



FLORIDA

DEPARTMENT OF STATE

OFFICE OF INSPECTOR GENERAL

AUDIT REPORT

NO. 2005-001

**Audit of the
Division of Elections
Central Voter Database**

Date: November 22, 2004

November 22, 2004

Mrs. Glenda Hood, Secretary
Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Re: OIG Report #2005-001, Central Voter Database Audit

Dear Secretary Hood:

Enclosed is our audit report of the Department of State, Division of Elections' Central Voter Database. The Division's response to the preliminary findings and recommendations has been incorporated into the final report.

Please contact me if you have questions or need additional information.

Sincerely,

Kirby J. Mole
Inspector General

Enclosure

INDEX

Executive Summary	3
Background	5
Scope, Methodology, and Objectives	8
Findings and Recommendations	9
Conclusion	37
Appendix I	39
Appendix II	42
Appendix III	44
Appendix IV	45

EXECUTIVE SUMMARY

The Office of Inspector General conducted an audit of the Department of State (Department), Division of Elections' (Division), Central Voter Database (CVDB) for the period July 1, 2001, through July 31, 2004. The audit objectives were designed to assess the criteria, methods, and data sources utilized in the design and formation of the CVDB. The objectives were also designed to determine the effect of any disparities noted in the CVDB initial voter eligibility determination process and the Division's compliance with the National Association for the Advancement of Colored People (NAACP) settlement agreement. The scope of the audit also included a preliminary review of the Central Voter File (CVF), the predecessor to the CVDB, from July 1, 1998, through the establishment of the CVDB.

The CVDB was established in 2001 and required to be fully operational statewide by June 1, 2002. The CVDB was to perform initial voter eligibility determinations to identify voters who were deceased, convicted of a felony and had not had their voting rights restored, adjudicated mentally incompetent and had not had their voting rights restored, or registered more than once.

The Division was mandated by statute to design the CVDB to perform initial voter eligibility determinations on a daily basis and utilize data from the Florida Department of Law Enforcement (FDLE), the Office of Executive Clemency (Clemency Office), the Bureau of Vital Statistics (Vital Statistics), and any other relevant sources when making these determinations. The CVDB was designed as a tool to assist the Supervisors of Elections (Supervisors) with their responsibility to perform final voter eligibility determinations and was not intended to be the final determinant of such eligibility.

The death and duplicate components of the CVDB were activated on June 1, 2002, as statutorily mandated; however, the felon component was not activated until May 7, 2004. On May 23, 2002, the Division decided to add certain criteria known as the "Business Rules" to the CVDB matching logic which required the following fields to be exact for a potential match to be identified in the initial voter eligibility determination process: last name, birth date, race, gender, and social security number. The Division created the "Business Rules" in an effort to provide potential matches to the Supervisors for final voter eligibility determinations, which were more reliable and to address workload concerns raised by the Supervisors. The Division stated it delayed the activation of the felon component, in 2002 due to pending settlement of litigation with the NAACP and pre-clearance from the U.S. Department of Justice (Department of Justice). The felon component of the CVDB was deactivated on July 10, 2004, upon the discovery of its inability to match felons to registered voters of Hispanic origin. Upon further evaluation, the audit discovered the death component lacked the ability to match deceased persons with registered voters of Hispanic origin.

The findings in this report revealed that inadequate project management was a major contributor to the concerns associated with the CVDB. The findings also revealed the racial disparities detected in the list of potentially ineligible voters (deaths, duplicates, and felons) produced by the CVDB resulted in part from the data sources not utilizing the same race classifications, the use of a race crosswalk to convert similar race classifications, and the implementation of the "Business

Rules”. There was no evidence detected to substantiate that the Division intended for such disparities to occur.

The analysis of the “Business Rules” detailed in this report indicated that disabling the race and gender “Business Rules” did not have a major impact on creating additional potential matches. The effect of the last name, birth date, and social security number “Business Rules” could not easily be analyzed; therefore, it was not possible to determine how many additional potential matches would be created by disabling them and whether any racial disparities existed as a result of their implementation.

The Division cannot make any changes to the CVDB matching logic or utilize additional data sources, without the prior consent of the NAACP, until the settlement agreement expires in May 2005. The successor to the CVDB, the Florida Voter Registration System (FVRS), is slated to be operational on January 1, 2006. The Division should perform an analysis and systems review, which should consider the above factors, to determine the appropriate course of action in addressing the concerns associated with the CVDB. The Division should also incorporate any lessons learned into the design and implementation of the FVRS to make it more effective.

Synopsis of Findings:

- The Division did not always provide sufficient contract management and oversight of the CVDB project. Project documents which were necessary to demonstrate the Division’s control over the project were not always readily available. In some instances, records were not readily available to document compliance with the state term contract.
- Data sources utilized to determine initial voter eligibility were not always complete. The Division did not perform an assessment to ascertain if additional relevant data sources were available to strengthen the initial voter eligibility determination process.
- The Division did not ensure that contact was made with the Department of Justice prior to implementing the “Business Rules” in the CVDB matching logic for the death and duplicate components on June 1, 2002, to determine if pre-clearance under Section 5 of the Voting Rights Act of 1965, as amended, was required.
- The Division did not provide the functionality necessary to ensure the CVDB was updated on a daily basis to generate initial voter eligibility determinations as required by Section 98.0977, Florida Statutes.
- The racial disparities detected in the list of potentially ineligible voters (deaths, duplicates, and felons) produced by the CVDB resulted in part from the data sources not utilizing the same race classifications, the use of a race crosswalk to convert similar race classifications, and the implementation of the “Business Rules”.
- The CVDB matching logic contained various deficiencies which did not fully comply with the NAACP settlement agreement or could not be remedied because of the settlement agreement.

- The Division's compliance with Sections III.A. and III.D. of the NAACP settlement agreement could not be determined as it could not be confirmed that the lists of potentially ineligible voters utilized by the Division when reprocessing individuals, as directed by the settlement agreement, were the original lists generated by DBT and modified by the Division prior to being provided to the Supervisors in 1999 and 2000.
- There was no evidence found to substantiate that in late 1997 or early 1998, DBT made the Division aware of the potential for racial disparities when performing initial voter eligibility determinations. However, the Division did have discussions with DBT, in 1999, regarding the use of race as a primary matching criterion when performing initial voter eligibility determinations.

BACKGROUND

In 1997, the Florida Legislature enacted Section 98.097, Florida Statutes, and appropriated \$35,000 to the Department of State (Department), Division of Elections (Division) to create and maintain a Central Voter File (CVF), which was essentially a compilation of the 67 Supervisor of Elections' (Supervisor) voter registration rolls. The initial purpose of the CVF was to enable candidates to receive information concerning registered voters in their district without contacting each Supervisor.

In 1998, the Florida Legislature enabled Section 98.0975, Florida Statutes, (effective in part July 1, 1998) and appropriated \$2 million to the Division to provide each Supervisor, by August 15, 1998, a list of individuals in the CVF who were determined to be deceased, convicted of a felony and had not had their voting rights restored, adjudicated mentally incompetent and had not had their voting rights restored, or registered more than once. The Division was mandated by statute to utilize a private contractor; therefore, the Division contracted with Professional Analytical Systems and Services, Inc. to create and provide the initial list by the August 15th deadline.

Upon receiving the list of individuals, who had been matched to registered voters in the CVF, each Supervisor was to attempt to verify the information provided. If the Supervisor could not determine the information provided was incorrect, the Supervisor was to remove the individual from the voter registration roll.

The statute required the Division to update the list by June 1st each year. To accomplish the annual update, the Division issued a Request for Proposal to identify a private contractor who could compare the information contained in the CVF with nationwide databases containing reliable criminal records, records of deceased individuals, and records of persons adjudicated mentally incompetent. The Division did not receive any replies to the Request for Proposal which were completely responsive; thus, it chose to issue an Invitation to Negotiate with Database Technologies, Inc. (DBT) and Computer Business Services, Inc.

In November 1998, the Division signed a four-phase contract with DBT for \$2.3 million with two annual optional renewals of approximately \$1 million each to provide the annual lists. The

Division received lists from DBT in 1999 and 2000 and remunerated DBT approximately \$3.3 million.

DBT was provided with data from the Florida Department of Law Enforcement (FDLE), the Bureau of Vital Statistics (Vital Statistics), the Office of Executive Clemency (Clemency Office), and the CVF via the Division. DBT also utilized data from the Florida Department of Corrections, the Florida Department of Highway Safety and Motor Vehicles, the Social Security Administration, and the Departments of Corrections from Connecticut, Illinois, Kentucky, New Jersey, Ohio, South Carolina, Texas, Virginia, Washington, and Wisconsin. DBT's data did not include any federal felons, as DBT stated the only complete national database was the FBI's, which could only be used for law enforcement purposes.

DBT utilized base matching logic which primarily focused on last name, first name, and date of birth. DBT did not utilize race in the matching criteria, as it was inconsistent across data sources and the least reliable field when performing matching routines. DBT's matching logic resulted in numerous matches in which some, but not all, of the fields in the voter record matched an agency record or another voter record. Many of these matches were false positives and led to complaints involving registered voters who may have been mistakenly identified as felons and possibly were not allowed to vote in the 2000 presidential election. As a result, the National Association for the Advancement of Colored People (NAACP) filed a class action lawsuit against the Division and various Supervisors.

In 2001, the Legislature repealed Section 98.0975, Florida Statutes (effective June 30, 2001), related to the CVF and enacted Section 98.0977, Florida Statutes (effective July 1, 2001), establishing the Central Voter Database (CVDB). The Division was appropriated \$2 million to analyze, design, develop, operate, and maintain the CVDB which was required to be fully operational statewide by June 1, 2002. The CVDB was to perform essentially the same role as its predecessor, the CVF; furthermore, the Division was obligated to operate and maintain the CVDB unless it contracted with the Florida Association of Court Clerks to carry out these functions.

The Division was mandated by statute to design the CVDB to perform initial voter eligibility determinations on a daily basis utilizing data from the FDLE, the Clemency Office, Vital Statistics, and any other relevant sources. The statute also provided safeguards to ensure the Supervisors independently verified information received from the CVDB and granted due process to the voter prior to their removal from the voter registration roll.

The Division's negotiations with the Florida Association of Court Clerks were unsuccessful due to projected costs. As the Department did not possess the resources to design the CVDB in-house, it decided to contract with a private vendor to design and develop a system which the Division would operate and maintain. The Division reviewed the list of vendors on state term contract for data processing services and selected Accenture, IBM, Imarx, and KPMG to submit proposals and make presentations to the Department.

The Division selected Accenture and on October 15, 2001, executed a contract corresponding with state term contract number 973-518-00-1 to assist in the development and implementation

of the CVDB. Accenture was to purchase election software from a company named election.com and modify it to meet the Division's needs. The contract was for a fixed price of \$1,550,350, which included the first year software license fee to election.com. The Division was to purchase any necessary hardware with the remaining appropriated resources.

Appendix I provides an overview of the CVDB data flow and matching logic. It is strongly recommended it be reviewed in order to fully comprehend the information presented in this report.

In May 2002, Accenture provided a demonstration of the CVDB to the Division, which included the Director. The Director felt the matching logic for the CVDB was not stringent enough and stipulated additional rules be incorporated into the matching logic to create more reliable potential matches. Those rules were known as the "Business Rules" and required the following fields to be exact for a potential match to be identified in the initial voter eligibility determination process: last name, date of birth, race, gender, and social security number. As the statutory deadline for the CVDB implementation was only a few days away, Accenture determined any change, such as this, to the CVDB matching logic was high risk. Nevertheless, Accenture agreed to implement the change by adding the "Business Rules" to the matching logic via a separate stored procedure at the end of the matching routine which would, in effect, filter out any records which did not meet the "Business Rules". Accenture and the Division noted this was a short term solution in order to meet the statutory deadline.

On June 1, 2002, the death and duplicate components of the CVDB were operational as required by statute. The Division stated it did not activate the felon component since it had not received pre-clearance from the Department of Justice and was involved in pending litigation with the NAACP.

A settlement agreement with the NAACP was executed on August 30, 2002, and expires on May 15, 2005. The settlement agreement required the Division to apply the matching logic in "Exhibit A" of the settlement agreement (Appendix II), including the "Business Rules", to the 1999 and 2000 lists of potential felons and potential duplicate registrants provided by DBT to the NAACP in DBT's settlement of the NAACP litigation. The Division was required to create a "Report of Filtering Results" as a result of this process and transmit it to the Supervisors. The Supervisors were to review the "Report of Filtering Results" to determine if any individuals who were removed from the voter registration rolls as a result of the 1999 or 2000 lists should be restored to the rolls. The settlement agreement also required the Division to identify all individuals included on the original felon exceptions list in 2000 who were from states with automatic restoration of voting rights (Connecticut, Illinois, New Jersey, Ohio, South Carolina, Texas, Washington, and Wisconsin) and make contact with an appropriate agency/officer of the state to determine whether the individual's voting rights had been restored.

