



INFORMATION MATCHING BULLETIN

Credit Where Credit is Due

As you can see from this issue, we are now acknowledging authorship of articles in the bulletin. So, thanks to Colin Trotter for the March 2006 article "Don't Take Action because of a Name!".

Electoral Matches

by Neil Sanson

Enrolling voters is a time sensitive activity, with a surge of enrolments generally occurring just before elections. Choices about how to match enrolment data against other agencies' databases, to confirm information or eligibility, can make processing that surge easier or harder. This article compares the New Zealand practice with the situation in Washington State, which was highlighted by a recent, successful, court challenge.

Any verification process will have difficulty coping with the typical late surge of enrolments. For the last general election in New Zealand, from Writ Day (Main roll closure date) 17 August 2005 to the day before Polling day 16 September 2005 48,982 electors were newly enrolled or changed their residential address. As a result the roll increased by a net 35,363 electors. In the USA the same sort of surge occurs. In 2004, Washington State logged 68,049 forms in the week before the registration deadline – more than 20 times the weekly count earlier in the year.

In New Zealand the Electoral Enrolment Centre (EEC) uses four data matches to find people to add to the roll. These are with Land Transport (LTNZ), Ministry of Transport (MoT), Ministry of Social Development (MSD) and Department of Internal Affairs

(Citizenship). In 2005/06 these matches resulted in 68,252 new or updated (e.g. updated addresses) enrolments. A fifth match with Immigration New Zealand data may result in names being removed from the electoral roll, if it is established that they are not eligible as voters. In 2005/06 this resulted in 2,293 voters being identified as ineligible, and these were removed from the roll. The EEC is looking to change their process in order to perform this check during application processing to avoid adding people to the roll who are not eligible.

The situation facing election officials in Washington State is more complex. One major difference is that Washington State has frequent county elections, as well as State and Federal elections, unlike New Zealand where the pressure points are the national and local government elections. Washington State has also only recently consolidated the 39 county electoral systems into one database. This activity has facilitated cleaning up the database, for example to remove duplicate records. The Washington State legislative environment is also complex as states have to respond to federal laws. In the USA the Help America Vote Act of 2002 (HAVA) was intended to make it easier for people to prove their eligibility to vote and for the relevant authorities to verify that eligibility. At the same time, provision was included to improve the state's electoral roll data quality by allowing checking against motor vehicle driver's licence or social

security records. Individual states have introduced legislation, reflecting their interpretation of these requirements. The variations between states in interpretation, and in the matching processes they chose to use, are described in "Making the List: database matching and verification processes for voter registration" referenced below.

In response to HAVA, Washington State introduced a law, effective from January 1 2006, that required voter applications to be matched before enrolment was completed. Between 1 January 2006 and 22 June 2006 the number of applicants cancelled, deleted or otherwise rejected was 178. This number can be significant in terms of election outcome. The Seattle Times article reports that Gov. Christine Gregoire won the 2004 election by just 133 votes over republican Dino Rossi. Where matches were not made, the applicant was to be contacted and given 45 days to confirm the information on their application. This process, requiring cross-checking of data even though it does not determine eligibility, creates delays in getting people enrolled. This can make it more difficult for people to vote in the special elections scheduled frequently in the various Washington State counties. For example a person's application to enrol was rejected because her date of birth had been incorrectly entered into the driver's licence database. Another rejection occurred because the woman's application was under her married name (as was her driver's licence), but her social security record was under her maiden name. These rejections were notified on 2 May 2006 to the applicants. A special election was being held two weeks later on 16 May 2006. These examples were noted in a court challenge, to stop the Washington State requirement that the match be made before an applicant can be registered to vote, mounted by the Brennan Centre on behalf of a coalition of community groups.

A further concern, expressed in the court challenge, was a high expected rate of failures to achieve exact matches, around 20% based upon a New York City example. The New York City case involved approximately 15,000 records of voters

whose records were matched by driver's licence number to the Department of Motor Vehicles database in September 2004. Of the 2,959 records that did not match, subsequent checking of the original voter registration documents revealed that in 2,951 cases the problem was mis-keying by elections staff. The New Zealand EEC reduce their risk of data entry errors by checking printouts against the source document.

The court challenge was successful with the judge finding "the public interest weighs strongly in favour of letting every eligible resident of Washington register and cast a vote". The state could still do their data match to clean up their records, but after they had achieved their primary function of getting eligible voters registered.

The Brennan Centre has published an analysis on the data matching proposals, including the variations used by different states as to how exact, over a variety of fields, the match is to be:

Making the List: database matching and verification processes for voter registration

http://www.brennancenter.org/dynamic/subpages/download_file_35559.pdf

The New York City validation of matched records is described in:

New York State Citizens' Coalition On Hava Implementation : Position Paper On Voter Registration And Statewide Database

http://www.brennancenter.org/dynamic/subpages/download_file_9285.pdf

The Brennan Centre has a summary page for this case at:

http://www.brennancenter.org/stack_detail.asp?key=102&subkey=36414

The court injunction is at:

WAC v. Reed - Order Granting Motion for Preliminary Injunction

http://www.brennancenter.org/dynamic/subpages/download_file_36553.pdf

A news story about the case is at:

"Judge says state's new voter-ID law too stringent" by Gene Johnson, Seattle Times, August 2, 2006.

http://seattletimes.nwsourc.com/cgi-bin/PrintStory.pl?document_id=2003169011&slug=voterlawsuit02m&date=20060802

The consolidation of Washington State's voter registration system:

"Washington State's Consolidated Voter registration System Results Quantified", new release Feb 21, 2007.

<http://www.govtech.net/magazine/story.print.php?id=103999>

Third Information Matching Workshop to be scheduled

A third workshop on "The Privacy Act and developing an information matching programme" will be run when sufficient people have registered their interest. These workshops are aimed to give some practical background knowledge about the Privacy Act along with more detailed information about preparing an IMPIA¹.

You can register your interest by contacting Angela Stuart at angela.stuart@privacy.org.nz or by phoning (04) 474 7590.

Technology and Privacy Forums

Details of the next Technology and Privacy Forum are posted at:

<http://www.privacy.org.nz/training-and-education/technology-and-privacy-forums>

Data match reports updated

An updated selection of formal reports issued by this Office can be found at <http://www.privacy.org.nz/data-matching/information-matching-reports>

Publications

There are a number of other publications and reports available from the Privacy Commissioner that may be of interest to those involved in information matching.

These are listed on the Privacy Commissioner's web site at:

<http://www.privacy.org.nz>

Contacts:

Wellington
109-111 Featherston Street,
gen-i Tower, 4th Floor
PO Box 10-094,
Wellington, New Zealand
Telephone: 64-4-474 7590
Facsimile: 64-4-474 7595
Internet
<http://www.privacy.org.nz>

Lindy Siegert
Team Leader (Technology)
E-mail: lindy.siegert@privacy.org.nz
Direct Dial: 64-4-494 7082

Neil Sanson
Data Matching Compliance Adviser
E-mail: neil.sanson@privacy.org.nz
Direct Dial: 64-4-474 7592

Colin Trotter
Data Matching Compliance Adviser
E-mail: colin.trotter@privacy.org.nz
Direct Dial: 64-4-494 7087

Auckland
Level 8, Gosling Chapman Tower,
51-53 Shortland Street
P O Box 466, Auckland, New
Zealand
Telephone: 64-9-302 8680
Facsimile: 64-9-302 2305

Blair Stewart
Assistant Commissioner
E-mail: Blair.Stewart@privacy.org.nz

1. Information Matching Privacy Impact Assessment