

Office of the County Clerk
Election Update
September 24, 2024
E-42- General Election



Important Update on DMV Non-Citizen Issue:

- Lane County Elections were notified yesterday afternoon that an additional 35 registrants were identified in a second round of DMV audits of potential non-citizen registrants.
- One mistakenly registered voter has returned a ballot in Lane County, our team is attempting to contact that voter to determine whether they had achieved citizenship prior to voting.
- Each record has been inactivated and staff have sent letters notifying the registrants of the error.
- We were advised that the DMV has concluded their audit, and do not expect to receive any more records.
- We learned that the issue stemmed from DMV technicians mistakenly selecting US passport or US birth certificate from a drop-down menu when the applicant had provided a foreign passport or birth certificate.
- DMV is working to put controls in place to increase the accuracy of data being transmitted to the Secretary of State's office.

Election Planning

Ballots Issued to Date:

Over 2100 military and overseas ballots were mailed on Friday, and absentee ballots for those who will be gone when ballots are delivered, are available in the office now.

A handful of voted ballots have already been returned!

Election Audits:

- **Logic and Accuracy Tests**
 - We conduct 2 public logic and accuracy tests each election. One before ballots are tabulated and another after the last ballots are tabulated.
 - The logic and accuracy test ensures that:

- There are no paper size or stock issues.
- All ballot styles (collections of contests and candidates) can be counted by the scanner.
- Error conditions, such as smudged ballots, ballots with marginal marks, ballots with over-voted contests, tears, etc., are outstacked or otherwise recorded for future review, and adjudication by election workers.
- After the test ballots are scanned, results are tabulated, and the results are compared to the expected results to verify accuracy.
- **Post-Election Statutory Hand Count**
 - After each primary, general and special election, each County conducts a hand count of select ballot batches, to compare the hand counted tally of votes to the vote tally system. The Secretary of State's office randomly selects which contests, measures and batches are to be hand counted. The hand count begins no later than December 2, 2024.
- **Observers are always welcome, and audits are livestreamed**

Voter Education:

The elections website has been updated to include:

- Dropsite info
- Results schedule
- The tentative ballot processing schedule
- Election Security updates

Election Security:

- **Threat Monitoring**
 - Election threats are monitored daily through partnerships with multiple agencies, and the election office is working closely with our public safety partners to ensure the election process, staff, and the public are safe.
- **Tabletop Training Exercise**
 - This week, the election office is co-hosting a tabletop training exercise with Lane County Emergency Management. The exercise will help participants work together through a specific emergency scenario, testing our incident response plans to ensure they work.

- **Drop Box Video Surveillance Grant**

- The election office was awarded a grant to place surveillance cameras at 4 of our dropsites.
- Shout out to Don in Technology Services, and Roselyn in the Policy Department. Without their help, we would not have been able to meet the incredibly tight deadline to apply for the grant and install the cameras.
- Cameras will be installed before ballots are mailed this election.

I Voted Coloring Page Update:

Unfortunately, we were unable to move forward with the I Voted Coloring Page contest due to lack of submissions but luckily, we have an artist on the elections staff who, in their free time, hand drew our inaugural I Voted Coloring Page! The coloring page is on the backside of the dropsite flyer, and we're hoping that when folks see the page, they will be inspired to submit their own artwork for use in future Countywide elections. We can't wait to see social media light up with each colorful rendition of the artwork.

Finally, as far as I can confirm, Lane County is the first County in the Country to provide an I Voted Coloring page.

Upcoming Deadlines:

- The voter registration file will be securely transmitted to our mail ballot vendor on Monday, October 7th so now is an excellent time to make sure your address is up to date.
- The deadline to register to vote for first time registrants is October 15th.
- Keep in mind, there is a 21-day waiting period if you are automatically registered through the DMV so when in doubt, contact our office or visit OregonVotes.gov to check your registration status.
- Ballots hit the mail stream and dropsites open October 17th.
- All 21 dropsites are open this election.
 - The Lowell dropsite has moved to the new City Hall Building, also known as Maggie Osgood Library
- Livestream starts October 17th.

Next update: October 8, 2024

Oregon Driver and Motor Vehicle Services | Oregon Secretary of State Data Processing Issue FAQ

How many of the people potentially registered to vote in error cast a ballot, and how many of those were eligible to vote?

10 people have a voting history. Of those, one has been confirmed to be eligible to vote. The eligibility of the remaining nine will be determined as soon as possible.

How many people who were potentially registered to vote in error were found in DMV's review?

1,259 people who were potentially registered to vote in error were found in DMV's review.

How many records did DMV review?

1.4 million total customer records were reviewed. The review of the 1.4 million records consisted of a system or manual review by DMV staff for each file to determine if incorrect citizenship was transmitted.

Why this set of records?

DMV data review consisted of standard licenses and ID cards issued after Jan. 1, 2021, where U.S. citizenship was indicated. The risk of error does not exist in records transmitted before 2021 or for REAL IDs. On Jan. 1, 2021, Oregon DMV began accepting a broader set of identity documents, including foreign passports and birth certificates, to issue driver's licenses and ID cards. There have been approximately 1.4 million transmissions during this period. Therefore, the 1.4 million records reviewed constitute the full data set at risk of the data processing error.

How many of these individuals have a voting history?

The Secretary of State's Office review found that of the records identified by DMV that are not yet confirmed to be U.S. citizens, nine have a voting history. That does not automatically mean these people voted inappropriately, as their citizenship status at the time they voted is unknown. SOS is still conducting our analysis to determine if anyone did vote inappropriately.

How did DMV become aware of this error?