The NAACP settlement agreement further required the Division to utilize the matching logic denoted in "Exhibit A" of the settlement agreement when conducting matching routines related to the death, duplicate, and felon/clemency components of the CVDB. The settlement agreement also required the Division to obtain consent from the NAACP prior to making any modifications to the CVDB matching logic when performing initial voter eligibility determinations.

On February 10, 2003, the Department of Justice pre-cleared the NAACP settlement agreement, including the “Business Rules”, and Section 6 of Chapter 2002-189, Laws of Florida, related to changes in the CVDB statute. In May 2003, the Division issued a change order to Accenture for modifications to the CVDB to remove the “Business Rules” from the separate stored procedure created in May 2002 and integrate them directly into the matching logic. This modification was made strictly to expedite the CVDB’s processing time when performing initial voter eligibility determinations and should not have had any other effect on the CVDB.

The modifications to the death and duplicate components of the CVDB were completed and activated in March 2004. The felon component was activated on May 7, 2004, and deactivated it on July 10, 2004, upon the discovery of its inability to match felons to registered voters of Hispanic origin.

The Division terminated the CVDB contract with Accenture in June 2004 via the execution of a settlement and release agreement. The settlement was intended as a full and complete settlement and release of all claims as set forth in the agreement. The Division paid Accenture approximately \$2.2 million from December 2001 through June 2004.

The Division is developing the Florida Voter Registration System (FVRS) pursuant to the Help America Vote Act of 2002. The FVRS is required to be operational on January 1, 2006, and will function as the system for storing and managing the official list of registered voters and serve as the official voter registration list for all federal elections. The Division contracted with Accenture to assist in designing the initial specifications for the FVRS. The Division is negotiating with a contractor for project management services and is in the process of preparing an Invitation to Negotiate to solicit a contractor to implement the FVRS system.

The U.S. Eleventh Circuit Court of Appeals conducted a hearing on October 25, 2004, relating to the constitutionality of Florida’s laws prohibiting felons who have not had their civil rights restored from voting (Article VI, Section 4(a) of Florida’s Constitution and Sections 944.292 and 97.041(2), Florida Statutes).

SCOPE, METHODOLOGY, AND OBJECTIVES

The scope of the audit covered the period July 1, 2001, through July 31, 2004, to determine:

- The history of the CVDB, including its creation, as well as the criteria, methods, and data sources utilized in its design and formation;
- The reliability and completeness of the data sources utilized by the CVDB;
- The matching criteria and methodology utilized in performing initial voter eligibility determinations (deaths, duplicates, and felons);
- The effects of any disparities noted in the CVDB initial voter eligibility determination process; and

- The Division's compliance with the NAACP settlement agreement.

In order to address these issues as quickly as possible, the Department's Office of Inspector General formed an audit team consisting of: Kirby J. Mole, Inspector General, Department of State; Kathryn L. Parker, Director of Auditing, Department of State; Major Roy C. Dickey, Director of Investigations, Office of Inspector General, Department of Environmental Protection; Captain Amy M. Schmidt, Investigator, Office of Inspector General, Department of Environmental Protection; Barbara Kennedy, Data Processing Manager, Bureau of Information Systems, Department of Environmental Protection; and B. Townsend Waddill, Audit Administrator, Office of the Chief Inspector General, Executive Office of the Governor.

The audit team reviewed the Florida Constitution, Florida Statutes, procurement documents, contractual agreements, project documentation, accounting records, and the CVDB, and conducted personal interviews. The scope of the audit also included a preliminary review of the CVF, the predecessor to the CVDB, from July 1, 1998, through the establishment of the CVDB. The scope did not include tests of detail data accumulated from external databases discussed in this report, the CVDB or test environment source code, or the list of potentially ineligible voters (deaths, duplicates, and felons).

The audit also included statistical analysis of various criteria in the CVDB matching logic. The analysis was performed on data from the CVDB from specific time periods in a test environment. The statistical analysis presented in this report is strictly intended to analyze the effects of certain criteria on the initial voter eligibility determination process and is not useful for and should not be used to make individual voter eligibility determinations.

The audit was conducted in accordance with the *Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors.

FINDINGS AND RECOMMENDATIONS

Audit Finding #1:

The Division did not always provide sufficient contract management and oversight of the CVDB project. Project documents which were necessary to demonstrate the Division's control over the project were not always readily available. In some instances, records were not readily available to document compliance with the state term contract.

Project Management

The members of the audit team performed a detailed review of CVDB project documentation which primarily focused on the time period from the project's inception through May 30, 2002. The audit team also reviewed contract documentation and other information applicable to the entire audit period.

The Department's Information Systems Development Methodology (ISDM) and Accenture's Delivery Methods were utilized in the creation of the Project Plan Deliverable, the System Implementation Plan, and the Training Plan, which reflected the step-by-step preparation of all deliverables and completion of the project.

The Division did not always document compliance with the Department's ISDM. The Department's ISDM stated, "All development or enhancement efforts for applications which will run on Department servers or across the Department's network are required to meet these ISDM standards beginning July 1, 2001." For example, the Department's ISDM required all projects to complete a master risk assessment, yet the ISDM did not define the elements of a master risk assessment. Certain project status reports referred to risks and concerns but did not appear to substitute for a master risk assessment, which could be tracked over all phases of project development.

The common business approach to risk management assures project components assessed as high risk receive special consideration from the project manager to ensure the project progresses in a timely manner and any issues encountered are resolved promptly. The CVDB matching logic might have been designated as high risk due to the controversy over previous attempts at determining initial voter eligibility, visibility of the results to the public, and overall complexity. Some status reports suggested there were delays and difficulties in the development of the CVDB matching logic, and remediation was necessary in certain instances. The project might have benefited from additional consideration given to the matching logic specifically during December 2001 and January 2002.

The contract required Accenture to prepare weekly project status reports. Of the 33 reports required during the review period, 18 were not available for evaluation. One gap seemed to coincide with a change in Accenture project managers. It could not be determined if these reports were not preserved or were never produced and/or reviewed by the Division.

Several project control documents did not contain approvals by either the Division or Accenture. The Match Ranking Design document's purpose was to verify the project design was complete and prepared for programming; however, it appeared to contain an approval by the Division several months after programming actually began and contained no approval by Accenture.

Approximately one week prior to the CVDB's statutorily mandated commencement date in June 2002, the Division's upper management reviewed the CVDB matching logic and determined it was not as stringent as the Division had envisioned. Consequently, the Division's upper management directed certain "Business Rules" be applied to the matching logic to strengthen the initial voter eligibility determination process before the CVDB became operational. Accenture expressed concerns about the proposed changes, as making major changes so late in the development process on a critical component of the system, such as the matching logic, were considered high risk. Nevertheless, Accenture agreed to implement this change in the matching logic.

Project documentation did not mention interviews or other activities performed by Accenture to ascertain the Division's ideas and expectations with regards to the design of the CVDB and

specifically its matching logic. Gathering requirements should generally precede the design and programming phases of a project and requirements documentation should typically be less technical in nature and easier to comprehend. The Requirements Specification document made reference to a Matching Functional Requirements document. This document was unavailable for review and might have been valuable in translating the needs of the Division into the design and development of the CVDB matching logic. While it could not be determined if the Matching Functional Requirements document was created by Accenture, its existence might have helped the Division's management identify issues with the matching logic prior to May 23, 2002, one week before the CVDB was mandated by statute to be operational. Consequently, high risk major modifications requested by management might not have been necessary so late in the development process.

Contract Management

The Division entered into a fixed price contract with Accenture for \$1,550,350 for the design and development of the CVDB, which was derived from state term contract number 973-518-00-1. The contract also included \$1 million in software license fees for the period July 2002 through June 2006. The first year of the software license fee, October 2001 through June 2002, was included in the design and development phase of the contract. The state term contract included the following services: project management, business analysis, systems analysis and design, business reengineering, change management, training, computer operations, network management, strategic consulting, and business process management. The Division included in excess of \$1 million in software license fees as part of the contract, which did not appear to be authorized under the terms and conditions of the state term contract.

The Division executed a \$231,550 change order to Accenture for enhancements to the CVDB on May 16, 2003. The Division issued a partial payment of \$88,010 for the change order on June 16, 2004. On June 28, 2004, the Division terminated the CVDB contract with Accenture via the execution of a settlement and release agreement denoting a balance due of \$170,652.50. This balance reflected the amount due on the change order and some additional work completed by Accenture for which no change order was available for review. The settlement was intended as a full and complete release of all claims as set forth in the agreement.

A review of the change order and settlement agreement revealed the rates used to calculate the amount due were incorrect as they were based upon the wrong state term contract (973-518-03-01 instead of 973-518-00-1) and possibly resulted in an overcharge to the Division. The amount of the possible overcharge could not be determined because the hourly rate categories detailed in the two state term contracts were not comparable. On August 23, 2004, the Division placed a hold on the balance due under the settlement agreement until additional research could be conducted.

The Division's CVDB contract with Accenture incorporated separate payments for the license fee of the software, which Accenture purchased from election.com (a subsidiary of Accenture) and modified to create the CVDB. The initial license fee was included in the original Accenture contract amount. Additional annual license fees of \$250,000 were to be paid for fiscal years 2002-03 through 2005-06. The initial contract with Accenture noted, the Division's right to

continue the use of the software during the term of the agreement was contingent on the payment of all software license and maintenance fees. It further stated, if the Division wished to continue to use and receive maintenance for the software, it could negotiate a separate agreement with election.com. As of September 2004, the Division had not paid the annual license fee for fiscal years 2004-05 or 2005-06 and the fee was not detailed as part of the Division's settlement agreement with Accenture.

Recommendation:

To enhance contract and management control over future information systems development, we recommend the Department follow and document compliance with its ISDM. If the Department supplements its ISDM with methodology used by a contractor, the Department should document the portions of the ISDM which were supplemented. We also recommend the Department perform a risk assessment on all information systems projects before design or programming commences. We further recommend the Chief Information Officer be included on the project development team, where practical.

We recommend the Department ensure all appropriate project documentation is completed and reviewed in a timely manner. The Department should also document its review and maintain all project documentation in an easily accessible and organized manner. We further recommend the Department consider including sanctions in information systems contracts when adequate and timely contract documentation is not provided.

We recommend the Department utilize state term contracts for commodities and services authorized in the state term contract. If the Department requires additional commodities or services which are outside the scope of the state term contract, we recommend the Department follow the appropriate contract requirements prior to contracting for such commodities or services. We further recommend the Department consider requiring all information systems contract/project managers to receive training on contract and/or project management activities.

We recommend the Division continue its review of the Accenture CVDB contract and settlement agreement to determine the proper amount due on the contract. We also recommend the Division review the software license fee agreement with Accenture/election.com and the settlement agreement with Accenture to determine if the Division is required to pay the annual license fee if it continues to operate the CVDB.

Audit Finding #2:

Data sources utilized to determine initial voter eligibility were not always complete. The Division did not perform an assessment to ascertain if additional relevant data sources were available to strengthen the initial voter eligibility determination process.

Section 98.0977(3)(a), Florida Statutes, required the use of data from the FDLE, the Clemency Office, Vital Statistics, and any other relevant sources when determining initial voter eligibility. The Division utilized data from these sources and the voter registration information from the Supervisors when performing initial voter eligibility determinations.

The Division obtained information on felons from criminal history records maintained by the FDLE. The FDLE received information on felons from a variety of sources such as Florida's Clerks of the Circuit Court, the Department of Corrections in Florida and other states, and the FBI. The Division was not able to acquire information on federal felons or felons convicted in other states from the FDLE as this information was restricted for criminal justice purposes only.

In December 2001, the FDLE conducted a study comparing the disposition of Florida felony convictions maintained in its system with the disposition of Florida felony convictions maintained by seven of Florida's Clerks of the Circuit Court to determine the reliability of the disposition data contained in the FDLE's system. The FDLE reviewed 1328 records and determined 95% contained the appropriate disposition in the FDLE's system. The FDLE concluded the majority of the errors discovered were related to older records.

