

JULY 2020

IS FLORIDA READY

— FOR THE 2020 ELECTIONS? —



PUBLIC INTEREST

— LEGAL FOUNDATION —

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ARE FLORIDA'S VOTER ROLLS READY FOR 2020?

PART I: FLORIDA'S ISSUES IN A NATIONAL CONTEXT

Florida's role in determining the outcome in national elections, combined with its mobile population of snowbirds, makes it vulnerable to election fraud, irregularities, and errors. As we have seen in Palm Beach County, these problems come in various forms and are difficult to catch in real time. We know that foreign nationals register and vote but proof is not typically available until they are forced to self-report their records in the face of an immigration proceeding. We know that deceased registrants received

mail-in ballots at their former addresses and that those ballots were later counted in federal elections. We also know that some Floridians voted more than once in the same election by virtue of having a second residence in another state.

OVERVIEW

In the Fall of 2019, we began the process of gathering voter rolls from every state possible to identify double voters, deceased registrants, and those registered with commercial addresses.

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We prioritized Florida because it is a target for win-by-any-means tactics.

The project successfully collected and standardized 42 states' voter data into a relational database capable of comparison against death and commercial database records. The system contains more than 150 million registration files. More than 555,000 voter registration records across the nation were flagged for error, irregularity, potential fraud, or other reasons.

DECEASED REGISTRANTS REMAINING ON VOTER ROLLS AND DECEASED VOTING PATTERNS

Forty-one (41) states were capable of comparison against federal and other formally published death records. This collection of work provided the added advantage of building out voter registration records that held incomplete date of birth data. In the few exceptions where states provided zero DOB data, no death matching could be completed with a reasonable level of confidence.

Nationwide, **349,773 registrants were positively matched as being deceased when compared against federal and/or credit bureau databases.**

Between the 2016 and 2018 general elections, **14,608 votes were credited as being cast by deceased voters.**

The nation's largest states by population predictably yielded the highest returns in terms of deceased registrants regardless of apparently problematic voting history after death. Further, six of the Foundation's 10 key states landed in the top ten worst states by deceased findings (rank): Texas (2nd), Michigan (3rd), Florida (4th), Pennsylvania (6th), North Carolina (8th), and Virginia (10th).

The Sunshine State's voter roll contains 25,162 registrants who generated 217 vote credits in the past two federal election cycles. Although Florida ranks fourth highest in the number of deceased registrants on the voter roll, it ranks *lower* in the number of deceased registrants whose ballots were returned and counted AFTER their dates of death. This remained true even after researchers accounted for the possibility that someone cast a ballot during an early voting period but then died before Election Day. Where deaths occurred within the early and absentee voting windows for each state, the corresponding ballots were disregarded, thus ensuring that the deceased ballot numbers are accurate.

State	Deceased Registered	Deceased Votes	Double Votes	Commercial Address	Aged 105+
NC	12,940	4,626	16,760	1,597	--
FL	25,162	217	13	1,623	1,672
PA	16,685	304	27	1,115	481
MI	34,225	201	13,597	135	--
AZ	2,289	51	6,354	1,435	--
WI	6,805	349	3,894	1,653	--
TX	36,054	289	21	1,935	2,994
NV	3,258	11	0	2,331	--
NM	1,682	7	1,584	188	--
VA	11,903	90	0	1,772	191

TABLE: TOP 10 STATES WITH HIGHEST NUMBER OF DECEASED REGISTRANTS ON VOTER ROLL

RANK	STATE	# DECEASED REGISTRANTS	2018 VOTES	2016 VOTES	TOTAL DECEASED VOTES
1	New York	59,096	147	549	696
2	Texas	36,054	136	153	289
3	Michigan	34,225	97	104	201
4	Florida	25,162	100	117	217
5	California	23,414	350	424	774
6	Pennsylvania	16,685	127	177	304
7	South Carolina	14,685	50	273	323
8	North Carolina	12,940	2,172	2,454	4,626
9	Connecticut	11,948	96	103	199
10	Virginia	11,903	43	47	90

