Jose Morales v. Karen Handel
USDC/NDGA/Atlanta
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EXHIBIT 2-D

OCTOBER 17, 2008 LETTER

TO MR. CHRISTOPHER COATES

FROM SECRETARY OF STATE KAREN HANDEL

The Office of the Secretary of State

Karen Handel
SECRETARY OF STATE

October 17, 2008

Mr. Christopher Coates
Chief, Voting Section
U.S. Department of Justice
Civil Rights Division
Voting Section, NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Coates:

Thank you for your letter of October 10, 2008, regarding Georgia's participation in the Help America Vote Verification (HAVV) program. Let me begin by assuring you that, at all times, this office has participated in the HAVV program in good faith and has submitted only that information for verification which we believed was in accordance with program parameters, as well as state and federal law. I am pleased to report, after numerous discussions and internal reviews, we can say conclusively that this office has not requested voter verifications in the volumes suggested by the Social Security Administration (SSA).

As you are aware, The Help America Vote Act (HAVA) requires the Georgia Department of Driver Services (DDS) and the Georgia Office of Secretary of State (SOS) to establish a relationship that will allow for the verification of new voter registration information using the connectivity and processes developed by DDS and the American Association of Motor Vehicle Administrators (AAMVA). The HAVV program enables SOS to verify a variety of information contained on an individual's new voter registration application. The information verified through the HAVV program includes the last four digits of the Social Security Number (SSN), driver's license number (DLN), first name, last name, date of birth, and citizenship status according to information maintained by DDS. This information is verified by matching against either the DDS database or the database maintained by the Social Security Administration (SSA).

Georgia implemented the HAVV program in early 2007. In order to begin this verification process, SOS and DDS entered into a Memorandum of Understanding, dated March 27, 2007.

Then, on April 23, 2007, SSA signed a User Agreement for Voter Registration Information Verification System Services that had been signed by DDS more than two months prior, on February 14, 2007. That same day, the Chief of the Voting Section at the United States Department of Justice (DOJ) sent a letter to this office expressing DOJ's concern that Georgia had not yet begun participating in the HAVV program. Since that time, Georgia has taken part in and implemented the HAVV program as mandated by HAVA.

Prior to Commissioner Michael J. Astrue of SSA mailing his October 3, 2008 letter to SOS, this office had no knowledge that SSA had received a greater than expected number of requests for verification from Georgia. It is particularly noteworthy that Commissioner Astrue chose to send this letter to SOS. SSA's contract in Georgia is with DDS. SSA receives the requests for verification from DDS through AAMVA. Yet, Commissioner Astrue made the conscious decision not to even copy DDS or AAMVA on his correspondence to this office.

Prior to Commissioner Astrue's October 3 letter, SSA had never brought its concerns to the attention of SOS or DDS. However, in an effort to address the concerns raised by SSA and DOJ regarding the number of requests transmitted to SSA pursuant to the HAVV program, this office has undertaken a significant effort in partnership with DDS to investigate SSA's claims and address the issues raised in Commissioner Astrue's letter.

The following describes the process in detail:

Each day, county registrars enter information from new voter registration applications into the statewide voter registration database. Except for registration applications submitted through DDS pursuant to the Motor Voter Act, the information obtained from voter registration applications is submitted to DDS every night at approximately 11:00 pm. The submission process from the voter registration database creates two separate files. One file is titled the "driver's license file" for verification through DDS of those applicants who provide a DLN on their voter registration applications. The second file is the "no driver's license file" for those applicants who provide at least the last 4 digits of the SSN, but do not provide a DLN on their voter registration applications. The information from the "no driver's license file" passes through DDS to AAMVA and ultimately to SSA for verification.

DDS matches the "driver's license file" against the DDS database based on the DLN. If there is a match on the DLN, DDS advises SOS whether the applicant's first name, last name, date of birth, and last 4 digits of the SSN match what is contained in the DDS database. Additionally, DDS provides information as to whether DDS completed a prior successful verification of the applicant's information with SSA through the Social Security Online Verification (SSOLV) program. DDS also advises SOS of the applicant's citizenship status according to information provided by the applicant and maintained by DDS. Whether or not there is a match on the DLN between SOS and DDS, DDS performs a secondary match of the other four critical fields: last 4 digits of SSN, date of birth, last name, and first name. If the secondary match is successful based

on a complete match of these four critical fields, then the SSA verification status gathered by DDS through SSOLV and the individual's citizenship status as maintained by DDS are returned to SOS. If the primary and secondary matching processes with DDS fail, then DDS communicates back to SOS that none of the fields match.

Upon receipt of the "no driver's license file," DDS immediately begins sending requests for verification from this file to SSA using the AAMVA interface. At the time of Commissioner Astrue's letter, DDS understood that it must transmit all Georgia requests to SSA between the hours of 11:00 pm and 12:00 midnight. During this period, DDS and AAMVA pace verification requests to accommodate the finite number of transactions SSA can process. DDS would stop transmitting HAVV requests to SSA at approximately midnight. At 5:30 am, DDS would merge the results from the "driver's license file" with the results from the "no driver's license file" and deliver the merged results to SOS by 5:45 am.

Any requests that were not processed through the verification process by SSA were placed into a queue at DDS to be processed with the next nightly processing cycle. At the same time, DDS began transmitting all HAVV requests for which it had not received a response (from SSA) again at 7:00 am the following morning. However, DDS did not have a process in place to capture any responses from SSA to these requests. Therefore, even though DDS submitted HAVV requests during the day, it would resubmit those same requests again the next night, resulting in multiple requests for verification of the same information.