In 2001, the Division created a database separate from the CVDB to maintain information on federal felons received from the U.S. District Court. Prior to this, the Division did not retain this information. The Division forwarded a copy of the judgment received from the U.S. District Court to the Supervisor in the county of record for review and appropriate action. If the judgment did not include the felon's address, the Division sent out a monthly report to all Supervisors for review and appropriate action. As of August 9, 2004, the database contained 12,629 judgments, which had been referred to the Supervisors. Revocations (changes made to the original court sentence) were not forwarded, because the Division did not readily have access to the address listed on the original judgment.

The Division obtained information on the restoration of voting rights for felons from the Clemency Office. The Clemency Office received applications for the restoration of voting rights in Florida from felons convicted in Florida, felons convicted in other states, and federal felons. The Clemency Office also received inmate and parolee release information from the Department of Corrections each month. The Clemency Office used this information to determine if a felon was eligible, without a hearing, to have their voting rights restored. The Division did not receive information related to felons who were eligible, without a hearing, to have their voting rights restored until the felon's voting rights were restored. The Division also did not receive information relating to felons who were ineligible for or denied restoration of voting rights.

Prior to creating a database in 1994 to track clemency applications, the Clemency Office maintained certain clemency information on index cards. Since 1994, all new clemency applications have been entered into the database, although clemency records prior to 1994 were not entered into the database until 1998. The database did not have the capability to accept clemency information if it did not contain a birth date. Prior to 1977, the index cards maintained by the Clemency Office did not contain birth dates; therefore, any clemencies issued prior to 1977 were not input into the database. Although the Clemency Office modified its database in 2002 to allow clemency information to be entered without birth dates, approximately 5,128 clemency records from 1964-1977 were not entered into the database until July 2004. The Clemency Office recently reviewed Executive Orders from 1975-1994 to ensure all clemencies granted have been entered into the database.

The Clemency Office had not reviewed any applications received in fiscal year 2003-04 as applications received during fiscal year 2002-03 were still being processed. As of July 30, 2004, the Clemency Office had received roughly 11,000 clemency applications which had not been reviewed and had about 5,000 applications which were being processed by investigators. All of the applications were entered into the Clemency Office's database. As the Division only received information on clemencies granted it did not receive any information on these pending applications.

The Division obtained information related to deceased individuals from Vital Statistics. Vital Statistics received information from death certificates filed with the local county health departments. Vital Statistics maintained the central registration system for births, deaths, and fetal deaths in Florida. Vital Statistics did not maintain information on events occurring outside of Florida, even when the individual was a Florida resident.

It could not be determined whether Vital Statistics conducted any reliability studies on its data, although the Vital Records Registration Handbook indicated death records might be impaired because of inaccurate or incomplete information. According to the Handbook, Vital Statistics required the local county health departments to review records for acceptability, including errors and omissions. When the record was received from the local county health department, Vital Statistics reviewed it for errors and omissions and, if necessary, initiated an inquiry into the matter.

As there was not a single reliable source for individuals adjudicated mentally incompetent with respect to voting rights, the Supervisors received adjudications from the Clerks of the Circuit Court and entered them into the CVDB for an initial determination of voter eligibility. If a potential match was identified it was sent to the Supervisor for a final determination of voter eligibility.

The Division obtained information on voter registrations from the Supervisors. The Supervisors received voter registration information from individuals registering to vote. The Supervisors also received information regarding a voter's eligibility to vote from various sources, such as the Clerks of the Circuit Court, the U.S. Post Office, Vital Statistics, and obituaries. The Division did not receive voter registration rolls from any other state to compare for duplicate voter registrations in other states. There did not appear to be a single source available to acquire voter registration information from other states and it would be burdensome for the Division to request such information directly from other states.

In October 2002, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued Report No. 02-55, Most Election Reforms Implemented; Additional Actions Could Be Considered. In this report, OPPAGA recommended using change of address information supplied by the U.S. Postal Service to assist in identifying duplicate voter registrations in the CVDB.

The Division utilized the primary data sources as mandated in Florida Statutes when performing initial voter eligibility determinations; however, it did not formulate any additional procedures to ascertain if supplementary information from these sources or data from other secondary sources

would further strengthen the initial voter eligibility determination process. The failure to determine if additional information would improve the initial voter eligibility determination process could have resulted in potential matches which were less accurate and could have weakened the initial voter eligibility determination process.

We conducted surveys and interviewed various agencies to discern the availability of other data sources which would provide additional information on registered voters, felons, and deceased individuals. Additional information regarding individuals awaiting restoration of voting rights, as well as those declared ineligible for or denied restoration of voting rights, could be obtained from the Clemency Office to assist in identifying felons or confirming data provided by the FDLE. Also, data available from the Departments of Corrections and Highway Safety and Motor Vehicles could be used to identify additional ineligible voters or to substantiate information from other sources used to determine initial voter eligibility.

Recommendation:

We recommend the Division review the primary data sources utilized in determining initial voter eligibility to ascertain if additional data elements may be available from these data sources, which would further strengthen the determination process. The Division should also conduct a reliability study on these data sources to determine if the data being provided is sufficiently reliable for determining initial voter eligibility. We further recommend the Division perform a reliability and feasibility study to determine if any additional data sources are available for use in the initial voter eligibility determination process.

Audit Finding #3:

The Division did not ensure that contact was made with the Department of Justice prior to implementing the “Business Rules” in the CVDB matching logic for the death and duplicate components on June 1, 2002, to determine if pre-clearance under Section 5 of the Voting Rights Act of 1965, as amended, was required.

Title 28, Chapter 1, Part 51, of the Code of Federal Regulations (CFR) contained the procedures for the administration of Section 5 of the Voting Rights Act of 1965, as amended. The State of Florida was required to submit any change which affected voting, including any voting qualification, prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect after November 1, 1972, to the Department of Justice for Section 5 pre-clearance. Title 28, Chapter 1, Part 51, Section 51.52 (a), CFR, described the standard for pre-clearance as the determination of whether the change would have the purpose or effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. Upon submission, the Department of Justice had 60 days to interpose an objection to the requested change or it was considered pre-cleared. Title 28, Chapter 1, Part 51, Section 51.10, CFR, stated it was unlawful to enforce a change which affected voting without obtaining pre-clearance under Section 5.

The Division ensured a request for pre-clearance of Chapter 2001-40, Laws of Florida, which included the newly enacted Chapter 98.0977, Florida Statutes, establishing the CVDB was

submitted. The Department of Justice posed some questions related to the matching logic utilized, by the CVDB, when performing initial voter eligibility determinations prior to granting pre-clearance to the sections of Chapter 2001-40, Laws of Florida, which dealt with the establishment of the CVDB on March 28, 2002.

In the 2002 legislative session, changes were made to Chapter 98.0977, Florida Statutes; thus, the Division ensured a request for pre-clearance on Chapter 2002-189, Laws of Florida, was submitted on April 23, 2002. The death and duplicate components of the CVDB, with the "Business Rules" incorporated into the matching logic, were placed into operation on June 1, 2002. The "Business Rules" substantially changed the criteria utilized by the CVDB, when producing potential matches in the initial voter eligibility determination process, by requiring certain key fields to be exact; therefore, the "Business Rules" appeared to require pre-clearance from the Department of Justice prior to implementation.

Title 28, Chapter 1, Part 51, Section 51.19, CFR, required the State to promptly notify the Department of Justice upon becoming involved in any litigation concerning voting. The Department of Justice was aware of the Division's pending litigation with the NAACP. On September 4, 2002, the Department of Justice noted the Division had settled its litigation with the NAACP and requested a copy of the settlement agreement. Title 28, Chapter 1, Part 51, Section 51.22, CFR, stated the Department of Justice would not consider any proposed change which had direct bearing on another change affecting voting which had not previously received Section 5 pre-clearance. As such, the Department of Justice noted the prior submission related to the changes in 98.0977, Florida Statutes, affecting the initial voter eligibility determination process contained in Chapter 2002-189, Laws of Florida, must be considered simultaneously with the changes required by the NAACP settlement agreement.

Upon reviewing the changes to the initial voter eligibility determination process required by the NAACP settlement agreement, the Department of Justice again posed questions related to the CVDB matching logic. The Department of Justice issued pre-clearance for the changes in 98.0977, Florida Statutes, contained in Chapter 2002-189, Laws of Florida, and the NAACP settlement agreement, including the "Business Rules", on February 10, 2003. Thus, final pre-clearance was granted for the initial voter eligibility determination process utilized by the CVDB.

It appeared from the questions posed by the Department of Justice during the pre-clearance procedures related to the changes in the initial voter eligibility determination process that it was interested in the effects of the CVDB matching logic on the initial voter eligibility determination process. Also, the "Business Rules" substantially changed the initial voter eligibility determination process. Additionally, the State was required to submit any change in qualifications or eligibility for voting to the Department of Justice for pre-clearance. Therefore, it would appear the Division should have ensured that pre-clearance for the "Business Rules" was requested prior to their implementation into the CVDB matching logic.

Recommendation:

We recommend the Division verify with the Department of Justice the requirement for pre-clearance related to changes in the initial voter eligibility determination process and specifically related to the matching logic utilized in such determinations prior to implementing such changes.

Audit Finding #4:

The Division did not provide the functionality necessary to ensure the CVDB was updated on a daily basis to generate initial voter eligibility determinations as required by Section 98.0977, Florida Statutes.

Section 98.0977, Florida Statutes required the CVDB to provide functionality to ensure the CVDB was updated on a daily basis to determine if a registered voter was ineligible to vote because they were deceased, convicted of a felony and had not had their voting rights restored, adjudicated mentally incompetent and had not had their voting rights restored, or registered more than once. Major modifications to the CVDB matching logic (incorporating the “Business Rules” into the matching logic) were completed and the felon component was activated on May 7, 2004. However, Accenture had not completed or tested the source code enabling the felon component to utilize the matching logic to compare the FDLE, Office of Clemency, and Supervisor data and perform initial voter eligibility determinations on a recurrent basis. Even though the Supervisors were submitting new voter registrations and changes to voter registrations on a daily basis and the FDLE and Clemency Office had provided updates, the felon component was unable to perform additional initial voter eligibility determinations.

The Division terminated its CVDB contract with Accenture in June 2004 and hired an independent contractor to complete and test the required source code. As of September 2004, the source code was almost complete and should be ready for testing in the Fall of 2004.

Recommendation

We recommend the Department not activate any information technology system prior to the completion and testing of all source code required for its daily operation.

Audit Finding # 5:

The racial disparities detected in the list of potentially ineligible voters (deaths, duplicates, and felons) produced by the CVDB resulted in part from the data sources not utilizing the same race classifications, the use of a race crosswalk to convert similar race classifications, and the implementation of the “Business Rules”.

The Division utilized data from the Supervisors, the FDLE, the Clemency Office, and Vital Statistics in the initial voter eligibility determination process. All of these data sources used different methodologies for identifying and classifying an individual’s race. For example, the FDLE utilized the FBI’s Electronic Fingerprint Transmission Standards to classify race. Some included ethnicities as part of their race classifications, while others maintained a separate field

for ethnicity. All of the data sources contained race classifications which were analogous to the voter registration race classifications (American Indian, Asian/Pacific Islander, Black, White, and Hispanic) except for Hispanic. Vital Statistics and the FDLE race classifications did not contain any classification for Hispanic. The various methodologies for classifying race made it difficult to utilize race as a criteria for matching purposes. See Appendix III for a comparison of the race classifications used by the various data sources.

As the data sources used in the CVDB contained various race classifications, the Division created a race crosswalk to convert the other data sources' race classifications to the statutorily mandated voter registration race classifications. The Division thought doing so would simplify the data conversion process and, based on the initial design of the CVDB's matching logic, would assist in providing additional quality points to a potential match. See Appendix I for an explanation of quality points. The race crosswalk converted race classifications such as Chinese, Filipino, Hawaiian, and Japanese into the Asian/Pacific Islander race classification. Utilizing the race crosswalk resulted in changing the underlying data as initially recorded in the primary data source and highlighted only one of many racial disparities. See Appendix IV for the CVDB race crosswalk.

The death and duplicate components of the CVDB were activated on June 1, 2002. The Division stated the felon component was not yet operational, as there was ongoing litigation with the NAACP and pre-clearance had not been received from the Department of Justice. Major modifications involving the matching logic (integrating the "Business Rules" into the matching logic) were completed for the death and duplicate components in March 2004 and for the felon component in May 2004. The felon component was activated on May 7, 2004, and deactivated on July 10, 2004.

