the paper originals.⁷³ The Selective Service manages all of its records out of its Data Management Center in Illinois, where electronic files and one set of microfilm records are stored. The government stores an additional set of microfilm records at a federal records center.⁷⁴

V. COST

In fiscal year 2009, the federal government appropriated \$317,000 to the Selective Service for the purchase of hardware and software and ongoing expenses related to leased equipment, maintenance, and data entry services.⁷⁵ The Selective Service requested funding for fiscal year 2010 to upgrade to a state-of-the-art, fully automated system, which it estimates will reduce the annual cost of operating its data system to under \$200,000 after an initial investment of about \$2 million for the upgrade.⁷⁶

The Selective Service cites increasing electronic and automatic registrations as a strategy for enhancing the cost-effectiveness of its registration program.⁷⁷ Between Internet and telephone registration and the automatic data sharing methods discussed in this report, 84 percent of Selective Service registrations in 2008 were electronic (either through Internet registration or the automatic methods described above), increasing both savings and accuracy.⁷⁸ When Congress reduced the Selective Service's personnel authorization by 15 employees between 2006 and 2007, the agency attributed its ability to fulfill its mission with a reduced staff to "investments in technology."⁷⁹

Military Recruiting Lists and the JAMRS Database

The Selective Service is not the only government agency that relies on data sharing to build a list of potential military enlistees. The Defense Act requires the Department of Defense to conduct "intensive recruiting campaigns" and engage in "an aggressive program of advertising and market research targeted at prospective recruits for the armed forces and those who may influence prospective recruits."80 The Department of Defense and its subsidiary branches of the armed forces engage in a variety of recruiting activities to comply with this mandate.

The focal point of the military's data gathering efforts is the Joint Advertising and Market Research & Studies (JAMRS) database. Developed in 2003,81 the JAMRS database targets both male and female high school students aged 16 and older, college students, and young people who express interest in the military or who have taken the Armed Services Vocational Aptitude Battery (ASVAB) test, a career aptitude test that high schools frequently administer to all students regardless of military interest. 82 The Department of Defense obtains the information contained in the database from private information brokers, individuals, and government agencies, and transmits the files to a private contractor that specializes in creating marketing lists. The contractor compiles these files into a single non-duplicative list and returns this database to the Department of Defense.83

The Department of Defense also collects recruiting information directly from high schools. This information is not included in the JAMRS database; local military recruiters collect and consolidate this information themselves.⁸⁴ The Defense Act requires local education agencies to provide military recruiters with access to the names, addresses, and telephone numbers of students aged 17 and older unless the student or her parent has requested in writing that the school not release the student's information. 85 No Child Left Behind reaffirms and renews this requirement. 86 School officials must provide this information to military recruiters upon request, and it is up to the head of the local recruiting command to provide this information to the Interservice Recruitment Committee, a small military organization that compiles all directory information and disseminates it to recruiters in all branches of the military.⁸⁷ Some services also maintain their own databases with this information.88

Opt-Out Protections

To protect individual privacy, federal law and regulations give students and parents the right to "opt out" both from military recruiting lists and from the JAMRS database.89 In the first instance, schools never include directory information for students who opt out in the lists that they provide to military, and in the second, students who opt out are placed in a "permanent suppression file" so that they are not inadvertently added back into the database when new data is collected.90

When individuals wish to be removed from the JAMRS database, they must submit a request with basic information sufficient to match database entries. The party responsible for database management uses the information provided in the opt out request to locate the individual in the database and remove her record before placing this information in a suppression file. 91 When new information is added to the database, it is automatically cross-checked against the suppression file, and the data system will not add any records that match suppressed records. While suppression files can be permanent, as in the case of JAMRS, suppression files can also be structured such that database administrators can remove or "un-suppress" entries. 92

VI. LESSONS FOR VOTER REGISTRATION MODERNIZATION

The methods by which the Selective Service registers young men may be instructive to those contemplating the modernization of our voter registration system. Just as the Selective Service acknowledges the government's role in helping its target population fulfill its registration obligations, election officials acknowledge that through partnerships with other government agencies, there may be a better way to help citizens register to vote.

The Help America Vote Act of 2002 ("HAVA") provides the basic infrastructure on which to build a comprehensive database of voting-eligible citizens. HAVA requires all states to institute statewide voter registration databases that can share data with Departments of motor vehicles and the Social Security Administration. These databases provide a basic infrastructure for a system of automatic voter registration. The Selective Service model illustrates how states might take the next step to affirmatively and automatically register voters by using information from existing government lists.