TABLE: HIGHEST NUMBERS OF DECEASED VOTING NATIONALLY

STATE	DEAD	2018 VOTES	2016 VOTES	TOTAL VOTES
North Carolina	12,940	2,172	2,454	4,626
Mississippi	6,738	723	662	1,385
Kentucky	1,280	652	710	1,362
Minnesota	816	455	509	964
California	23,414	350	424	774
New York	59,096	147	549	696
Oregon	469	337	342	679
Utah	1,992	273	259	532

The bulk of our findings were generated by an extensive data matching system that filled in personal identifying information (PII) from commercial sources so the Social Security Death Index (SSDI) could be leveraged. The SSDI requires the full Social Security Number and birthdate in order to confirm a person's identity and possible death.

Because Florida, like many other states, does not require that the full Social Security number be provided on the voter registration application, county election officials are unable to always use the national SSDI to confirm deaths. Instead, the individual counties rely on county health departments to notify them of in-county deaths. This system, however, does not report deaths that

occur outside of the county, nor does it look back in time and report older deaths. For this reason, counties must develop other methods to track deaths, such as checking obituaries, in order to fulfill their obligation to keep the voter roll current.

Another issue we encountered in Florida county voter files is widespread acceptance of incomplete and inaccurate birthdates from registrants. Many counties are using "placeholder" dates until a birthdate is corrected or verified by the registrant. This occurs when a voter fails to provide a birthdate on his application or provides only a partial one. Rather than denying the application, election staff will insert dummy dates to process the registration anyway. While a full birthdate is not

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required for the application to be considered “complete,” using a fictitious inaccurate birthdate makes the voter record incorrect, which is a violation of the Nation Voter Registration Act.

With regard to our process, all registration and history files were compared against federal and other public or commercial databases to determine death status with the highest degree of confidence.

FLORIDA COUNTIES WITH HIGHEST # OF DECEASED ON VOTER ROLLS

South Florida dominates in terms of deceased registrants remaining on the voter rolls, with Palm Beach County ranking the highest in the state. The following chart reveals the breakdown by counties across Florida.

Although Palm Beach still has the highest number of deceased registrants on its voter roll, efforts to clean the Palm Beach County voter roll have been ongoing. After the results of our in-depth analysis were presented to election officials, the county

undertook an intensive review of the roll and corrected the inaccuracies we found. We continued to follow up with them and checked the roll to confirm that corrections had been made. After identifying how mistakes were made, election officials worked with us and updated their procedures.

One such update was the implementation of additional quality control procedures for new voter registrations. Prior to our investigation, voter registration applications were reviewed and processed by just a single staff member. This made it possible for information to be missed or data entry errors to occur. After being presented with multiple applications submitted by noncitizens that were erroneously accepted and processed, Supervisor Link created a new two-person review procedure so that such errors would be caught. As a result, the bulk of errors that had occurred prior to Supervisor

County	# of Deceased on Roll as of October 2019	# Votes Cast by Deceased
Palm Beach	3,656	139
Broward	3,339	10
Miami Dade	2,323	45
Hillsborough	1,121	9
Orange	1,000	9

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Link's appointment have been addressed and corrected.

Although Broward County came in second to Palm Beach, extensive communications with Broward's new election supervisor made clear that an overhaul of the office was taking place. A more specific analysis of each county is provided herein.

DUPLICATE REGISTRATIONS WITH RECORDED DOUBLE VOTES IN A SECOND STATE

A highly mobile population can not only lead to duplicate voter registrations across state lines, but also cases of strategic double voting. This is often referred to as the "snowbird" effect in some states, including Florida. We undertook the task of cross-referencing every state against every other to identify *double votes* in 2018. While the ERIC system identifies potential *double registrations*, it does not look for overlapping *votes* as an automatic matter of policy. Thus, our work goes beyond the ERIC system in depth and breadth.

Nationally, the voter registration database comparison process initially

yielded 150,000 "potential matches" across state lines for duplicate voting, simply based on perfect matches of full names and dates of birth. That set was then filtered through commercial identity validation services which confirmed matched persons based on Social Security number.