In order to analyze the effects of the "Business Rules" on the initial voter eligibility determination process, the audit team sought to disable the "Business Rules" in the CVDB matching logic. The Division indicated the "Business Rules" were now integrated into the matching logic instead of maintained in a separate stored procedure; therefore, it was not practical to disable all of the "Business Rules". The Division determined it could disable only the race and gender "Business Rules". The results of any additional potential matches created by disabling them were generated in a test environment using a copy of the data from the CVDB as of May 27, 2004. This data was utilized because, of all the backup data available, it was dated closest to the activation of the felon component. The analysis did not remove the effects of any quality points, which the CVDB might have assigned based on race or gender, as the initial design of the CVDB included the assignment of quality points for certain data fields. The quality points assigned for race and gender were equivalent to quality points assigned to other data fields and seemed to have a minimal effect on potential matches; therefore, it appeared their effect, if any, was insignificant to the analysis.

It should be noted, regardless of the results of disabling any of the "Business Rules" in the test environment, the NAACP settlement agreement mandates the Division may not make any changes to the CVDB matching logic before May 15, 2005, without the prior consent of the NAACP.

As detailed below, the analysis of the effects of the “Business Rules” on the initial voter eligibility determination process depicts data which could be interpreted in a variety of ways and could be attributed to a myriad of reasons; therefore, a conclusion was not formulated for each statistical presentation. However, a conclusion was made on the effects of the race and gender “Business Rules” on the initial voter eligibility determination process with respect to the creation of additional potential matches. Also, a conclusion was made on whether the race and gender “Business Rules” contributed to any racial disparities noted in the initial voter eligibility determination process.

CVDB Voter Records

The chart below reflects all voter records entered into the CVDB from June 1, 2002, through May 27, 2004, to provide a basis for comparison to the information detailed in this finding.

Table 1

Voter Records Entered Into the CVDB From June 1, 2002 – May 27, 2004*								
	Democrat	%	Republican	%	Other	%	Total	%
American Indian	11,377	36%	10,439	33%	9,778	31%	31,594	<1%
Asian/Pacific Islander	33,478	30%	35,807	32%	41,637	38%	110,922	1%
Black	1,166,948	82%	78,019	5%	182,455	13%	1,427,422	11%
White	3,614,403	36%	4,276,161	42%	2,185,676	22%	10,076,240	76%
Hispanic	354,914	33%	410,099	39%	296,333	28%	1,061,346	8%
Other	86,309	34%	66,965	26%	100,119	40%	253,393	2%
Unknown	80,775	35%	48,622	21%	103,877	44%	233,274	2%
Null	31	1%	48	1%	4,880	98%	4,959	<1%
Total	5,348,235	41%	4,926,160	37%	2,924,755	22%	13,199,150	100%

* Includes 2,480,656 records which were removed for various reasons including Supervisor list maintenance activities, Supervisor final voter eligibility determinations related to the potential matches created in the CVDB as a result of the initial voter eligibility determination process, and Supervisor administrative removal as the record was entered incorrectly.

Potential Death Matches

Summary Analysis of Potential Death Matches

Potential death matches were created in the CVDB by comparing data from Vital Statistics and the Supervisors. The original potential death matches were 90% White, the additional potential death matches created by disabling the race “Business Rule” were 78% Hispanic/White, and the additional potential matches created by disabling the gender “Business Rule” were 90% White. This disparity appeared to exist because Vital Statistics race classifications did not contain a Hispanic race classification. The original potential death matches were 52% registered Democrat. The additional potential death matches created by disabling the race and gender “Business Rules” were 55% registered Republican (not shown in tables). The additional potential death matches created by disabling the race “Business Rule” in the Hispanic/White race classification were 62% registered Republican.

The table below reflects potential death matches sent to the Supervisors for final voter eligibility determinations. Until March 2004, the CVDB did not have the capability to store key data fields in a potential match at the time the potential match was created; therefore, data detailed below might have changed and might not reflect the data at the time the potential match was initially created.

Table 2

Original Potential Death Matches June 1, 2002 – May 27, 2004*								
	White	%	Black	%	Other	%	Total	%
Democrat	59,446	85%	9,312	13%	1,199	2%	69,957	52%
Republican	44,025	97%	381	1%	776	2%	45,182	33%
Other	19,375	92%	536	3%	1,114	5%	21,025	15%
Total	122,846	90%	10,229	8%	3,089	2%	136,164	100%

* Data might have changed and might not reflect the data at the time the potential match was initially created.

As evidenced by the above table, the original potential death matches were 90% White. Of the original potential death matches 52% were registered Democrat, of which 85% were White.

The table below represents additional potential death matches generated as a result of disabling the race “Business Rule” which would have been sent to the Supervisors for final voter eligibility determinations.

Table 3

Additional Potential Death Matches With Race “Business Rule” Disabled As of May 27, 2004								
	Democrat	%	Republican	%	Other	%	Total	%
Hispanic/White	198	24%	520	62%	116	14%	834	78%
All Others	114	48%	72	30%	54	22%	240	22%
Total	312	29%	592	55%	170	16%	1,074	100%

As indicated by the above table, the additional potential death matches created by disabling the race “Business Rule” were 78% Hispanic/White, of which 62% were registered Republican. The additional potential death matches created by disabling the race “Business Rule” for all race classifications were 55% registered Republican.

The table below represents additional potential death matches generated as a result of disabling the gender “Business Rule” which would have been sent to the Supervisors for final voter eligibility determinations.

Table 4

Additional Potential Death Matches With Gender "Business Rule" Disabled As of May 27, 2004								
	White	%	Black	%	Other	%	Total	%
Democrat	13	87%	2	13%	-	-	15	35%
Republican	19	95%	-	-	1	5%	20	48%
Other	6	86%	1	14%	-	-	7	17%
Total	38	90%	3	7%	1	3%	42	100%

As depicted in the above table, the additional potential death matches created by disabling the gender "Business Rule" were 90% White. The additional potential death matches created by disabling the gender "Business Rule" for all race classifications were 48% registered Republican.

Potential Duplicate Matches

Summary Analysis of Potential Duplicate Matches

Potential duplicate matches were created in the CVDB by comparing data from the Supervisors. The original potential duplicate matches were 77% White, the additional potential duplicate matches created by disabling the race "Business Rule" were 42% Other/White, and the additional potential matches created by disabling the gender "Business Rule" were 67% White. This disparity resulted because of how certain Supervisors' voter registration systems classified the race of individuals who left the race field blank on the voter registration application. See Finding #6 for further explanation. The original potential duplicate matches and the additional potential duplicate matches created by disabling the race and gender "Business Rules" were relatively evenly divided between registered Democrat, registered Republican, and registered Other Party.

The table below reflects potential matches sent to the Supervisors for final voter eligibility determinations. Until March 2004, the CVDB did not have the capability to store key data fields in a potential match at the time the potential match was created; therefore, data detailed below might have changed and might not reflect the data at the time the potential match was initially created.

Table 5

Original Potential Duplicate Matches June 1, 2002 – May 27, 2004*										
	White	%	Black	%	Hispanic	%	Other	%	Total	%
Democrat	96,979	67%	27,875	19%	9,326	6%	11,368	8%	145,548	37%
Republican	133,106	88%	1,956	1%	7,425	5%	9,184	6%	151,671	38%
Other	73,378	76%	5,095	5%	7,339	8%	10,658	11%	96,470	25%
Total	303,463	77%	34,926	9%	24,090	6%	31,210	8%	393,689	100%

* Data might have changed and might not reflect the data at the time the potential match was initially created.

As substantiated by the above table, the original potential duplicate matches were 77% White. The original potential duplicate matches were relatively evenly split with 37% registered Democrat, 38% registered Republican, and 25% registered Other Party.

The table below represents additional potential duplicate matches generated as a result of disabling the race “Business Rule” which would have been sent to the Supervisors for final voter eligibility determinations.

Table 6

Additional Potential Duplicate Matches With Race “Business Rule” Disabled As of May 27, 2004								
	Democrat	%	Republican	%	Other	%	Total	%
Other/White	395	30%	497	37%	447	33%	1,339	42%
Hispanic/White	271	34%	293	37%	230	29%	794	25%
All Others	511	49%	225	22%	295	29%	1,031	33%
Total	1,177	37%	1,015	32%	972	31%	3,164	100%

As evidenced by the above table, the additional potential duplicate matches created by disabling the race “Business Rule” were 42% Other/White, of which 30% were registered Democrat, 37% were registered Republican, and 33% were registered Other Party. The additional potential duplicate matches created by disabling the race “Business Rule” for all race classifications were evenly divided with 37% registered Democrat, 32% registered Republican, and 31% registered Other Party.

The table below represents additional potential duplicate matches generated as a result of disabling the gender “Business Rule” which would have been sent to the Supervisors for final voter eligibility determinations.

Table 7

Additional Potential Duplicate Matches With Gender “Business Rule” Disabled As of May 27, 2004										
	White	%	Black	%	Hispanic	%	Other	%	Total	%
Democrat	24	52%	14	31%	7	15%	1	2%	46	35%
Republican	39	81%	1	2%	5	11%	3	6%	48	37%
Other	24	65%	2	5%	8	22%	3	8%	37	28%
Total	87	67%	17	13%	20	15%	7	5%	131	100%

As evidenced by the above table, the additional potential duplicate matches created by disabling the gender “Business Rule” were 67% White. The additional potential duplicate matches created by disabling the gender “Business Rule” for all race classifications were evenly divided with 35% registered Democrat, 37% registered Republican, and 28% registered Other Party.

Potential Felon Matches**Summary Analysis of Potential Felon Matches**

Potential felon matches were created in the CVDB by comparing data from the FDLE and the Supervisors. The original potential felon matches were 51% White and 46% Black. The additional potential felon matches created by disabling the race "Business Rule" were 50% Hispanic/White and the additional potential matches created by disabling the gender "Business Rule" were 59% Black. This disparity appeared to exist because the FDLE race classifications did not contain a Hispanic race classification. The original potential felon matches were 59% registered Democrat and the additional potential felon matches created by disabling the race and gender "Business Rules" were 44% registered Democrat (not shown in tables). The additional potential felon matches created by disabling the race "Business Rule" in the Hispanic/White race classification were 40% registered Democrat.

The table below reflects potential matches sent to the Supervisors for final voter eligibility determinations. Even though the CVDB felon component had the capability to store key data fields in a potential match at the time the potential match was created, it did not have the capability to store other information contained in the potential match record such as political party. Therefore, data detailed below might have changed and might not reflect the data at the time the potential match was initially created.

Table 8

Original Potential Felon Matches May 7, 2004*										
	White	%	Black	%	Hispanic	%	Other	%	Total	%
Democrat	9,661	34%	17,551	63%	32	<1%	777	3%	28,021	59%
Republican	7,856	83%	1,470	15%	10	<1%	188	2%	9,524	20%
Other	6,641	65%	2,965	29%	19	<1%	593	6%	10,218	21%
Total	24,158	51%	21,986	46%	61	<1%	1,558	3%	47,763	100%

* Data might have changed and might not reflect the data at the time the potential match was initially created.

As evidenced by the above table, the original potential felon matches were 51% White and 46% Black. The original potential felon matches were 59% registered Democrat, of which 63% were Black.

The table below represents additional potential felon matches generated as a result of disabling the race "Business Rule" which would have been sent to the Supervisors for final voter eligibility determinations.

Table 9

Additional Potential Felon Matches With Race “Business Rule” Disabled As of May 27, 2004								
	Democrat	%	Republican	%	Other	%	Total	%
Hispanic/White	1,142	40%	802	28%	919	32%	2,863	50%
All Others	1,388	48%	658	23%	819	29%	2,865	50%
Total	2,530	44%	1,460	26%	1,738	30%	5,728	100%

As demonstrated in the above table, the additional potential felon matches created by disabling the race "Business Rule" were 50% Hispanic/White, of which 40% were registered Democrat. The additional potential felon matches created by disabling the race "Business Rule" for all race classifications were 44% registered Democrat.

The table below represents additional potential felon matches generated as a result of disabling the gender "Business Rule" which would have been sent to the Supervisors for final voter eligibility determinations.

Table 10

Additional Potential Felon Matches With Gender “Business Rule” Disabled As of May 27, 2004								
	White	%	Black	%	Other	%	Total	%
Democrat	7	16%	34	79%	2	5%	43	57%
Republican	9	82%	1	9%	1	9%	11	14%
Other	9	41%	10	45%	3	14%	22	29%
Total	25	33%	45	59%	6	8%	76	100%

As evidenced by the above table, the additional potential felon matches created by disabling the gender "Business Rule" were 59% Black. The additional potential felon matches created by disabling the gender "Business Rule" for all race classifications were 57% registered Democrat.