The review was prompted when the Institute for Responsive Government called ODOT's Information Systems branch asking how automatic voter registration was going generally and inquired whether they were experiencing any issues. This prompted DMV to initiate a comprehensive review of potential citizenship data errors. The agency identified a possible,

though rare, cause for error: staff inadvertently selecting “U.S. passport” or “U.S. birth certificate” when an individual presented a document from a foreign nation. Incorrect coding of these individuals as citizens resulted in them being included in the file DMV sends to the Elections Division for the next step in the voter registration process. The vast majority of these cases involved passports. DMV immediately instituted corrective actions to address the technical issues that resulted in those errors, particularly with passports, and initiated a comprehensive review of records to identify the scope of the issue.

Please describe how the error occurred.

Customers are required to present an identity document when they request a new driver’s license, permit or ID card. In rare cases, staff chose the incorrect option on a drop-down menu, identifying a customer as providing proof of U.S. citizenship when they did not. This was more common with passports than with birth certificates, where mis-entry occurred extremely rarely. Transactions that reflect citizenship and age criteria are met are sent from DMV to the Elections division for the next step in the Automatic Voter Registration process.

Will there be any broader investigations of DMV staff?

While we will continue to analyze this issue to identify if any specific offices or individuals require additional training, this appears to be a clerical error due to how the user interface was set up.

Will there be an outside review of this situation, such as an external audit?

The Governor directed Oregon DMV to initiate a full-scale Oregon DMV data integrity review overseen by a panel of external data experts to produce preliminary recommendations for improved data management by the end of 2024.

- Recommendations must include staff training improvements to ensure staff have every available resource to succeed.

Can you describe the process that occurs at DMV to record citizenship? What, if anything, will be changed about that process now?

Customers are required to present documents that prove identity, date of birth, and residence in Oregon when they request a new driver’s license, permit or ID card. For identity and date of birth, citizenship documents such as U.S. passports and birth certificates and documents showing naturalization prove those things. When DMV employees enter these documents into the system, the system codes the customer as a citizen and sends that record to SOS to register them to vote.

When presented with a document, DMV counter staff assess the type of document and its validity. A second employee then double checks the type of identification before it is recorded in the system. In rare cases, staff chose the incorrect option on a drop-down menu, identifying a customer as providing proof of U.S. citizenship when they did not. This was more common with passports than with birth certificates.

After this issue was identified, DMV changed the system in two key ways. The first was revising the software program we use to require confirmation that a U.S. passport had been presented. In addition, we have instituted a third review at the end of the day in which a manager reviews all files to verify accuracy before the information is sent to Elections Division for Automatic Voter Registration. We’re also changing the user interface to make it

less likely that DMV staff will select the wrong document, including by separating foreign documents from U.S. documents that prove citizenship onto completely different screens.

Here is a summary of technical corrections made, or underway, to eliminate the risk of these errors in the future:

Status of Systems and Process Changes

Action	Status
Manager daily check of transactions against stored documents to ensure match	
Confirmation popup – Initial work complete (improvement to be completed by 9/28)	
Document dropdown menu alphabetical re-sort	
State and county as required field on U.S. birth certificates	
Separate citizen and non-citizen documents on different screens	Estimated completion date: 10/12
Add document country as a required field	Estimated completion date: 10/26
Add issuance year as required field for U.S. passports	Estimated completion date: 11/9

Why was one data set sent on Sept. 13 and a second on Sept. 23?

Since the issue was identified, DMV staff have been analyzing records to identify any that need to be corrected. The period between the first and second data set represents the period of time it took for the DMV to verify all records that could have contained the potential data processing error.

When will we know if the individuals that voted are eligible, i.e., citizens or not?

SOS is still working to determine that information. Our priority was to ensure only eligible voters receive a ballot in the upcoming General Election. We have determined that of the initial two that were reported with a voting history, one of those people was, in fact, a citizen at the time they cast their ballot.

Are you going to disclose the list of ineligible voters, including those with a voting history?

SOS: Oregon law prohibits us from disclosing information concerning citizenship or immigration status except as otherwise required by law (ORS 180.805(4)(a)). Disclosure of DMV records is also prohibited in this circumstance (ORS 801.177-.181; ORS 192.355(10)). This list would also be exempt under Oregon Public Records Law because the disclosure of this information would be an unreasonable invasion of privacy that could subject people to threats of violence.

**How have the ineligible voters, including those with a voting history, been contacted?
Are they aware that they may be ineligible?**

County clerks will send letters to those who were mistakenly registered to vote. This group will have the opportunity to provide updated proof of citizenship and re-register to vote if they are eligible.

If a vote or votes were cast by ineligible voters, will there be criminal prosecution?

If SOS finds evidence to suggest anyone voted inappropriately, we will refer that information to the DOJ consistent with our existing process.

Were the people who voted citizens at the time of registration? Does that mean that this list from DMV includes potential citizens? If so, does that mean you're potentially inactivating the registration of citizens?

We don't know whether they were a citizen at the time of registration, we only know they did not provide proof of citizenship to DMV as part of automatic voter registration.

There are a number of reasons why the state might inactivate a person's registration, but that does not mean their registration is canceled. The priority of the SOS is to ensure only active, eligible, registered voters receive a ballot in the upcoming election. Inactive voters have the opportunity to re-register through Election Day if they demonstrate their eligibility.

Does SOS have any processes to verify the records sent from DMV?

No. Oregon law requires us to register a person when we receive a completed voter registration card. ORS 247.013 (4)(a). The DMV file is considered a completed registration card, ORS 247.017(3).

Will the SOS make any changes to verify the records sent from DMV? And does the SOS support a change to this policy?

That would require a change in statute.

The Secretary of State is currently focused on administering the 2024 election under the current rules. We don't have any comment at this time on future statutory changes.