The voter registration database compares more than 800 combinations of records state-to-state. This process finds matching records based on full name, date of birth, and election contest. Those potential matches are then referred to another validation database to confirm findings. This added step ensures that John J. Smith born July 4, 1990 living in California is the same John James Smith born July 4, 1990 living in Arizona where both voted in the 2018 General Election. The validation vendors access both Social Security and major credit bureau address history records to confirm each match.

Overall, the number of Floridians whose records indicate that they voted twice in a national election with a second vote being cast in a *different state* is 1,836. The data identifying these potential double voters has been sent to state prosecutors for review and possible criminal charges.



NON-RESIDENTIAL ADDRESS VOTING PATTERNS

Nationally, during the 2018 General Election, 35,800 ballots were cast in 41 states from *non-residential addresses*. Thirteen states total yielded more than 1,000 votes each, including Florida. Others include Nevada, Texas, Virginia, Wisconsin, North Carolina, Arizona, Pennsylvania. California was by far the highest ranked with more than 7,200.

A complicating factor in this area of study is whether a registrant legally can claim a non-residential address under special circumstances. Although Florida is very strict that addresses must be residences or established shelters, our experience in Palm Beach County revealed that a county can foster unwritten rules on addresses. For example, Palm Beach has been allowing residents who live on boats year-round to use the office address of the election supervisor as a residential address. This obviously creates problems with mailing ballots or sending out routine list maintenance address confirmation mailings. Unless another address is provided for mailing purposes, allowing incorrect addresses to exist on the roll creates problems and can lead to voter fraud. It also means that the registrant stays on the list in perpetuity, even after he has moved or died. This is because the list maintenance procedures

States with 1,000+ Votes from Non-Residential Addresses	
California	7,244
Nevada	2,331
Texas	1,952
Virginia	1,772
Wisconsin	1,653
Florida	1,623
North Carolina	1,597
Arizona	1,453
Alabama	1,336
New York	1,312
Pennsylvania	1,115
Washington State	1,083
Ohio	1,047

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mandated by the NVRA rely heavily on change of address notifications as the primary source for removing ineligible registrants and keeping the list current. Without an address to mail address confirmation cards, it is impossible to accurately maintain the list.

In evaluating voter roll addresses, we used a master file of non-residential addresses that contains owner names, zoning

property descriptions, building codes, and standard industrial classification (SIC) codes in the returns for matched voter registration addresses. These fields help to distinguish between a typical warehouse operation and a building that was flipped into lofts in a gentrifying neighborhood. Any addresses appearing to be redeveloped from their original commercial purpose were dropped from further review.

The typical address types consisted of industrial (light or heavy), standalone or strip retail, office complexes, and warehouses. Other property types like agricultural, RV parks, hotel/motel, urban mixed use, and vacant lots were summarily removed. In rare cases did “vacant” land remain as such upon verification—the tracts were almost always newly developed single-family subdivisions.

NON-FLORIDA RESIDENCE OR FICTITIOUS PERSON

Statewide, Florida reported that it removed from its voter roll 1,267 registrants who were later determined to either not have a residence anywhere in the state, or who were simply made up. This indicates first that some people are attempting to get an additional ballot through deception, which is why list maintenance is so critical to election integrity. Second, it reveals a problem with internal procedures in that these registrations were accepted to begin with. A registration application that contains a

fictitious name, or an address that cannot be found in Florida, should not have been accepted and processed.

REGISTRANTS AGED 100+ & PLACEHOLDER DOB PRACTICES

In terms of registrants aged 105 or older, 25 states yielded findings indicating that there were 29,833 registrants in question. Another 18 states demonstrate placeholder date of birth practices, most often stating a registrant was born “1/1/1900” or “1/1/1800.” Precisely 58,643 were flagged on that score.

Florida’s figures are likely attributable to its significantly higher population of older Americans, combined with its failure to capture personal identifying information necessary for direct Social Security Death Index searches.

