



3.1 Million New York Voter Registrations Missing Critical Information

Missing Data Threatens Future Voter Roll Maintenance

October 2022 – New York is flashing a warning sign indicating future trouble for election officials as they work to maintain the State’s voter roll. Although list maintenance work is typically a reactive process, the Empire State voter registration system lacks substantial amounts of personally identifiable information that is essential to conduct effective voter roll maintenance. This can spell danger for mail ballot administration, voter history information, and even larger systematic challenges going forward.

Over 2021 and 2022, PILF tracked totals of registered voters across the country for those who did not provide Social Security or driver’s license numbers. New York’s files show an outsized amount of registrants missing these key identifiers.

Top 10 Counties	
	Missing PII
Nassau	832,613
Kings	814,155
Queens	622,657
New York	575,830
Erie	499,046
Westchester	495,863
Suffolk	480,828
Bronx	427,851
Onondaga	317,505
Monroe	234,836

What Is Personally Identifiable Information (PII)?

States may vary on the breadth of information which they consider to be PII and can withhold from the public, but all agree that **Social Security** and **driver’s license/state ID numbers** meet the definition. Just like financial or banking institutions, PII are used to verify and validate identity for registrants. This information is sought from the federal voter registration form¹ and corresponding state versions around the country.

Do PII or Lacks Thereof Affect Voter Roll Maintenance?

Yes, in several ways. Using PII helps officials keep track of living and local registrants and, ultimately, when they relocate or die. Consider the following sampling of scenarios:

- ✓ **At Registration:** John Smith born July 4, 1976, applies to vote in Manhattan. Is this a John Smith that has already registered, or is he new to town? Look at the PII.
- ✓ **On Moving Day:** How do you keep track of all the John Smiths born that year as they move over time? Social Security numbers are a big help.
- ✓ **When Duplications Occur:** John Smith thought he was updating his registration, but an error occurred and now he’s registered twice. Before he automatically gets two mail ballots, officials can look at the PII to merge the records down to one.
- ✓ **John Moves to South Beach:** If New York ever decides to compare its voter roll to Florida, officials can see it was *that* John Smith making the move down I-95 and adjust

their records accordingly.

- ✓ **RIP, John:** When officials in New York and/or Florida want to see if John is listed on the Social Security Death Index, they can use his SSN to run the query.

When election officials do not have PII, do they really have good eyes on their data?

Who's Breaking the Law Here? Are Matters Getting Worse?

The Help America Vote Act of 2002 (HAVA) requires that voter registration applications ask for PII, such as a Social Security or driver license number. What makes this disclosure from the New York State Board of Elections peculiar is that it appears to be an outlier.

State	Missing PII	% of Roll
New York	3,100,000	23%
Washington state	469,000	10%
Arkansas	277,000	16%

Nearly every other state disclosed extremely low missing PII totals with few exceptions.

Other states are complying with federal law. Are the citizens of New York uniquely shy about providing this information, or as seems more likely, are New York election officials failing to accurately record the data after it is provided?

This is not an older quirk in data. New York continues to add registrants with missing PII to the voter roll each year. From January 2019 to December 2020, 22,546 registrants with missing PII were added to the roll. During the current cycle to date, another 21,062 were added.

What Can States Do About This?

From a policy perspective, states like New York can look to recent works in the Florida Legislature for inspiration. In the 2022 session, SB 524ⁱⁱ put forth a protocol for the Florida DMV to share PII for its customers so that the Florida voter roll could be populated to cover for the missing information. This was specifically done to help build back-end voter identification for those voting by mail and later aid in list maintenance. Governor Ron DeSantis signed the bill in April.ⁱⁱⁱ

What Can the Department of Justice Voting Section Do About This?

Section 303(a) of the Help America Vote Act prohibits a state from accepting a voter registration unless the voter registration contains a unique identifying number such as the last four digits of a Social Security number or driver's license number if the registrant has one. The United States Department of Justice is tasked with enforcing the provisions of HAVA. If New York is failing to comply with federal law and failing to capture these required numbers at registration, or a reregistration, then only the Voting Section at DOJ can act to fix the problem.

Will This Issue Affect the Next Election?

Yes, and every election thereafter. Modern elections require modern data solutions to make them run smoothly and end on Election Day. They also require compliance with existing federal election laws, as well as the will to enforcement them. With the growing use of mail ballot voting, states like Florida and others are pursuing new ways of leveraging PII to better protect

the integrity of mail ballots. New York is significantly disadvantaged in trying to emulate these emerging best practices with significant amounts of missing data.

PILF President J. Christian Adams

“States should be performing data entry competently. New York has a list of all registered voters affected by this problem and can immediately get to work to fix it. The Department of Justice should be the entity enforcing federal list maintenance obligations against New York, not private charities.”

ⁱ [ENG] Federal Voter Registration Application,

https://www.eac.gov/sites/default/files/eac_assets/1/6/Federal_Voter_Registration_ENG.pdf

ⁱⁱ <http://laws.flrules.org/2022/73>

ⁱⁱⁱ <https://flgov.com/2022/04/25/governor-ron-desantis-signs-bill-to-strengthen-floridas-election-integrity/>