While the Selective Service model is not identical to that contemplated by proposals for a modernized voter registration system, the size of the Selective Service's target population of registration-age men — approximately 17 million individuals — is comparable to the voting-eligible population in the largest U.S. states. Only California's 2008 voting-eligible population is larger. 93

Each aspect of the Selective Service's registration system detailed in this report has implications for a modernized voter registration system.

A. Building the List

Using data transfer methods similar to those used by the Selective Service, election officials could build a single, comprehensive list of voting-eligible citizens who would have to do nothing more than show up at the polls on Election Day in order to cast a valid ballot.

The automatic registration program that the Selective Service undertakes in partnership with state departments of motor vehicles and the American Association of Motor Vehicle Administrators (AAMVA) shows particular promise in the context of voter registration. Under the auspices of the National Voter Registration Act of 1993 (NVRA), which provides for simultaneous voter registration when citizens apply for a driver's license, state departments of motor vehicles already process voter registration applications with the assistance of AAMVA. Not all states fully comply with the NVRA, but the law provides that individuals need only sign an additional field affirming voting eligibility and authorizing their registration in order to vote. AAMVA's Help America Vote Verification software already allows departments of motor vehicles to share information with the social security administration and with state election officials in order to verify voter identity.

Other registration models also show promise. Information on all registration-age men who submit the Free Application for Federal Student Aid (FAFSA) is electronically transferred to the Selective Service registrant file through leased lines, a model that allows both automatic registration (for men who elect to be registered on the application) and data sharing (for men who claim to already be

registered). Other agencies, like the Department of Labor, send encrypted, password-protected files containing registrant information to the Selective Service for incorporation into its registrant file. The Selective Service model shows not only that it is possible for one government agency to transfer information from one government agency to another, but also that states have a variety of methods from which to choose in undertaking this task.

B. Maintaining the List

Just as the Selective Service must update registrant records in order to ensure its ability to contact registrants in the event of a draft, election officials must keep voter information up to date to ensure that voters are assigned to the proper voting precinct.

As the Selective Service model demonstrates, departments of motor vehicles can communicate address updates to election officials — as they are required to do by the NVRA — through an automated system that is integrated with the registration model and that requires no extra effort on the part of citizens or administrators.

Suppression files like those used in the military's JAMRS database may also prove useful in maintaining voter registration lists. Some citizens may wish to "opt out" of the voter registration system, and so-called suppression files are the best way to ensure that elections officials do not inadvertently add those individuals back onto the list when they collect new information. States may also choose to add individuals who are temporarily ineligible to vote to a special file of individuals who should not be included in the registrant list to avoid inadvertent registration. Elections officials could simply remove these individuals from the special file when they become eligible.

C. Privacy, Security, and Cost

Voter registration systems face many of the same privacy and security concerns as the Selective Service. Like the Selective Service, election officials must maintain data systems that protect voter privacy and withstand unauthorized access or other attacks, and like all government agencies, elections authorities must fulfill their mission in a cost-effective manner. The Selective Service model shows that increased investments in registration technology can help to achieve all of these goals.

CONCLUSION

The notion that a government agency with an interest in building a comprehensive list of a target population might rely on other government agencies and modern data sharing technology to build this list is far from revolutionary. If it is worth enacting such a system to ensure the robustness of our nation's defense, surely it is worth doing so to nurture the democratic process at the heart of our nation's character.