NATIONAL 10 WORST STATES FOR 105+ REGISTRANTS & PLACEHOLDER DOBS

Aged 105+	
California	12,218
New York	6,396
Texas	2,994
Missouri	1,742
Florida	1,672
Kentucky	1,131
New Jersey	947
Pennsylvania	481
Alabama	445
Connecticut	431

Placeholder DOBs	
New Jersey	37,416
California	9,614
Texas	5,140
New York	4,476
Pennsylvania	939
Ohio	552
Alabama	236
Connecticut	80
Missouri	63
Kansas	49



PART II: MIAMI-DADE COUNTY'S DATA

In 2018, we became concerned with Miami-Dade's list maintenance practices based on data it reported in the EAVS Survey. That data indicated fewer than average removals for change of address. Although we made several requests for documentation, our requests were largely ignored. Then, in April of 2019, while concurrently investigating Palm Beach County's voter roll integrity, we launched a more intense effort into reviewing Miami-Dade's election integrity efforts. We again requested list maintenance documentation pursuant to the NVRA and began to receive the proper responses. The Miami-Dade Supervisor of Elections began providing reports detailing what her office was doing to keep an accurate and current voter roll.

STAYING CURRENT ON REGISTRANTS WHO MOVE OUTSIDE THE COUNTY



Overall, Miami-Dade appears to have a system in place, as the law requires, to process change of address. This is a significant way to curtail election fraud because it keeps the list current and prevents those who have moved from going back into their old precinct and voting, possibly twice, in the same election. A current list also prevents mail-in ballots from being mailed to old addresses. This is very important because in Florida, once a person requests a mail-in ballot, they continue to automatically receive mail-in ballots for two election cycles. In other words, a ballot will continue to be mailed to someone at their old address until they are removed from the list. When a mail-in ballot goes to the wrong person, there is an opportunity for the recipient to vote and return that ballot. This is one reason why, although requiring a signature on an absentee

ballot is very important, requiring a second witness signature is even better. At this time, however, *Florida only requires the signature of the voter*. But as with most signatures, illegibility can often pass as the voter's true signature, especially in an older population such as that of Florida where hand-writing changes as one ages.

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Regarding the county's efforts to keep up with changing addresses, we discovered the following. In the second half of 2017, the county's list maintenance efforts¹ to identify registrants who have moved outside the county included:

- ▶ Sending 10,816 address confirmation notices;
- ▶ Sending 44,884 address change notices;
- ▶ Sending 20,208 final notices;
- ▶ Processing 3,929 responses from registrants;
- ▶ Placing 10,198 registrants on inactive status; and
- ▶ Removing 0 inactive registrants from the voter roll.

In the first half of 2018, the county's efforts included:

- ▶ Sending 1,319 address confirmation notices;
- ▶ Sending 3,483 address change notices;
- ▶ Sending 6,959 final notices;
- ▶ Processing 1,134 responses from registrants;
- ▶ Placing 8,650 registrants on inactive status; and
- ▶ Removing 0 inactive registrants from the voter roll.

In the second half of 2018, the county's efforts included the following:

- ▶ Sending 591 address confirmation notices;
- ▶ Sending 1,769 address change notices;
- ▶ Sending 4,932 final notices;
- ▶ Processing 351 responses from registrants;
- ▶ Placing 771 registrants on inactive status; and
- ▶ Removing 0 inactive registrants from the voter roll.



While the previous reports tended to show a process was in place, the next report was critical in evaluating whether routine list maintenance was being completed to the point of actually removing ineligible registrants from the rolls. This is because the NVRA has a built-in time period during which a registrant remains on the roll even after he has failed to confirm his address or respond to mailings from the election office. The law requires that two general election cycles must pass without any activity from the registrant before he or she can be removed from the voter roll. This is a safeguard against removing eligible voters. Because a general election occurs every two years nationally, routine removal based on failure to confirm an address cannot be done until after two elections. Thus, counting the 2016 and 2018 elections, we would expect to see removals in the Spring of 2019.

The county's reports were encouraging. During the first half of 2019, the county's list maintenance efforts included:

- ▶ Sending 2,855 address confirmation notices;
- ▶ Sending 7,434 address change notices;
- ▶ Sending 16,961 final notices;
- ▶ Receiving and processing 2,923 responses from registrants;
- ▶ Placing 12,841 registrants in "inactive" status; and
- ▶ Removing 42,704 inactive registrants from the voter roll.