Based upon the recent conversations among SOS, DDS, AAMVA, and SSA, DDS has changed its transmission process in order to eliminate this duplicative verification processing caused by programming, timing, design and operational flaws.

Additionally, unbeknownst to DDS, in April 2008, SSA expanded its processing time from midnight to 1:30 am. While DDS was never notified of this change, DDS will now expand its processing window by an additional hour from midnight to 1:00 am, which should allow for the vast majority of verification requests to be processed each night – without records going into the "queue." Further, DDS has begun a second reporting process of SSA verification results to SOS each afternoon. By implementing these changes, DDS will cease multiple queuing of the same requests to SSA.

Voter information verification requests are submitted to the SSA in two instances. First-time additions of new voter registration applicants without a DLN are passed through DDS to SSA for verification during the next batch processing cycle. Also, changes to the SSN, date of birth, first name, or last name by any previously-registered applicant are passed through DDS to SSA for verification during the next batch processing cycle. Address changes do not trigger verification through either DDS or SSA.

From October 1, 2007 through September 30, 2008, SOS sent a total of approximately 747,106 requests to DDS that were transmitted to SSA for verification. Over the same time period, SSA records reflect that SSA received a total of 1,956,464 requests from DDS. We have been able to determine that the vast majority of the requests submitted to SSA for verification since October 1, 2007 are multiple requests for verification of the **same** applicant information by DDS as a result of submission timing and programming issues among DDS, AAMVA, and SSA.

It is important to point out, however, that these multiple requests were not submitted by SOS and were caught in the programming 'loop' without our knowledge. In fact, the multiple verification requests appear to have occurred without the knowledge of DDS, AAMVA or even SSA.

The following chart shows the number of requests submitted from SOS to DDS for SSA verification and the number of requests that SSA has received from DDS since October 1, 2007.

Totals	SOS Requests Submitted to DDS for SSA Verification	SSA Requests Received (Derived from YTD Data)
October 2007	*Approx. 24,218**	24,218
November 2007	*Approx. 58,373**	58,373
December 2007	9,319	6,116
January 2008	22,603	59,519
February 2008	65,502	87,410
March 2008	15,080	15,611
April 2008	89,345	90,240
May 2008	26,596	350,522
June 2008	25,925	24,696
July 2008	12,334	38,798
August 2008	123,658	257,113
September 2008	274,153	943,848
2007 Fed. FY Total	**747,106**	**1,956,464**

Over this same period of time, there have been some technical and programming errors on the part of SOS. These errors resulted in multiple requests for verification of the same applicant information. As was the case with the 'loop' created by the programming error between DDS, AAMVA and SSA, these errors were technical in nature, and no member of the SOS staff was aware of the error.

Out of the total 747,106 requests submitted by SOS to DDS for verification since October 1, 2007, due to either programming errors or SOS staff mistakes, SOS mistakenly submitted 146,968 duplicate voter registration records to SSA that had previously been transmitted for verification as follows:

- In October and November 2007, SOS transmitted a total of 171,198 SSA verification requests to DDS. Because of the large number of requests, DDS contacted SOS. SOS immediately reviewed its process and realized that, because of a programming error, duplicate records had been sent to DDS. DDS then cleared the queue before transmitting all of the duplicate requests to SSA. As a result of the error and subsequent immediate fix, SOS is unable to recreate the exact number of voter registration records that it sent to DDS for SSA verification in the months of October and November 2007. However, it appears that the number ultimately submitted to DDS for SSA verification approximates the number of requests SSA identifies it received in those months.

- On August 21, 2008, SOS transmitted 15,323 verification requests to DDS. The system passed the same requests two additional times in error, because SOS staff failed to remove a processing date card. This resulted in a total of 30,634 additional requests from SOS to DDS.

- In September 2008, SOS attempted to reconcile applicants reported by DDS as having an unknown or non-citizenship status. Under the mistaken belief that SSA could provide citizenship information, SOS requested verification by SSA of the information for any applicant whose registration records showed as unknown or non-citizens and whose application information was added into the statewide voter registration system on or after January 1, 2007. These verification requests were introduced to DDS without passing the known DLNs to DDS in order to force a new HAVV verification from SSA. SOS submitted 12,926 records to DDS in this manner. Due to a process and technical error, similar to the one explained previously in this letter, the same 12,926 records were transmitted to DDS 8 additional times in a row for a total of 103,408 inadvertent duplicate verification requests..

Again, let me assure you that while there have been programming and staff errors, in no instance was information from existing voters transmitted to SSA for verification outside of the parameters of the HAVV program described above. The review of these processes has proven that Georgia has not attempted to verify its entire voter registration database of more than 5.5 million individuals, nor any subset thereof, through SSA. It is also clear that multiple verification requests occurred because of technical and programming problems and questions, and these were not, under any circumstance, a result of any member of SOS staff acting in bad faith or outside the intention and scope of the HAVV agreement or the provisions of HAVA.

I am pleased to report to you that the technical and programming errors and problems have been resolved and that the inadvertent processing of multiple verifications should not occur in the future. I hope that this information addresses the questions you raised. Should you need any additional information please do not hesitate to contact me or any member of my staff.

Sincerely,

Karen C. Handel