ENDNOTES

- ¹ 50 U.S.C. App. 453 (a); 50 U.S. C. App. 465 (b). Registration with the Selective Service was compulsory from 1940 to 1975. The registration requirement was reinstated in 1980 and remains in place today.
- ² See SELECTIVE SERVICE SYSTEM, ANNUAL REPORT TO THE CONGRESS OF THE UNITED STATES; FISCAL YEAR 2008 5 (2008), available at http://www.sss.gov/PDFs/AR08_3-24-09webFinal.pdf [hereinafter 2008 Annual Report].
- ⁴ SELECTIVE SERVICE SYSTEM, BUDGET JUSTIFICATION FISCAL YEAR 2010, EXHIBIT 300: CAPITAL ASSET PLAN AND BUSINESS CASE SUMMARY (2009).
- ⁵ 2008 Annual Report, *supra* note 2, at 25; Telephone Interview with Rudy Sanchez, Gen. Counsel, Selective Service Sys., in Arlington, Va. (Jan. 21, 2009).
- ⁶ Based on 2008 Population Estimates of males aged 18-25 in the United States. U.S. CENSUS BUREAU, NATIONAL POPULATION ESTIMATES FOR THE 2000S, MONTHLY POSTCENSAL RESIDENT POPULATION, BY SINGLE YEAR OF AGE, SEX, RACE, AND HISPANIC ORIGIN, 7/1/2008 (Males aged 18, 19, 20, 21, 22, 23, 24, and 25), available at http://www.census.gov/popest/national/asrh/2007-nat-res.html.
- ⁷ See page 2 for more detail.
- ⁸ See 65 Fed. Reg. 57222 (Sept. 21, 2000); see also Selective Service: Register Online, https://www.sss.gov/RegVer/wfRegistration.aspx (last visited Jan. 29, 2009).
- ⁹ See 65 Fed. Reg. 57220 (Sept. 21, 2000).
- ¹⁰ Selective Service System, Annual Report to the Congress of the United States: Fiscal Year 2007 7 (2007) [hereinafter 2007 Annual Report].
- ¹¹ 2008 Annual Report, *supra* note 2, at 5.
- ¹² Id.
- ¹³ At least two states with automatic registration laws allow driver's license applicants to check a box indicating whether they wish for their information to be sent to the Selective Service. Also see discussion of the Free Application for Federal Student Aid on page 6.
- 14 65 Fed. Reg. 57,219 (Sept. 21, 2000).
- ¹⁵ *Id*.
- ¹⁶ See E-mail from Richard Flahavan, Associate Director, Office of Intergovernmental Affairs, Selective Service System, to Laura Seago, Research Associate, Brennan Center for Justice at NYU School of Law (Feb. 5, 2009, 11:24am EST) (on file with the Brennan Center) [hereinafter Richard Flahavan E-mail].
- ¹⁷ 2008 Annual Report, *supra* note 2, at 5.
- ¹⁸ 2007 Annual Report, *supra* note 10, at 3.
- ¹⁹ The 37 states with automatic registration laws that use the AAMVA software are Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, Nevada, New Mexico, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin. Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the District of Columbia also use the software to conform with their own automatic registration laws. Laws Linking SSS Registration to State Driver's License Applications, https://www.sss.gov/FSdrivers.htm (last visited Jan. 29, 2009) [hereinafter Driver's License Laws].
- ²⁰ See N.H. REV. STAT. ANN, § 263:5-c (LexisNexis 2009); Virginia also provides a checkbox indicating consent for an individual's information to be sent to the Selective Service, though its driver's license form indicates that applicants must either certify that they have already registered with the Selective Service or authorize the transfer of their information. VIRGINIA DEPARTMENT OF MOTOR VEHICLES, DRIVER'S LICENSE AND IDENTIFICATION CARD APPLICATION (Feb. 1, 2009), available at http://www.dmv.state.va.us/webdoc/pdf/dl1p.pdf.