During the second half of 2019, the county reported:

- ▶ Sending 9,817 address confirmation notices;
- ▶ Sending 43,141 address change notices;
- ▶ Sending 20,767 final notices;
- ▶ Receiving and processing 3,814 responses from registrants;
- ▶ Placing 11,188 registrants in "inactive" status; and
- ▶ Removing 0 inactive registrants from the voter roll.

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Overall, these numbers are consistent with routine list maintenance being conducted on the basis of change of address following a two-year election cycle.

REMOVALS BASED ON FOREIGN CITIZENSHIP

During the 2018 election cycle, the county reported 13 removals for noncitizenship. Statewide during the same period before the midterm, the number was 139. Election officials do not have one source they can access to confirm a person's citizenship status. As a result, the only way a noncitizen on the voter roll can be discovered and removed is for him to admit his status. This occurs in one of only two ways. First, he will request that his name be removed from the roll. This

often happens when he is trying to become a U.S. citizen and has been advised that he should not be registered to vote. When a registrant requests to be removed, they do not have to give a reason. In 2018 and 2019, Miami-Dade removed 483 registrants who requested to be removed.

The other way that election staff learn that a foreign national is illegally registered to vote is through the judicial system. Jury duty notices are generated

using the DMV database. In Florida, foreign nationals can obtain a driver's license so they are included in the DMV database along with citizens. When responding to a jury duty summons, a noncitizen will often return the summons stating that he is ineligible to serve on the jury because he is a noncitizen. Fortunately, the Florida election supervisors are encouraged to



obtain and utilize jury duty recusals from the local courts. The information that they receive is evidence that the person told a government agency that he is not a U.S. citizen. Receiving this information triggers a Notice of Ineligibility Letter to be sent to the possible noncitizen. The notice requests verification of eligibility.

Over a two-year period, Miami-Dade only sent out **four** Notices of Ineligibility due to noncitizenship. According to documents we obtained, these notices were triggered by a citizen reporting the registrant as a potential noncitizen. Based on this data, it seems unlikely that Miami-Dade is effectively utilizing any information it receives from the court regarding jury duty recusals. For this reason, we requested additional information.

We learned that the Notice of Ineligibility is a form letter stating that the registrant's personal identifying information could not be validated (either a Florida driver's license number, a Florida identification number or the last four digits of the registrant's Social Security number). It requests that the information be provided in order to become an active voter. It then advises the registrant that he will not be able to cast a regular ballot in the next election unless the missing information is provided. In fact, he cannot cast any ballot if he is ineligible.

Unfortunately, the letter does NOT state that it is a federal crime to vote as a noncitizen. Since this is the first communication that a noncitizen on the voter roll will ever receive, we advised



election officials that it would serve the registrant and the county to include a statement that it is a crime to vote unless a U.S. citizen. Including this simple statement would help those who may have inadvertently registered to be removed before they commit a felony. Inadvertent registrations are often the result of aggressive voter registration drives that sometimes intentionally target ineligible noncitizens to register, knowing that their citizenship status cannot be confirmed by election officials. The letter also lacks the required statement that the recipient has 30 days to respond or else be removed from the statewide database system. Based on the data the county reported for noncitizenship removals, it does *not* appear that it is effectively utilizing jury duty notices.

EVIDENCE OF NONCITIZENS ACTUALLY VOTING IN MIAMI-DADE COUNTY

Additional investigation revealed that two of the four potential noncitizens to whom notice letters were sent had already established voting records. One had voted in both the 2012 and 2014 general elections; the other voted in the 2016 general election. All four of these registrants have since been removed, but their votes remain counted forever.

Unfortunately, until states persist in obtaining verification of citizenship as part of their obligation to verify eligibility of registrants, the votes of U.S. citizens will continue to be diluted by ballots cast by ineligible noncitizens.

CONTINUED VR SOFTWARE DEFICIENCIES

Like all other counties in Florida, Miami-Dade uses VR Systems software for managing its voter registration. This is the same system that is being used in Palm Beach County.