Overall Summary of Potential Matches

The following table is a summary of the information contained above detailing the total potential matches created originally and any additional potential matches created as a result of disabling the race and gender "Business Rules". This table represents those potential matches which would have been sent to the Supervisors for final voter eligibility determinations.

Table 11

Overall Summary of Potential Matches				
Type of Potential Match	Original	Race “Business Rule” Disabled	Gender “Business Rule” Disabled	Total
Death	136,164	1,074	42	137,280
Duplicate	393,689	3,164	131	396,984
Felon	47,763	5,728	76	53,567
Total	577,616	9,966	249	587,831

While it is clear, based on the above analysis, disabling the race and gender “Business Rules” did not have a major impact (2%) on creating additional potential matches, the “Business Rules”, particularly the race “Business Rule”, nevertheless contributed to the racial disparities identified in the list of potentially ineligible voters (deaths, duplicates, and felons). As the effect of the last name, birth date, and social security number “Business Rules” could not be analyzed, it was impossible to determine how many additional potential matches would be created by disabling them and whether any racial disparities existed as a result of their implementation.

During the development of the CVDB, the Division conducted various meetings with representatives of the Supervisors who were concerned about the workload, which would be generated as a result of the list of potentially ineligible voters produced by the CVDB. Thus, the Division sought to limit the Supervisors’ workload by providing more reliable potential matches to the Supervisors for final voter eligibility determinations. The Division viewed the implementation of the “Business Rules” as a way to accomplish this goal. There was no evidence found to suggest the Division was aware that implementing the “Business Rules” would create any disparities with respect to any race or political party.

Race and ethnicity designations can be inaccurate and difficult to determine, as they are subjective in nature and may be reported differently based on whether an individual is self-reporting or identified by a third party. An individual may also change the description of their race or ethnicity over time or may not be consistent in their description across data sources. Also, as noted above, most data sources differ in their race and ethnicity classifications and might have altered their classifications over time.

Recommendation:

We recommend the Division no longer utilize race as a primary matching criterion when performing initial voter eligibility determinations. We recognize the Division cannot change the primary matching criteria until May 2005 without the consent of the NAACP; therefore, we recommend the Division contact the NAACP and request the removal of race as a primary matching criterion. We further recommend if the Division and the NAACP agree to remove race as a primary matching criterion when performing initial voter eligibility determinations that the Division ensure contact is made with the Department of Justice to determine if pre-clearance is required prior to implementing this change. We also recommend the Division maintain the integrity of all source data flowing into the initial voter eligibility determination process by not utilizing a race crosswalk in future systems.

Audit Finding #6:

The CVDB matching logic contained various deficiencies which did not fully comply with the NAACP settlement agreement or could not be remedied because of the settlement agreement.

Clemency

Section IV. A. of the NAACP settlement agreement required the Division to utilize the matching logic in “Exhibit A” of the settlement agreement when conducting any comparison of individuals on the CVDB with individuals on other databases pursuant to Section 98.0977, Florida Statutes. The Division did not comply with Section IV. A. of the NAACP settlement agreement because it did not utilize the matching logic applicable to the clemency component as set forth in “Exhibit A” of the settlement agreement (Appendix II) when performing initial voter eligibility determinations. The Department employed three base matches in the clemency matching logic - DCB, DCL, and NDC (see Appendix I for explanation) which were not specified in the settlement agreement, and did not implement the DLL base match (see Appendix II for explanation) which was required by the settlement agreement. Also, the Division did not implement the race, gender, and social security number “Business Rules” in the clemency matching logic as directed by the NAACP settlement agreement.

The Division employed point ranking and threshold criteria in the clemency matching logic to evaluate potential clemency matches even though the NAACP settlement agreement indicated no point ranking and threshold criteria should be applied when evaluating potential clemency matches. The Division viewed all potential clemency matches above the threshold as having received clemency and did not send them to the Supervisors for final voter eligibility determinations. Consequently, the Division viewed all potential clemency matches below the threshold as possibly having received clemency and sent them to the Supervisors for final voter eligibility determinations. Although the Division did not fully comply with the NAACP settlement agreement, it gave the benefit to the voter when applying point ranking and threshold criteria in evaluating potential clemency matches.

Although the Division was not in compliance with the NAACP settlement agreement in regards to the clemency matching logic, the majority of the non-compliance issues benefited the voter by creating 2,130 clemency matches above the threshold which would not have been created had the Division fully complied with the settlement agreement. As a result of the Division’s non-compliance with “Exhibit A” of the NAACP settlement agreement in regards to the clemency matching logic, 2,130 fewer potential felon matches were reported on May 7, 2004.

The table below provides a breakdown by race of the clemency matches above the threshold which were created as a result of the Division’s non-compliance with the clemency matching logic as set forth in “Exhibit A” of the NAACP settlement agreement. Even though the CVDB had the capability to store key fields in a potential match at the time the potential match was initially created some data detailed below might have changed and might not reflect the data at the time the potential match was initially created.

Table 12

Racial Breakdown of Clemency Matches Above the Threshold Created As a Result of Non-Compliance With "Exhibit A" of the NAACP Settlement Agreement With Regards to the Clemency Matching Logic As of May 27, 2004 – Based on Original Clemency Matches Created on May 7, 2004*										
	White	%	Black	%	Black/White	%	Other	%	Total	%
Race	-	-	-	-	75	87%	11	13%	86	4%
Gender	12	63%	7	37%	-	-	-	-	19	1%
Social Security	82	68%	35	29%	-	-	4	3%	121	6%
DCB	1,016	61%	632	38%	-	-	8	1%	1,656	78%
DCL	121	50%	119	50%	-	-	-	-	240	11%
NDC	3	38%	3	37%	-	-	2	25%	8	<1%
Total	1,234	58%	796	37%	75	4%	25	1%	2,130	100%

* Data might have changed and might not reflect data at the time the potential match was initially created.

As evidenced in the table above, the clemency matches above the threshold created by the Division's non-compliance with the clemency matching logic as set forth in "Exhibit A" of the NAACP settlement agreement were 58% White.

The table below provides a breakdown by political party of the clemency matches above the threshold created as a result of the Division's non-compliance with the clemency matching logic as set forth in "Exhibit A" of the NAACP settlement agreement. Even though the CVDB had the capability to store key data fields in a potential match at the time the potential match was created, it did not have the capability to store other information contained in the potential match record such as political party. Therefore, data detailed below might have changed and might not reflect the data at the time the potential match was initially created.

Table 13

Party Breakdown of Clemency Matches Above the Threshold Created As a Result of Non-Compliance With "Exhibit A" of the NAACP Settlement Agreement With Regards to the Clemency Matching Logic As of May 27, 2004 – Based on Original Clemency Matches Created on May 7, 2004*								
	Democrat	%	Republican	%	Other	%	Total	%
Race	62	72%	15	17%	9	11%	86	4%
Gender	13	68%	3	16%	3	16%	19	1%
Social Security	63	52%	31	26%	27	22%	121	6%
DCB	943	57%	348	21%	365	22%	1,656	78%
DCL	143	60%	56	23%	41	17%	240	11%
NDC	5	63%	3	37%	-	-	8	<1%
Total	1,229	58%	456	21%	445	21%	2,130	100%

* Data might have changed and might not reflect data at the time the potential match was initially created.

As evidenced in the table above, the clemency matches above the threshold created by the Division's non-compliance with the clemency matching logic as set forth in "Exhibit A" of the NAACP settlement agreement were 58% registered Democrat.

Gender Unknown

The gender “Business Rule” stated there must be no conflict in gender data if it existed in both records. Therefore, if gender was unknown in either one or both records being compared, it met the requirements of the gender “Business Rule”. Upon reviewing the additional potential matches created by disabling the gender “Business Rule”, it was determined the CVDB source code was written incorrectly and did not comply with the CVDB matching logic as set forth in “Exhibit A” of the NAACP settlement agreement. As a result, as of May 27, 2004, the CVDB had not processed 2,058 potential matches, which would have been sent to the Supervisors of Elections for final voter eligibility determinations. The table below shows a breakdown of the potential matches. These matches were not analyzed in regards to race or political party and were not included in the analysis in Finding #5. In July 2004, the source code was rewritten to correct the matching logic and potential death and duplicate matches were processed. However, as the felon component of the CVDB was deactivated prior to the correction, potential felon matches have not been processed.

Table 14

Potential Matches Not Processed Due to Gender Unknown Source Coding Error As of May 27, 2004	
Death	65
Duplicate	1,470
Felon	523
Total	2,058

Name Normalization

The Division discovered in June 2004 there was a limitation in the CVDB source code related to the name normalization procedure. Normalization of data removes punctuation and spaces for comparison purposes. The limitation arose because the name normalization routine designed by Accenture required source code to be written to include every possible symbol or character which could be entered into the name field. Accenture’s source code did not account for all possible scenarios, resulting in data which could not be compared and did not comply with “Exhibit A” of the NAACP settlement agreement, which required name normalization. The Division subsequently corrected this deficiency in July 2004 by rewriting the source code for this routine to only permit letters in the name field.

The table below details the records in the CVDB affected by the name normalization limitation as of May 27, 2004.

Table 15

Records in the CVDB Affected by the Name Normalization Limitation As of May 27, 2004			
	Records Affected	Total Records	Percentage of Records Affected
Voter Registration	280,023	13,199,150	2%
Vital Statistics	20,153	2,207,187	1%
FDLE	227	2,700,540	<1%
Clemency Office	25,419	176,322	14%
Total	325,822	18,283,199	1.8%

As evidenced by the above table, clemency records were the most affected by this limitation. All Voter Registration and Vital Statistics records affected have been normalized and reprocessed via the CVDB death and duplicate components. The FDLE and Clemency Office records affected have been normalized but not reprocessed as the felon component of the CVDB was deactivated prior to the correction. The effect of the name normalization limitation on the initial voter eligibility determination process could not be readily determined.

“Other” vs. “Unknown”

The race “Business Rule” stated there must be no conflict in race data if it existed in both records. Therefore, if race was classified as “Unknown” in either or both records being compared it met the requirements of the race “Business Rule”. If the race was recorded as “Other” in either record, a potential match was created only if both records being compared contained “Other” in the race field.

During the review of potential matches created by disabling the race “Business Rule”, a number of potential matches were noted which contained “Other” in the race field on the voter registration record. In one instance, the largest racial disparity noted was in the Other/White race classification. “Other” was not a choice for race on the voter registration application as mandated by Section 97.052(2)(g), Florida Statutes; however, it was utilized in the CVDB.

Supervisors who utilized VR Systems as their voter registration software (54 of 67 counties) recorded race via a table which contained codes “1-5”, which corresponded to the race classifications mandated in Florida Statutes, and “6” which corresponded to either “Other” or “Unknown” depending on the county. It did not matter whether “Other” or “Unknown” was utilized in the VR Systems database as the “6” was transferred into the CVDB as “Other”.

As of May 27, 2004, a listing of race classifications by county indicated 253,393 registered voters were classified as “Other” and 233,274 registered voters were classified as “Unknown” in the CVDB. Many of the counties which contained a significant amount of registered voters classified as “Other” utilized VR Systems as their voter registration system. It could not be determined without reviewing each voter registration application if the voters who were classified as “Other” left the race field blank on the voter registration application and should have been classified as “Unknown”.

The table below provides a breakdown of the additional potential matches created by disabling the race “Business Rule” with “Other” as the race classification which would have been sent to the Supervisors for final voter eligibility determinations.

Table 16

Additional Potential Matches Created by Disabling the Race “Business Rule” With “Other” Race Classification on the Voter Registration Record As of May 27, 2004						
	Other/White	Other/Black	Other/ American Indian	Other/Asian Pacific Islander	Other/Hispanic	Total
Death	134	24	-	2	-	160
Duplicate	1,339	302	12	71	184	1,908
Felon	509	681	2	2	-	1,194
Total	1,982	1,007	14	75	184	3,262

Because of the NAACP settlement agreement, the Division is not able to change the CVDB matching logic to allow “Other” to match with any race before May 15, 2005, without the prior consent of the NAACP. While there are other alternatives available to resolve this issue, changing the matching logic appears to be the least challenging solution.

Recommendation:

We recommend the Division notify the NAACP regarding the Division’s non-compliance with the settlement agreement related to the clemency matching logic. The Division should inform the NAACP of the positive effects of the non-compliance and request a release of the settlement agreement in relation to the clemency matching logic because it benefited voters.