- ²¹ As of 2002, 44 state departments of motor vehicles collected Social Security Information from licensees, and one was in the process of enacting a law to do so. See U.S. GENERAL ACCOUNTING OFFICE, CHILD SUPPORT ENFORCEMENT: MOST STATES COLLECT DRIVERS' SSNS AND USE THEM TO ENFORCE CHILD SUPPORT 7 (Feb. 15, 2002). The remaining five states have all instituted laws to collect this information since 2002. See KAN. STAT. ANN. § 8-240 (2009); MD. CODE ANN. [TRANSP.] § 16-106 (LexisNexis 2009); MINN. STAT. § 171.06 (2009); OR, REV, STAT. § 802.195 (2009); GA, CODE ANN. § 19-11-9.1 (West 2009).
- ²² AAMVA: Selective Service Registration, http://www.aamva.org/TechServices/AppServ/SSR/ (last visited Jan. 29, 2009) [hereinafter AAMVA].
- ²³ *Id*; see also Integrated Justice Information Services Institute, Technology Assistance Report: AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS 10 (Apr. 2006), available at http://www.aamva.org/aamva/DocumentDisplay.aspx?id={885A2BB5-4272-485D-96EA-525C1800BC19}.
- ²⁴ See id.
- ²⁵ See id.
- ²⁶ AAMVA, supra note 22.
- ²⁸ See, e.g., MINN. STAT. § 201.161 (2009).
- ²⁹ Pearson Government Solutions, U.S. Department of Education, Office of Federal Student AID (FSA) – CENTRAL PROCESSING SYSTEM (CPS) 1 (2005); OFFICE OF FEDERAL STUDENT AID, DEPARTMENT OF EDUCATION, VOLUME 1 – FSA HANDBOOK: STUDENT ELIGIBILITY 1-59 (2008) [hereinafter FSA Handbook].
- ³⁰ Office of Federal Student Aid, U.S. Department of Education, 2009-2010 FAFSA on the Web WORKSHEET 2 (2009), available at http://www.fafsa.ed.gov/fafsaws90c.pdf.
- 31 See 65 Fed. Reg. 57,221 (Sept. 21, 2000); see also 69 Fed. Reg. 64,353 (Nov. 4, 2004); cf. 2007 Annual Report, supra note 10, at 4.
- ³² FSA Handbook, *supra* note 29, at 1-59.
- ³³ 2008 Annual Report, *supra* note 2, at 6.
- ³⁴ Neb. Rev. Stat. § 60-483 (2009).
- ³⁵ Telephone Interview with Betty Johnson, Driver and Vehicle Records Adm'r, Nebraska Dep't of Motor Vehicles, in Lincoln, Neb. (Jan. 22, 2009). File transfer protocols are connections that allow entities to exchange files over a network by uploading them from one site to a central location and then downloading them to another site.
- ³⁶ Neb. Rev. Stat. § 60-483 (2009).
- ³⁷ U.S. DEPARTMENT OF DEFENSE, USMEPCOM PRIVACY IMPACT ASSESSMENT, available at http://www.army.mil/ciog6/privacy/docs/MIRS.pdf.
- ³⁹ U.S. Department of Labor, Job Corps Student Pay, Allotment, and Management Information SYSTEM (SPAMIS) 2009 PRIVACY IMPACT ASSESSMENT (2009), available at http://www.dol.gov/cio/programs/pia/JOB%20CORPS/JobCorps-SPAMIS.htm.
- ⁴⁰ Id.
- ⁴¹ U.S. DEPARTMENT OF HOMELAND SECURITY, PRIVACY IMPACT ASSESSMENT FOR THE USCIS BENEFITS PROCESSING OF APPLICANTS OTHER THAN PETITIONS FOR NATURALIZATION, REFUGEE STATUS, AND ASYLUM 22 (2008), available at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_cis_claims3.pdf.
- ⁴³ SELECTIVE SERVICE SYSTEM, ANNUAL REPORT TO THE CONGRESS OF THE UNITED STATES: FISCAL YEAR 2005 5 (2005), available at http://www.sss.gov/PDFs/AnnRpt2005.pdf.
- ⁴⁴ Noncompliance with Selective Service: Hearing on H.B. 305 before the H. Comm. on State Affairs, 2002 Leg., 22nd Sess. (Alaska 2002).
- ⁴⁵ *Id.*; Sean Cockerham, *New Law Ties PFD to Draft Registry*, ANCHORAGE DAILY NEWS, Dec. 27, 2003, at A1.