When it comes to ensuring that new voter registration applications are processed correctly, the system continues to have a significant software problem in that **it automatically pre-populates the most important information on the application form: citizenship.** It also pre-populates that:

- ▶ The applicant is NOT a felon
- ▶ The applicant is NOT mentally incompetent
- ▶ The applicant has signed the Oath stating that he is a U.S. citizen
- ▶ The applicant has provided a legible signature

According to the VRS manual provided by Miami-Dade, if any of these are

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missing from the application, it is to be categorized as Incomplete. However, the staff member inputting the record must be careful to UNCHECK these boxes or else it will go through the database as "Complete."²

As we found in Palm Beach, human error in data input accounted for at least 19 noncitizens becoming registered to vote, even after they had checked NO in response to the U.S. citizenship question.³ Using a system that has a default answer to the foundational question of eligibility unnecessarily adds a vulnerability to the registration system and makes it harder to catch errors in data input. One of our renewed recommendations to both the county and to the state is to force VR Systems to change its default settings for application processing.

COMMERCIAL ADDRESSES USED AS RESIDENCES

Our review of the county's ability to identify non-residential addresses being used as residences for voting purposes revealed that the county was using the state's address database fairly effectively. In its reports, it stated that between January 2017 and June 2019, it removed 199 registrants from the voter roll for using illegal non-residential addresses.

Our independent review of the voter roll data from October 2019 revealed that 95 registrants were currently using addresses that our address databases reported



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as non-residential. The process of confirming a non-residential address involves numerous steps, including accessing current photos of the property, among others. Information we gleaned has been sent to Supervisor White for follow up and investigation.

DECEASED REMAINING ON THE ROLL

We also reviewed the county's voter roll for deceased registrants who remained listed on the roll. In order for the county to process the removal of deceased voters in a timely manner, it must have a system in place to stay current. Without

such a system, the county will become backlogged resulting in a large number of deceased voters' records remaining on the roll for months and years after they have died. As noted earlier, having an inflated voter roll creates opportunities for fraudulent mail-in ballots being cast.

Overall, the county has been consistently removing deceased registrants for the past three years. In 2017, reports we obtained reveal that the county removed 13,132 deceased registrants. In 2018, the county reported that it removed 12,928 deceased registrants, and for the year 2019, the county reported that it had removed 11,328 deceased registrants. This indicates that there is a system in place to identify newly deceased registrants.

However, as of October 2019, the roll still contained 2,323 verified deceased registrants. Further investigation done



in 2020 has confirmed that several of those names are still on the roll. Not surprisingly, the majority of the deceased registrants died at least 5 years ago. Several have SSDI-verified deaths from the 1990s, but one appears to have died in 1972, and still another in 1965. To be sure, it is not uncommon for a death to be reported to authorities but not conveyed to every relevant agency or person that the death affects. Clearly the county is following a procedure designed to alert them to new death notices so that staff can update the roll accordingly, however, that system does not work to identify those who died many years ago.

To address this, the Foundation recommended that election officials conduct periodic manual searches for birthdates older than 100 years.

A simple search of online resources such as obituaries or the state’s health department database would confirm whether the person was still alive. If done as part of a routine schedule, the voter roll would be kept current even if the processing of death notices is inconsistent or ignored by an administration.

DOUBLE VOTES WITHIN THE COUNTY

Our analysis of the county’s voter records included first checking for duplicate votes within the county. We found 2 cases where residents of Miami-Dade voted twice in the 2016 election. In one case, the person voted by absentee ballot and also voted early. In the other, it appears that the person voted early



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and then cast a regular ballot on election day. These have been identified for the county to investigate. Our analysis found no double votes had been cast within Miami-Dade in the 2018 Election.