We recommend the Division perform a detailed review of the source code and matching logic utilized by the CVDB when performing initial voter eligibility determinations to ensure compliance with the NAACP settlement agreement. We also recommend the Division convey the situation regarding “Other” vs. “Unknown” to the NAACP and request a change in the matching logic to allow “Other” to match any race, if race continues to be used as a primary matching criterion.

Audit Finding #7:

The Division’s compliance with Sections III.A. and III.D. of the NAACP settlement agreement could not be determined as it could not be confirmed that the lists of potentially ineligible voters utilized by the Division when reprocessing individuals, as directed by the settlement agreement, were the original lists generated by DBT and modified by the Division prior to being provided to the Supervisors in 1999 and 2000.

Reprocessing of the 1999 and 2000 Lists of Potentially Ineligible Voters

Section III. A. of the NAACP settlement agreement required the Division to apply the matching criteria described in “Exhibit A” of the settlement agreement to the 1999 and 2000 lists of potentially ineligible voters (duplicate registrants and felons only) provided by DBT to the

NAACP in DBT's settlement of the NAACP litigation. The resulting list was referred to as the "Report of Filtering Results" and contained individuals who were listed as potentially ineligible on the 1999 and 2000 lists, but did not meet the matching criteria described in "Exhibit A" of the NAACP settlement agreement. The Division was to transmit the "Report of Filtering Results" to the Supervisors who were to determine if any individuals removed from the voter registration rolls as a result of the 1999 or 2000 lists should be restored to the rolls. The Supervisors were to report any actions taken as a result of the "Report of Filtering Results" to the Division.

DBT did not provide any lists to the NAACP as a result of DBT's settlement with the NAACP; therefore, the Division utilized the data in the CVF when reprocessing individuals from the 1999 and 2000 lists of potentially ineligible voters. The Division retained the original data provided by DBT in 1999 and 2000; however, the Division modified the data prior to inputting it into the CVF and transmitting it to the Supervisors. Because the data provided by DBT in 1999 and 2000 was modified prior to its transmission to the Supervisors and the Division did not maintain records which were readily available detailing the methodology for the modifications, we were not able to confirm that the lists utilized by the Division, from the CVF, when reprocessing individuals, as directed by the NAACP settlement agreement, were the original lists generated by DBT and modified by the Division prior to being transmitted to the Supervisors in 1999 and 2000. Therefore, we were unable to determine if the appropriate individuals were reprocessed utilizing the matching criteria in "Exhibit A" of the NAACP settlement agreement.

To comply with Section III. A. of the NAACP settlement agreement, the Division performed the following procedures:

- Assessed the status of the CVF data.
- Obtained the original data from 1999 and 2000 from the CVF.
- Formatted the data according to the CVDB specifications.
- Loaded the data (voter, felon, and clemency) on the CVDB test environment.
- Executed the matching process.
- Recorded the results.
- Created and transmitted the "Report of Filtering Results".

Although the Division completed the "Report of Filtering Results" in April 2003, it was not transmitted to the Supervisors until September 2003, as the Division and the NAACP were negotiating the verbiage to be included with the report.

The table below presents the results of reprocessing the 1999 and 2000 lists of potentially ineligible voters utilizing the matching logic in the CVDB. The Division reprocessed the individuals who appeared on both the 1999 and 2000 lists only once and did not reprocess those individuals who were still listed as registered voters (active) in the CVDB at the time of reprocessing.

Table 17

Results of Reprocessing the 1999 and 2000 Lists of Potentially Ineligible Voters Utilizing the CVDB Matching Logic						
	Duplicates	%	Felons	%	Total	%
Potential Match	46,640	59%	25,265	32%	71,905	46%
Below Threshold	5,015	6%	4,576	6%	9,591	6%
No Match Created	2,567	3%	7,138	9%	9,705	6%
Active*	11,226	14%	17,794	23%	29,020	18%
On Both Lists*	14,339	18%	23,906	30%	38,245	24%
Total	79,787	100%	78,679	100%	158,466	100%

* Not reprocessed.

Only the records with a status of “Below Threshold” and “No Match Created” were placed on the “Report of Filtering Results” as they did not meet the matching criteria utilized in the CVDB. As depicted in the above table, 7,582 (9%) of the duplicate matches and 11,714 (15%) of the felon matches from the 1999 and 2000 lists were placed on the “Report of Filtering Results” and transmitted to the Supervisors who were to determine if any individuals removed from the voter registration rolls as a result of the lists should be restored to the rolls.

When the Division reprocessed the 1999 and 2000 lists of potentially ineligible voters utilizing the matching logic in the CVDB, it included 1,451 individuals who were identified as convicted in automatic restoration states. Of these individuals, 309 received a status of “Below Threshold” or “No Match Created” and were placed on the “Report of Filtering Results”. There were also 1,432 individuals who were identified as convicted in automatic restoration states who were not reprocessed as they were still shown as registered Florida voters at the time of reprocessing. These individuals have not been included in this analysis as they are included in the analysis of automatic restoration states. It did not appear reprocessing these individuals utilizing the matching logic in the CVDB caused any harm to the voter.

The table below provides a detailed breakdown of race for duplicate matches which appeared on the 1999 and 2000 lists of potentially ineligible voters reprocessed utilizing the CVDB matching logic.

Table 18

Breakdown of Race for Duplicate Matches on the 1999 and 2000 Lists of Potentially Ineligible Voters Reprocessed Utilizing the CVDB Matching Logic												
	White	%	Black	%	Hispanic	%	Hispanic/ White	%	Other	%	Total	%
Potential Match	37,104	80%	3,722	8%	1,397	3%	-	-	4,417	9%	46,640	59%
Below Threshold	1,570	31%	441	9%	427	9%	1,212	24%	1,365	27%	5,015	6%
No Match Created	1,877	73%	242	9%	72	3%	-	-	376	15%	2,567	3%
Active*	7,641	68%	1,333	12%	552	5%	358	3%	1,342	12%	11,226	14%
On Both Lists*	11,055	77%	1,460	10%	356	3%	300	2%	1,168	8%	14,339	18%
Total	59,247	74%	7,198	9%	2,804	4%	1,870	2%	8,668	11%	79,787	100%

* Not reprocessed.

As evidenced by the above table, the duplicate matches on the 1999 and 2000 lists of potentially ineligible voters reprocessed utilizing the CVDB matching logic were 74% White. The majority of the duplicate matches on the 1999 and 2000 lists of potentially ineligible voters reprocessed utilizing the CVDB matching logic did not contain political party information; therefore, this data could not be analyzed.

The table below provides a detailed breakdown of race for felon matches which appeared on the 1999 and 2000 lists of potentially ineligible voters reprocessed utilizing the CVDB matching logic.

Table 19

Breakdown of Race for Felon Matches on the 1999 and 2000 Lists of Potentially Ineligible Voters Reprocessed Utilizing the CVDB Matching Logic										
	White	%	Black	%	Hispanic/ White	%	Other	%	Total	%
Potential Match	11,479	46%	12,469	49%	-	-	1,317	5%	25,265	32%
Below Threshold	837	18%	1,560	34%	1,274	28%	905	20%	4,576	6%
No Match Created	3,157	44%	3,144	44%	286	4%	551	8%	7,138	9%
Active*	8,666	49%	7,251	41%	490	2%	1,387	8%	17,794	23%
On Both Lists*	11,653	49%	10,007	42%	437	2%	1,809	7%	23,906	30%
Total	35,792	45%	34,431	44%	2,487	3%	5,969	8%	78,679	100%

* Not reprocessed.

As evidenced by the above table, the felon matches on the 1999 and 2000 lists of potentially ineligible voters reprocessed utilizing the CVDB matching logic were 45% White and 44% Black. The majority of the felon matches on the 1999 and 2000 lists of potentially ineligible

voters reprocessed utilizing the CVDB matching logic did not contain political party information; therefore, this data could not be analyzed.

As of July 2004, the Division had received responses to the “Report of Filtering Results” from 46 (71%) of the 65 counties which received the report. Glades and Desoto counties did not receive a report, as they did not provide any information related to the initial 1999 and 2000 lists of potentially ineligible voters. Of the 46 responses received, Dade county did not utilize the report as it utilized a different report due to its own settlement agreement with the NAACP. In addition, Pasco county did not utilize the report related to the 2000 list as it believed its procedures for 2000 closely paralleled the procedures to be utilized for the “Report of Filtering Results”. Therefore, these results were reported in the “Other” classification in the table below. The table below details the responses received by the Supervisors on actions taken as a result of the “Report of Filtering Results”.

Table 20

Results of Supervisors Actions on the “Report of Filtering Results”						
	Duplicates	%	Felons	%	Total	%
Individuals Restored	60	1%	1,129	10%	1,189	6%
Other*	5,481	72%	7,529	64%	13,010	68%
No Response Received	2,041	27%	3,056	26%	5,097	26%
Total	7,582	100%	11,714	100%	19,296	100%

* Represents information reported by the Supervisors on the “Report of Filtering Results” which was not essential to the analysis of the number of individuals restored as a result of reprocessing the 1999 and 2000 lists of potentially ineligible voters.

As evidenced by the above table, based on the responses received as of July 2004, 60 (1%) individuals from the potential duplicates list and 1,129 (10%) individuals from the potential felons list were restored to the voter registration rolls as a result of the “Report of Filtering Results”. Of the individuals restored from the potential felons list, 93% were from Hillsborough and Pinellas counties.

Automatic Restoration States

Section III. D. of the NAACP settlement agreement required the Division to identify all individuals included on the original potential felons list in 2000 who were from states with automatic restoration of voting rights (Connecticut, Illinois, New Jersey, Ohio, South Carolina, Texas, Washington [for convictions after July 1, 1984], and Wisconsin) and contact the state to determine whether the individual’s voting rights had been restored. The Division was then required to notify the Supervisors of all individuals whose voting rights had been restored in order for the Supervisors to determine if any individuals removed from the voter registration rolls as a result of the 2000 list should be restored to the rolls.

The Division sent reports, containing detailed information on each of the individuals who appeared on the 2000 list, to the respective states requesting them to designate if the individual’s voting rights had been restored and the restoration date and return the results to the Division.

DBT did not provide a list to the NAACP as a result of DBT's settlement with the NAACP; therefore, the Division utilized the data in the CVF when contacting the above states. The Division retained the original data provided by DBT in 2000; however, the Division modified the data prior to inputting it into the CVF and transmitting it to the Supervisors in 2000. Because the data provided by DBT in 2000 was modified prior to its transmission to the Supervisors and the Division did not maintain records which were readily available detailing the methodology for the modifications, we were not able to confirm that the list utilized by the Division, from the CVF, when contacting the above states, as directed by the NAACP settlement agreement, was the original list generated by DBT and modified by the Division prior to being transmitted to the Supervisors in 2000. Therefore, we were unable to determine if the appropriate individuals were identified when contact was made with the above states.

Responses were received from all of the states; however, the State of New Jersey indicated it would need to determine the municipality which reported the felony conviction in order to provide the requested information as it was not maintained in a statewide system. The Division contacted DBT requesting further information to assist the State of New Jersey; however, DBT responded that it was unable to provide the information due to its own settlement agreement with the NAACP. In July 2004, the Division wrote a joint letter with the NAACP to DBT requesting it to reconsider its position on this matter. To date, no response has been received from DBT; therefore, the Division encouraged the Supervisors to verify the status of these individuals on the voter registration rolls and to take action as deemed necessary.

The Division transmitted the "Report of Verification of Out of State Voting Rights" to the Supervisors who were to determine if any individuals removed from the voter registration rolls as a result of the 2000 list should be restored to the rolls. This information was transmitted to the Supervisors on May 18, 2004, for the states of Connecticut, South Carolina, Texas, Washington, and Wisconsin and on August 11, 2004, for the states of Illinois and Ohio. There was no requirement for the Supervisors to respond to the Division on the disposition of individuals listed on the report.

The table below details the classification of individuals who were listed on the 2000 list of potential felons who were convicted in states with automatic restoration of voting rights.