- ⁴⁶ STATE OF NEW JERSEY DEPARTMENT OF TREASURY, OIT-MAINTAINED SYSTEMS, SOME OF WHICH HAVE INTERFACES TO OTHER AGENCIES AND OPERATIONS.
- ⁴⁷ See id.
- ⁴⁸ See, e.g., U.S. DEPARTMENT OF LABOR, JOB CORPS ELIGIBILITY AND ADDITIONAL SELECTION CRITERIA AND DOCUMENTATION REQUIREMENTS 2 (2004), available at http://jchealth.jobcorps.gov/documents/prhchange-notices/prh00-03b.pdf.
- ⁴⁹ See 2007 Annual Report, supra note 10, at 5.
- ⁵⁰ See AAMVA, supra note 22.
- ⁵¹ Telephone Interview with Dan Amon, Public Affairs Specialist, Selective Service System, in Arlington, Va. (Jan. 12, 2009). An automated process that can perform a series of tasks without human input is called a "batch process."
- ⁵² A full third (33.3%) of Americans aged 18 to 24 moved within the United States in the three-year period from 2005 to 2007. Americans aged 25 to 34 were the second most mobile group, with over a quarter (26.4%) of this demographic moving in the same three-year period. U.S. CENSUS BUREAU, GEOGRAPHICAL MOBILITY: BY SELECTED CHARACTERISTICS IN THE UNITED STATES (18 to 24 years, 25 to 34 years), http://factfinder.census.gov (follow "Data Sets" hyperlink, then follow "American Community Survey" hyperlink, then follow "Subject Tables" hyperlink, then select "Show Result" button).
- ⁵³ See 2008 Annual Report, supra note 2, at 7.
- ⁵⁴ See 2007 Annual Report, *supra* note 10, at 4; Press Release, Selective Service, Selective Service Makes Reporting a Change of Address Easier for Millions of Young Men (Dec. 18, 2000), *available at* http://www.sss.gov/News_Conferences/press-chngofaddress.htm.
- ⁵⁵ AAMVA, *supra* note 22.
- ⁵⁶ See U.S. Postal Service, NCOALink Systems, http://www.usps.com/ncsc/addressservices/moveupdate/changeaddress.htm (last viewed Jan. 30, 2009).
- ⁵⁷ 68 Fed. Reg. 39,161 (Jul. 1, 2003).
- ⁵⁸ National Change of Address System: Frequently Asked Questions, http://www.nationalchangeofaddress.com/FAQs.html (last visited Jan. 30, 2009).
- ⁵⁹ Selective Service System, National Change of Address System, http://www.sss.gov/FSadress.htm (last visited Jan. 29, 2009).
- 60 Id.
- 61 65 Fed. Reg. 57,220 (Sept. 21, 2000).
- 62 5 U.S.C. § 552a.
- 63 44 U.S.C. § 3541, et seq.
- 64 See Neb. Rev. Stat. § 60-483 (2009).
- ⁶⁵ See Selective Service System, Selective Service Online Registration Verification, https://www.sss.gov/RegVer/wfVerification.aspx (last updated Aug. 14, 2007).
- 66 Id
- ⁶⁷ David Chu, Deputy Under Sec'y of Def. for Personnel and Readiness, U.S. Dep't of Def., Media Roundtable (Jun. 23, 2005), *available at* http://www.defenselink.mil/transcripts/2005/tr20050623-3121.html [hereinafter *Chu Roundtable*]; 72 Fed. Reg. 954 (Jan. 9, 2007).
- 68 72 Fed. Reg. 954 (Jan. 9, 2007).
- ⁶⁹ 65 Fed. Reg. 57,223 (Sept. 21, 2000).
- 70 Id.
- ⁷¹ See U.S. Department of Homeland Security, U.S. CERT: For Government Users, http://www.us-cert.gov/federal/ (last visited May 29, 2009).
- 72 65 Fed. Reg. 57,222 (Sept. 21, 2000).
- ⁷³ *Id.* at 57,223.
- ⁷⁴ *Id*.

- ⁷⁵ SELECTIVE SERVICE SYSTEM, PERFORMANCE BUDGET JUSTIFICATION: FY2010 17-19 (May 2009), available at http://www.sss.gov/PDFs/Budget%20Just%20FY%202010.PDF.
- ⁷⁶ *Id.* at 19-20.
- ⁷⁷ *Id*, at 7.
- ⁷⁸ 2008 Annual Report, *supra* note 2, at 8.
- ⁷⁹ *Id*, at 17.
- 80 10 U.S.C. § 503(a)(2) (2009).
- 81 Chu Roundtable, supra note 67.
- 82 See, e.g., Dan Hardy and Dylan Parcell, Growing Hesitancy Over a Military Draft, PHILADELPHIA INQUIRER, Aug. 6, 2008, at B1.
- 83 Chu Roundtable, supra note 67.
- 84 Chu Roundtable, supra note 67.
- 85 10 U.S.C. § 503(c)(1)(A)(ii), (B) (2009).
- 86 20 U.S.C. § 7908 (2009).
- ⁸⁷ U.S. Department of Defense, Instruction 1304.24: Use of Directory Information on Secondary School Students for Military Recruiting Purposes, at 4 (Sept. 20, 2005), available at www.dtic.mil/whs/directives/corres/pdf/130424p.pdf.
- 88 See, e.g., 73 Fed. Reg. 77,806 (Dec. 19, 2008).
- 89 10 U.S.C. § 503(c)(1)(B) (2009); 72 Fed. Reg. 957 (Jan. 9, 2007).
- 90 Chu Roundtable, supra note 67.
- ⁹¹ *Id*.
- 92 See Ken Magill, E-mailers Lobby FTC for Opt-Out Sunset Provision, ClickZ.com (Jul. 15, 2005), http://www.clickz.com/3520301 (discussion of "affirmative consent" to be removed from a suppression file, implying that records can be removed from a suppression file and migrated back to the main database).
- 93 As of 2008, California had a voting-eligible population of about 22.1 million; the states with the next-largest voting eligible populations are Texas, with 14.8 million, and New York, with about 13 million. electionline.org, Pew Center on the States, Briefing: Election 2008 in Review, at 6 (Dec. 2008), available at http://www.pewcenteronthestates.org/uploadedFiles/ElectionInReviewPDF%20Final.pdf.

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