INTERSTATE DOUBLE VOTING

When we compared the county's voter roll against other states, we identified **60 cases in which a resident of Miami-Dade voted a second time in another state in the 2018 election.** Interstate double voting can occur when a Florida resident has a second home elsewhere and does not cancel that voter registration. Although the Florida voter registration form asks for the location of the previous voter registration, the county is without authority to force another state to cancel the previous registration. Indeed, county election officials report that they do, in fact, alert the previous state that a new registration has been opened in Florida but that does not guarantee that the previous registration will be cancelled. Of course, the registrant can request the election officials in the other state to cancel his registration, but those wishing to double vote will not do that. Because voting twice in the same election is a felony, we provided both the county and state prosecutors with that data for further investigation.



PART III: HILLSBOROUGH COUNTY'S DATA

In 2019, Hillsborough Supervisor of Elections Craig Latimer began providing reports detailing what his office was doing to keep an accurate and current voter roll.

STAYING CURRENT ON REGISTRANTS WHO MOVE OUTSIDE THE COUNTY

Like Miami-Dade, Hillsborough appears to have a system in place, as the law requires, to process change of address. Regarding the county's efforts to keep up with changing addresses, we discovered the following.

In the first half of 2017, the county's list maintenance efforts⁴ to identify registrants who have moved outside the county included:

- ▶ Sending 0 address confirmation notices;
- ▶ Sending 27,535 address change notices;
- ▶ Sending 53,192 final notices;
- ▶ Processing 1,084 responses from registrants;
- ▶ Placing 46,264 registrants on inactive status; and
- ▶ Removing 0 inactive registrants from the voter roll.

In the second half of 2017, the county's efforts included:

- ▶ Sending 0 address confirmation notices;
- ▶ Sending 22,521 address change notices;
- ▶ Sending 10,020 final notices;
- ▶ Processing 1,192 responses from registrants;
- ▶ Placing 11,730 registrants on inactive status; and
- ▶ Removing 0 inactive registrants from the voter roll.

In the first half of 2018, the county's efforts included the following:

- ▶ Sending 0 address confirmation notices;
- ▶ Sending 19,570 address change notices;
- ▶ Sending 12,569 final notices;
- ▶ Processing 1,357 responses from registrants;
- ▶ Placing 11,670 registrants on inactive status; and
- ▶ Removing 0 inactive registrants from the voter roll.

In the second half of 2018, the county's efforts included the following:

- ▶ Sending 0 address confirmation notices;
- ▶ Sending 1,032 address change notices;
- ▶ Sending 9,054 final notices;
- ▶ Processing 102 responses from registrants;
- ▶ Placing 0 registrants on inactive status; and
- ▶ Removing 0 inactive registrants from the voter roll.

The county's reports indicate that they are following a definitive schedule for change of address list maintenance and that routine list maintenance is done at certain times of the year. During the first 6 months of 2019, the county's list maintenance efforts included:

- ▶ Sending 0 address confirmation requests;
- ▶ Sending 37,022 address change notices;
- ▶ Sending 33,171 address confirmation final notices;
- ▶ Receiving and processing 2,079 responses from registrants;
- ▶ Placing 21,645 registrants in "inactive" status; and
- ▶ Removing 16,042 inactive registrants from the voter roll.

The second half of 2019 included:

- ▶ Sending 0 address confirmation notices;
- ▶ Sending 22,879 address change notices;
- ▶ Sending 12,364 final notices;
- ▶ Processing 1,652 responses from registrants;
- ▶ Placing 21,961 registrants on inactive status; and
- ▶ Removing 0 inactive registrants from the voter roll.

Although these numbers are consistent with routine list maintenance being conducted on the basis of change of address following a two-year election cycle, they reveal that 0 inactive registrants were removed following the 2016 election. Given that the current supervisor has been in office since January, 2013, his administration had time to mail change of address notices following the 2014 general election. The lack of removals following the 2016 election indicates that this was not done.

REMOVALS BASED ON FOREIGN CITIZENSHIP

During 2018, Hillsborough only removed 7 registrants from the voter roll using noncitizenship as the official reason. But like every other county in Florida and the rest of the country, election officials do not have a source they can access to confirm a person's citizenship status. As a result, the only way a noncitizen on the voter roll can be discovered and removed is for him to admit his status. In 2017 and 2018, Hillsborough only removed 5 registrants who requested to be removed without identifying a reason.⁵

Over the course of one year, Hillsborough sent over 1,289 Notices of Ineligibility out to registrants. This list includes those who have been deemed mentally incompetent, those with felony records (prior to any changes based on the current litigation), those who could be deceased and those who are potentially noncitizens.