Table 21

Classification of Individuals Identified on the 2000 List of Potential Felons Who Were Convicted in States With Automatic Restoration of Voting Rights										
	Active*	%	Restored	%	Sentence Not Complete	%	Unknown	%	Total	%
Connecticut	36	54%	15	23%	11	17%	4	6%	66	2%
Illinois	378	53%	38	5%	36	5%	262	37%	714	25%
New Jersey	85	45%	-	-	-	-	104	55%	189	7%
Ohio	461	47%	501	50%	28	3%	-	-	990	34%
South Carolina	192	49%	29	8%	1	<1%	167	43%	389	13%
Texas	232	53%	55	13%	41	9%	109	25%	437	15%
Washington	24	49%	-	-	25	51%	-	-	49	2%
Wisconsin	24	49%	17	35%	8	16%	-	-	49	2%
Total	1,432	50%	655	23%	150	5%	646	22%	2,883	100%

* These individuals were not sent to either the states or the Supervisors as they were still shown as registered Florida voters when the Division reprocessed the 2000 list of potential felons.

As represented by the table above, of the individuals identified on the 2000 list of potential felons, from states with automatic restoration of voting rights, 50% were still shown as registered Florida voters when the list was reprocessed. Of the individuals identified on the 2000 list of potential felons, from states with automatic restoration of voting rights, 23% had their voting rights restored by the state of conviction.

The table below represents the breakdown of race for individuals identified on the 2000 list of potential felons who were convicted in states with automatic restoration of voting rights.

Table 22

Breakdown of Race for Individuals Identified On the 2000 List of Potential Felons Who Were Convicted in States With Automatic Restoration of Voting Rights									
White	%	Black	%	White/ Unknown	%	Other	%	Total	%
1,157	40%	363	12%	649	23%	714	25%	2,883	100%

As evidenced by the table above, the individuals identified on the 2000 list of potential felons who were convicted in states with automatic restoration of voting rights were 40% White. A plurality of the records of the individuals identified on the 2000 list of potential felons who were convicted in states with automatic restoration of voting rights did not contain political party information; therefore, this data could not be analyzed.

Recommendation:

We recommend the Division continue to work with the Supervisors to obtain the disposition of individuals detailed on the "Report of Filtering Results".

Audit Finding #8:

There was no evidence found to substantiate that in late 1997 or early 1998, DBT made the Division aware of the potential for racial disparities when performing initial voter eligibility determinations. However, the Division did have discussions with DBT, in 1999, regarding the use of race as a primary matching criterion when performing initial voter eligibility determinations.

Media reports indicated DBT warned the Division about the potential for racial disparities, particularly with respect to Hispanics, when performing initial voter eligibility determinations in late 1997 or early 1998. The Division did not contract with DBT to produce a listing of potentially ineligible voters until late 1998. When interviewed, DBT officials initially indicated the contract was awarded in 1997 then corrected the statement to confirm the contract was awarded in late 1998. It appeared this same mistake was made when DBT officials discussed this issue with the media; thus, the timeframe reported by the media appeared to be incorrect.

According to DBT, discussions with the Division regarding the matching logic which would have been used in the initial voter eligibility determination process did not occur until early 1999 and centered on which data fields should be utilized when creating potential matches. The Division and DBT discussed utilizing race as a primary matching criterion but decided it was not sufficiently reliable and was inconsistent across data sources. There was no evidence detected to support that DBT specifically informed the Division about a racial disparity involving Hispanics, as stated in the media. As mentioned above, DBT and the Division recognized race was inconsistent across the data sources utilized in the initial voter eligibility determination process.

Recommendation:

No recommendation is necessary.

CONCLUSION

The Division designed the CVDB as a tool to assist the Supervisors with their duties of making final voter eligibility determinations. Section 98.0977, Florida Statutes, required the Supervisors to conduct additional research on those individuals identified by the CVDB as potentially ineligible to vote. The CVDB was not intended or required to be the absolute and final determinant of voter eligibility.

Even though the Supervisors were required to conduct additional research, the Division should have performed an assessment on the data sources utilized in the CVDB to ensure they were the best available for the purpose of making initial voter eligibility determinations. The Division should have also performed an assessment to determine if additional data sources were available to strengthen the initial voter eligibility determination process.

The Division cannot make any changes to the CVDB matching logic or utilize additional data sources, without the prior consent of the NAACP, until the settlement agreement expires in May

2005. The FVRS is slated to be operational on January 1, 2006. Therefore, the Division should perform an analysis and systems review to determine the appropriate course of action necessary to address the concerns associated with the CVDB. The analysis should consider the technical skills, cost, and time required to modify the CVDB; the need for NAACP approval, if modifications are made before May 2005; a determination if pre-clearance from the Division of Justice is required, if modifications are made; and the mandate of Section 98.0977, Florida Statutes, to maintain and operate the CVDB until the FVRS is operational.

The Division should incorporate the lessons learned from the CVDB into the continuing design and development of the FVRS.

APPENDIX I**Overview of the Central Voter Database Data Flow and Matching Logic**

The CVDB was a compilation of each of the Supervisors' voter registration rolls updated on a nightly basis. The CVDB performed initial voter eligibility determinations to identify registered voters who were deceased, convicted of a felony and had not had their voting rights restored, adjudicated mentally incompetent with respect to voting and had not had their voting rights restored, or registered more than once.

The CVDB compared biographical and identification information to the following databases: Florida Department of Law Enforcement – felons; Clemency Office – restoration of voting rights; Bureau of Vital Statistics – deceased individuals; and itself – voter registration rolls from the Supervisors. There was not a reliable source for obtaining information related to individuals who had been adjudicated mentally incompetent with regards to voting. Updates from the external databases were received and input into the CVDB based on the following schedule: FDLE – monthly; Clemency Office – weekly; and Vital Statistics – every 2-3 weeks. All data in the CVDB was normalized for comparison purposes.

The CVDB matching logic determined if a base match could be established between the voter record in the CVDB and agency data or another voter record in the CVDB. A base match was created if the voter record contained certain key elements which were also found in agency data or another voter record. The nine base matches utilized by the CVDB are listed below in hierarchical order.

- **NAM** – last name, first name, least common denominator of the middle name, and date of birth. Used for all matches.
- **NSS** – social security number, last name, and either first name or date of birth. Used for all matches.
- **NDL** – Florida driver's license or ID card, last name, and either first name or date of birth. Used for duplicate matches only.
- **SSL** – social security number and last name. Used for clemency matches only.
- **SSB** – social security number and date of birth. Used for clemency matches only.
- **DLB** – Florida driver's license or ID card and date of birth. Used for clemency matches only.
- **DCB** – Department of Corrections number and date of birth. Used for clemency matches only.
- **DCL** – Department of Corrections number and last name. Used for clemency matches only.

- **NDC** – Department of Corrections number, last name, and first name or date of birth. Used for clemency matches only.

In addition to the criteria above, a set of filters, commonly referred to as the “Business Rules”, were also applied to the base matches (except for the clemency base matches). The “Business Rules” required the following:

- Last name in both records must be exact.
- Date of birth in both records must be exact.
- No conflict in race data if it existed in both records.
- No conflict in gender data if it existed in both records.
- No conflict in social security number. Social security numbers were not valid if any field contained all zeros, if the first digit of a nine digit social security number was eight, or if the first two digits of a nine digit social security number were between 73 and 79 inclusive.

As race and gender were optional and social security number was collected in various formats for voter registration purposes, these fields could have been left blank and met the requirements of the “Business Rules”.

If the base match met the “Business Rule” requirements, an initial point value was assigned based on the type of base match created. The data in the base match was then reviewed to determine if any additional fields matched. If additional data fields matched, quality points were assigned and added to the initial point value. A minimum point value or threshold was required before a potential match was sent to the Supervisors for review. The Division assigned each match type (death, duplicate, felon, and clemency) a different threshold.

The CVDB only reviewed for a clemency base match if a potential match had been created between a voter record and a felon record. The clemency base match was created if the clemency record matched the felon record which had already been matched to a voter record.

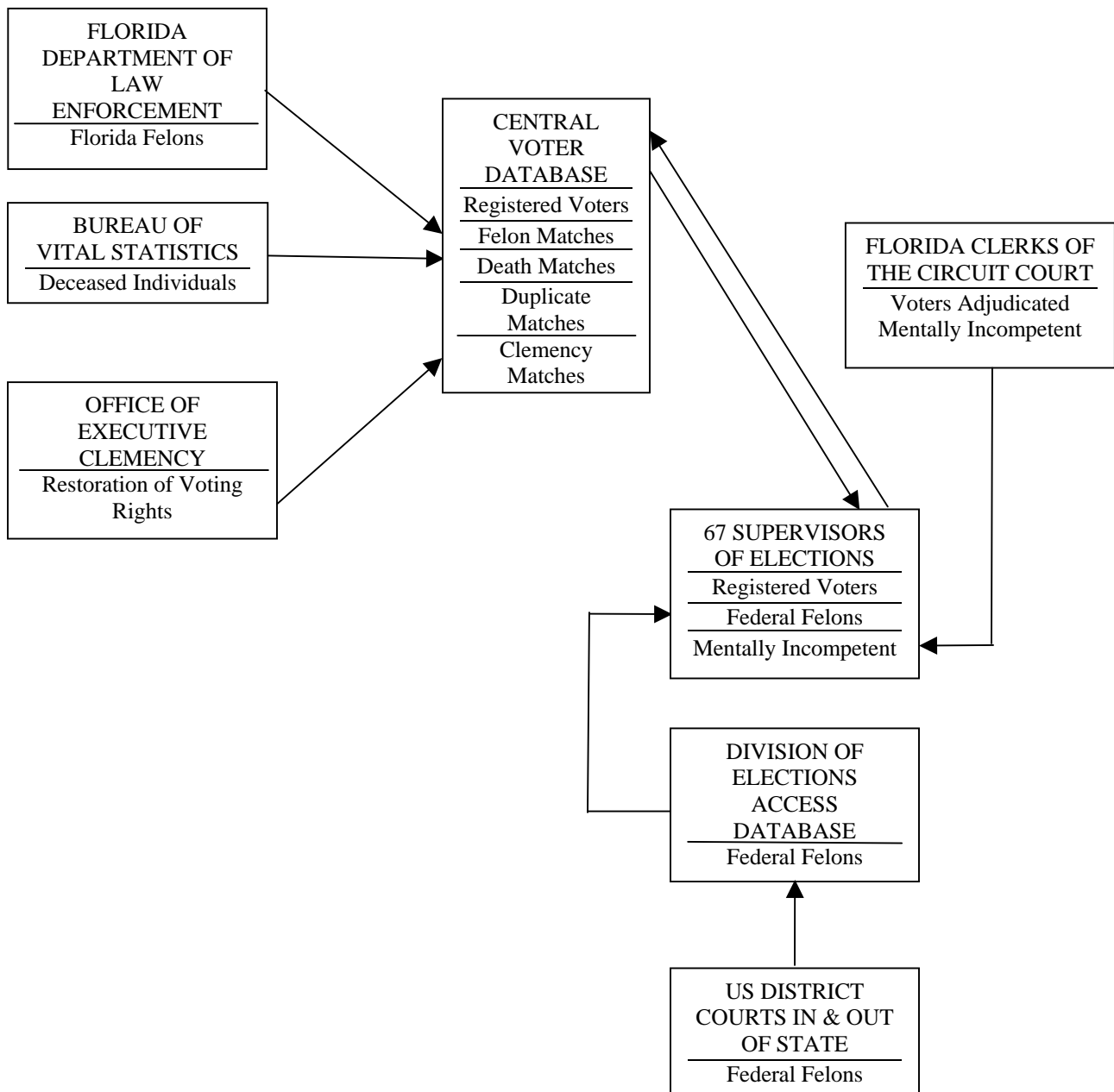
Each Supervisor was responsible for reviewing their respective county’s potential matches and, together with any other available information, determining if the voter should be removed from the roll in that county. Once the Supervisor reviewed the information in the CVDB and began processing the potential match, the match status was updated. If the Supervisor determined the voter was to be removed from the roll, the match status was set to “remove” and the voter was removed from the roll. Each potential match was only created once and was re-evaluated if any data in either the voter record or agency record changed.

The Division received input on the design and operation of the CVDB from the Florida State Association of Supervisors of Elections via policy and advisory boards. The initial design of the CVDB provided for flexibility in the matching logic by allowing for modifications to the base matches, point ranking system, and thresholds. However, until the NAACP settlement

agreement expires in May 2005, the CVDB matching logic cannot be revised without the NAACP's consent.

It should be noted the above description of the CVDB is a simplified overview of the system and its processes. Also, the design of the CVDB matching logic, as described above, contained discrepancies with "Exhibit A" in the NAACP settlement agreement.

The following diagram shows the typical flow of data involved in the CVDB data collection process.



APPENDIX II**“Exhibit A” of the NAACP Settlement Agreement**

This summary is drafted for the purposes of settlement only. If there is any point of conflict between this summary and any technical documents describing or implementing the procedures discussed herein, including the Match Filter Design, Appendix 1 hereto; Match Ranking Design, Appendix 2 hereto and the Match Ranking Design Modifications, Appendix 3 hereto, that cannot be harmonized under any circumstances, this summary controls the interpretation of the process. If the Division of Elections determines that an adjustment in the match basis initial or required points, (attached hereto as Appendix 4), or the match rank criteria (attached hereto as Appendix 5) is required during the term of this agreement, notice of such change will be provided to Anita Hodgkiss, Lawyers’ Committee for Civil Rights Under Law, 1401 New York Ave., N.W., Washington, D.C. 20005, Counsel for Plaintiffs at least 10 days before implementation.

The Division of Elections will only put valid data into the CVDB and the Division will use only valid data in processing.¹

Base Matches

As a first procedure, a base match needs to be established. A base match occurs when a voter record on the Central Voter Database (“CVDB”) has certain elements which are the same as found in agency data or other county data. There are seven base matches which are performed in the hierarchical order listed below. The match names, the items compared and the uses of the matches (i.e., felons, deaths and duplicates) are:

- **NAM** – last name², first name³, least common denominator of the middle name and date of birth. Used in all matches.
- **NSS** – social security number (full nine digits), last name, and either first name or date of birth. Used in all matches.⁴
- **NDL** – Florida ID (Florida Driver’s License number or Florida Identification number), last name, and either first name or date of birth. Used in duplicate matches to identify duplicate registrations only.
- **SSL** – social security number and last name. Used in duplicate and death matches only. This match is not used for base matches due to date of birth requirement in “Business Rule” 2 below.
- **SSB** – social security number and date of birth. Used in duplicate and death matches only. This match is not used for base matches due to last name requirement in “Business Rule” 1 below.
- **DLL** – Florida ID and last name. Used in duplicate matches only. This match is not used for base matches due to date of birth requirement in “Business Rule” 2 below.

¹ Valid data is data that is in conformance with its attribute (length, format and content) requirements.

² Last names are always normalized to remove all spaces and punctuation in any comparison.

³ For NAM, NSS, and NDL, first names are normalized to remove all spaces and punctuation. A nickname table with gender identification is used for determining matches, so that “Bob” is the same as “Robert”. The nickname table gender must match the gender in the database.

⁴ Except where all characters are “9” and where all characters are “0”.

- **DLB** – Florida ID and date of birth. Used in duplicate matches only. This match is not used for base matches due to last name requirement in “Business Rule” 1 below.

When felon data matches between the CVDB and FDLE records, they are then compared to Executive Clemency data. If the voter record which matched FDLE data then matches Executive Clemency data, the voter is not reported as a felon match to the counties. Clemency data may be matched based upon any of the above listed base matches. “Business Rules” 3, 4, and 5 will apply. No point ranking and no threshold criterion is required.

“Business Rules”

Base matches which occur are then evaluated by a set of match filters which are designed to enforce the following “Business Rules”. If these rules are not met, the match pair is not reported to the counties as a match.

1. The last name in both records must be exact. Any difference in spelling of the last name will cause the match not to be reported to the counties.
2. The date of birth in both records must be exact. Date of birth must be present and valid in both records, including in NSS and NDL base matches when such matches involve first name matches.
3. There can be no conflict in race data. Race codes are optional in voter registration. If race codes exist in both records being compared in a match, then they must be identical. Hispanic does not match White or Black in this rule.
4. There can be no conflict in gender data (gender codes are optional in voter registration). If gender codes exist in both records, then they must match.
5. There can be no conflict in social security number (requirements for social security data in voter registration vary by county and over time). A match can be made if social security data contains nine digits on one record and four digits on another record. However, any social security number containing other than nine or four digits will not be matched and transpositions will not be accepted. Social security numbers will not be valid or accepted where any field contains all zeros, if the first digit of a nine digit social security number is eight, or if the first two digits of a nine digit social security number are between 73 and 79 inclusive.

For “Business Rules” 3, 4, and 5, “null” is acceptable and is a universal value that matches anything for the “Business Rules” only.

Point Ranking

If a match passes the “Business Rules”, it is assigned a base point value for the initial match. The match ranking process then assigns additional points for quality items. The match rank criteria is attached hereto as Appendix 5.

The system requires a minimum threshold of total quality points. All matches which exceed the threshold are reported, in descending order of points.

APPENDIX III**Comparison of Race Classifications to Data Sources**

Voter Registration	FDLE	Office of Executive Clemency	Vital Statistics
American Indian or Alaskan Native	American Indian, Eskimo, Alaskan native, or a person having origins in any of the 48 contiguous states of the United States or Alaska who maintains cultural identification through tribal affiliation or community recognition.	Native American	American Indian
Asian or Pacific Islander	Chinese, Japanese, Filipino, Korean, Polynesian, Indian, Indonesian, Asian Indian, Samoan, or any other Pacific Islander.	-	Other Asian/ Pacific Islander
-	-	Chinese	Chinese
-	-	Japanese	Japanese
-	-	-	Hawaiian
-	-	-	Filipino
Black, not Hispanic	A person having origins in any of the black racial groups of Africa.	Black	Black
White, not Hispanic	Caucasian, Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.	White	White
Hispanic	-	Hispanic	- **
Unknown*	Unknown	Unknown	Unknown
Other*	-	All Others	Other Race

Race classifications used for voter registration purposes were designated by Section 97.052(2)(g), Florida Statutes, and race classifications utilized by the FDLE were in accordance with the FBI's Electronic Fingerprint Transmission Standards.

* These classifications were not listed in Section 97.052(2)(g), Florida Statutes.

** Although Vital Statistics did not include Hispanic as a race classification it maintained ethnicity information for Hispanics and Haitians. For ethnicity purposes Hispanic referred to people whose origins were from Spain, Mexico, or the Spanish-speaking countries of Central or South America.

Race classifications for deaths recorded by Vital Statistics will change in 2005 to allow any combination of the following: White; Black or African American; American Indian or Alaskan Native (must specify); Asian Indian, Chinese, Filipino, Japanese, Korean, Vietnamese, Other Asian (must specify); Native Hawaiian, Guamanian or Chamorro, Samoan, Other Pacific Islander (must specify); or Other (must specify).

APPENDIX IV

CVDB Race Crosswalk

Voter Registration	FDLE*	Office of Executive Clemency	Vital Statistics
American Indian or Alaskan Native	American Indian, Eskimo, Alaskan native, or a person having origins in any of the 48 contiguous states of the United States or Alaska who maintains cultural identification through tribal affiliation or community recognition.	Native American	American Indian
Asian or Pacific Islander	Chinese, Japanese, Filipino, Korean, Polynesian, Indian, Indonesian, Asian Indian, Samoan, or any other Pacific Islander.	Chinese Japanese	Other Asian/ Pacific Islander Chinese Japanese Hawaiian Filipino
Black, not Hispanic	A person having origins in any of the black racial groups of Africa.	Black	Black
White, not Hispanic	Caucasian, Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.	White	White
Hispanic	-	Hispanic	-
Unknown	Unknown	Unknown	Unknown
Other	-	All Others	Other Race

* FDLE included multiple races within each race classification; thus, each race could not be separated when constructing the CVDB race crosswalk.



STATE OF FLORIDA
DEPARTMENT OF STATE

JEB BUSH
Governor

GLEND A. HOOD
Secretary of State

November 22, 2004

Mr. Kirby J. Mole
Inspector General
Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Re: Response to OIG Report #2005-001, Central Voter Database

Dear Inspector Mole:

I thank you for the thorough and comprehensive audit of the Division of Elections' management of the development of the Central Voter Database ("CVDB"). The findings of this audit will serve as an important tool as we progress with the creation of the Florida Voter Registration System ("FVRS"). As you know, the FVRS will replace the CVDB by January 1, 2006, as required by the Help America Vote Act ("HAVA").

The central theme of your audit is that necessary management and contractual controls were not in place to ensure that the vendor adequately performed its job. Since I first took office in 2003, we have worked diligently to strengthen contract management at the Division of Elections. Our team worked admirably throughout the 2004 election cycle and we believe that the management controls that are now in place will ensure successful completion of the FVRS by the mandated deadline.

As part of ensuring adequate management oversight over the completion of the FVRS, the Division of Elections has already undertaken a number of steps. First, the Division of Elections created a Bureau of Voter Registration Services, which will handle compliance with HAVA requirements and will be primarily in charge of completing the FVRS. A new bureau primarily tasked with completing the FVRS contrasts with the prior approach, asking staff members burdened with other substantial responsibilities to manage the creation of a very complex database. Second, the development of the FVRS will be separated from the testing of the software. One company will be hired to develop and implement the software and a second company will be hired to test the software and database. By divorcing the functions of development and testing, the Division of

Elections ensures independent oversight and control of the development process and ultimate product.

With respect to your specific findings and recommendations, we offer the following observations:

Audit Finding #1

Response: The Division of Elections concurs with Audit Finding #1.

Compliance: The Department of State's Chief Information Officer will centralize all application development work on a departmental basis and develop a protocol for maintenance of records and compliance with state contracting rules and regulations. The Division of Elections will require strict compliance with the Department of State's Information Systems Development Methodology and include the Chief Information Officer in all application development efforts. Furthermore, the Bureau of Voter Registration Systems will have direct management oversight in the development process of the FVRS and require periodic progress reports of the vendors to ensure strict compliance with state contracting rules.

Audit Finding #2

Response: The Division of Elections concurs with Audit Finding #2. The review of data sources outside of those mandated in statute was not conducted during the development effort for the CVDB.

Compliance: The Division of Elections will require the Florida Voter Registration Steering Committee to identify and review any other database that might strengthen the reliability of the information contained in the CVDB and that might be contained in the FVRS. The Florida Voter Registration Steering Committee will form part of the Bureau of Voter Registration Systems. As currently composed, the Committee consists of representatives from the Department of Highway Safety and Motor Vehicles, Florida Department of Law Enforcement, Vital Statistics (Department of Health), Office of Executive Clemency, Division of Elections, and county supervisors of elections.

Audit Finding #3

Response: The Division of Elections concurs with Audit Finding #3. The Division of Elections sought and received pre-clearance under Section 5 of the Voting Rights Act for the statute implementing the CVDB and, specifically, sought pre-clearance of the matching criteria for the felon component prior to its implementation; however, the Division of Elections implemented the death and duplicate component prior to seeking and obtaining specific pre-clearance from the Department of Justice.

Compliance: In conjunction with the Florida Attorney General's office, the Division of Elections will review the compliance protocol for Section 5 pre-clearance to ensure rigorous compliance with all legal requirements.

Audit Finding #4

Response: The Division of Elections concurs with Audit Finding #4.

Compliance: The Division of Elections will work with the Department of State's Chief Information Officer and/or its vendors to develop appropriate safeguards to ensure that no information technology system is activated prior to ensuring compliance with all legal requirements for any such system.

Audit Finding #5

Response: The Division of Elections concurs with Audit Finding #5. The matching criteria applied in the CVDB were developed with the intent of guaranteeing the highest level of accuracy attainable with the source data. As early as the 2001 Legislative Session, a great deal of attention was directed at narrowing the criteria so as to produce a list of potentially ineligible registrants that was sufficiently small and accurate. The addition of the "Business Rules" to the matching criteria was simply an extension of the effort to create a small and accurate list. The general incompatibility of the race designators in mandated source databases coupled with the use of a voluntary ethnicity designation in voter registration records, which encompassed all of these traditional designations, resulted in the unexpected disparity. The Division of Elections is satisfied that there is no evidence that anyone intended to create any racial or political disparity.

Compliance: The Division of Elections will require the Florida Voter Registration Steering Committee to re-evaluate the use of race as a primary matching criterion in the FVRS. The Division of Elections will commence discussions with interested parties with respect to the feasibility of removing race as a primary matching criterion in the CVDB.

Audit Finding #6

Response: The Division of Elections concurs with Audit Finding #6.

Compliance: The Division of Elections will contact the NAACP to discuss compliance with the Settlement Agreement.

Audit Finding #7

Response: The Division of Elections concurs with Audit Finding #7.

Compliance: The Division of Elections will continue to work with Supervisors of Elections to obtain the disposition of individuals detailed on the "Report of Filtering Results."

Audit Finding #8

Response: The Division of Elections concurs with Audit Finding #8.

Compliance: No recommendation issued.

I again thank you for the exemplary work and if you have any other recommendations, please feel free to contact me or my staff.

Best regards,

A handwritten signature in cursive script that reads "Glenda E. Hood".

Glenda E. Hood
Secretary of State