PART III: HILLSBOROUGH COUNTY'S DATA

VR SOFTWARE DEFICIENCIES

Like all other counties in Florida, Hillsborough uses VR Systems software for managing its voter registration. The problems with auto-populating the most important information into the voter registration application have been made known to election staff. They are investigating and will assess their quality assurance on new registrations.

COMMERCIAL ADDRESSES USED AS RESIDENCES

Our review of the county's ability to identify non-residential addresses being used as residences for voting purposes revealed that the county is doing some removing of ineligible registrants who list a commercial address as their residence. In its reports, it stated that between January 2017 and December 2019, it removed on average 5 registrants from the voter roll each year for using illegal non-residential addresses.

Our independent review of the voter roll data from October 2019 revealed that 125 registrants were currently using addresses that our address databases reported as non-residential. Information we gleaned has been sent to Supervisor Latimer for follow up and investigation.

DECEASED REMAINING ON THE ROLL

We also reviewed the county's voter roll for deceased registrants who remained listed on the roll. As noted earlier, having an inflated voter roll creates opportunities for fraudulent mail-in ballots being cast.

Overall, the county has been consistently removing deceased registrants for the past three years. In 2017, reports we obtained reveal that the county removed 7,228 deceased registrants. In 2018, the county reported that it removed 7,662 deceased registrants, and for half of 2019, the county reported that it had removed 4,221 deceased registrants. This indicates that there is a system in place to identify newly deceased registrants.

PART III: HILLSBOROUGH COUNTY'S DATA

However, as of October 2019, our voter roll analysis confirmed that the Hillsborough roll still contained 1,121 verified deceased registrants. Just like Miami-Dade, the majority of the deceased registrants died at least 5 years ago. The majority of the SSDI-verified deaths occurred during the last 15 years. The oldest date of death was 1981.

Further review of the data confirmed that 9 ballots had been cast by registered voters who were deceased at the time. As discussed earlier, this is likely due to the fraudulent casting of absentee mail-in ballots that are automatically mailed out indefinitely once a voter requests that service.

The Foundation recommended the same best practice that it discussed with Palm Beach and Miami-Dade: conduct periodic manual searches for birthdates older than 100 years. In addition, systematically searching online resources such as obituaries or the state's health department database should be scheduled to confirm whether the person is still alive.

DUPLICATE VOTES

Unfortunately, when we compared the county's voter roll to other states, we identified 83 cases in which a resident of Hillsborough County voted a second time in another state in the 2018 election. Because voting twice in the same election is a felony, we provided both the county and state prosecutors with that data for further investigation.

Overall, Hillsborough County appears to be conducting list maintenance as required by the NVRA. Unfortunately, however, their efforts have not proven to be 100% effective in preventing access to the ballot to those ineligible to vote. Careful review of the data they report, combined with an active litigation presence, are key to keeping the county accountable and the voter roll accurate.

ENDNOTES

- 1 Data reported pursuant to F.S. 98.075
- 2 VR Systems New Hire Manual(s) for Registration, received 4/12/19 (p.32) and 2/5/20 (p.36)
- 3 See "Calm Before the Storm," a November 2019 report on Palm Beach County published by the Foundation
- 4 Data reported pursuant to F.S. 98.075
- 5 EAVS Survey 2018 data

PUBLIC INTEREST

LEGAL FOUNDATION

The Public Interest Legal Foundation, a 501(c)(3) non-profit organization, relies on contributions to conduct the research and develop findings like those contained in this report. PILF is the only organization performing this level of work with respect to voter registration system integrity in America. Time, travel, and technology help deliver new insights into our election systems to better educate citizens and policymakers alike. We also bring litigation to pry this public information from government officials when necessary. None of this would be possible without your support. Please help us expand our efforts by visiting ***publicinterestlegal.org/donate*** to offer your fully tax-deductible gift today.

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