

After-Action Report Regarding Oregon Motor Voter Issues

Oct. 7, 2024

On Sept. 23, 2024, Governor Kotek directed the Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation (ODOT) to complete a comprehensive After-Action Report regarding Oregon Motor Voter (OMV) issues, after DMV had notified Secretary of State (SoS) Elections Division that 1,259 records contained evidence they had been transferred in error through the OMV system. The After-Action Report details new sources for error, identifies additional risks for continued possible errors in the system, and describes adopted and proposed corrective actions.

Summary

Prompted by an inquiry from an outside entity, DMV is conducting a review of customer data that went to the SoS Elections Division for registration as part of OMV. DMV's review has found clerical, technical and policy errors that resulted in 1,561 records sent to SoS that should not have been sent. This review continues and has prompted a number of steps to minimize the potential for these or other errors to occur in the future.

Background

Motor Voter – Federal and Oregon

The National Voter Registration Act of 1993 (NVRA), commonly known as Federal Motor Voter, was implemented in Oregon in 1995. Like all other states, Oregon DMV field offices staff would ask customers if they wanted to register to vote during driver's license, driver permit and ID card transactions. If they did, staff would print a pre-filled voter registration card for them to sign, collect those and send them to the local county clerk.

On Jan. 1, 2016, OMV (HB 2177, 2015 Legislative session) changed that to use DMV data to validate that someone met the criteria to be eligible to register. The data that makes a customer eligible is proof of citizenship and minimum age. After a two-day review period, DMV systems automatically send that customer data to SoS Elections Division which then mails the customer information allowing them to opt out of registration, select a political party or do nothing; after three weeks with no response, the voter registration is entered as a non-affiliated voter.

IT System Change at DMV

On July 6, 2020, DMV launched the second half of a major information technology transformation, rolling out the drivers system (following the new vehicles system going live in 2019). This replaced a mainframe "green screen" legacy system, where staff manually keyed in all input data, with a modern user interface and modern programming, including drop-down menus for staff to choose from options at an entry screen to aid in shortening customer transaction time.

REAL ID

On July 6, 2020, at the same time as roll out of its new drivers system, DMV began issuing credentials that complied with the federal REAL ID Act of 2005. That act set standards for states' DMV credentials to be used at federal facilities including commercial airport security. Requirements include, among other things, proof of legal presence in the U.S., verification of documents through various national systems, and digital scanning and storage of source documents used as proof. Oregon law made REAL ID optional, so customers could still choose the standard license or ID that did not require meeting the REAL ID requirements. From 2009 through 2020, standard issuances required proof of legal presence in the U.S.

Driver Licenses for All

On Jan. 1, 2021, DMV implemented a law (HB 2015, 2019 legislative session) that allowed issuance of the standard (non-REAL ID) credentials without the need to prove legal presence in the U.S. Customers are still required to prove identity and date of birth. The majority of customers continued to choose the standard credential over the REAL ID version, and standard issuances merely indicated that the person did not choose REAL ID and did not necessarily prove legal presence, regardless of whether they could do so. In other words, standard issuance customers included many U.S. citizens and legal U.S. residents.

How errors occurred

How the process was designed to work

When OMV launched on Jan. 1, 2016, customers were required to prove legal presence in the U.S. to secure a license or ID, and the process at DMV was built to work in conjunction with already existing processes in the following way:

- A customer at DMV seeking an initial driver's license, driver permit, or ID card ("credential"), or in other transactions where the indicator of legal presence is impacted, presents information proving their identity, date of birth and legal presence in the U.S.
- Staff reviews the documents and verifies they are authentic (not fraudulent) and completes a separate form indicating what documents the customer presented as proof. The staff then has a co-worker verify the authenticity of the source document and ensure the information on the form is recorded correctly. The first staff then enters the information in the system and scans the form into the digital file. It's worth noting that no original source documents presented by the customer for identity are copied or kept by DMV, except for REAL ID transactions, because it is prohibited for standard issuances under ORS 247.555.
- In cases where the transaction includes a source document proving U.S. citizenship and the person is of eligible age, that data is automatically assembled in a digital file. The data is held for two days to allow for any corrections, e.g., DMV does not complete the issuance due to fraud concerns identified in the facial recognition process. After two days, the data is transferred to SoS to complete their portion of OMV.

When Driver Licenses for All became operative Jan. 1, 2021, the process was essentially the same except a customer need not present a document proving legal presence.

DMV relies on documents like U.S. passports and U.S. birth certificates, plus approximately 20 less frequently used document types like tribal ID cards and Certificates of Naturalization, to prove U.S. citizenship. Since the

new computer system was launched in July 2020, DMV system's user interface for inputting the type of document presented has been a drop-down menu of options from which the staff selects the document type.

Cause of Errors

DMV was able to identify a few specific actions that had the potential for human error and may have resulted in incorrect citizenship status being processed.

The 1,259 errors previously transmitted to the SoS primarily occurred when staff inadvertently chose the wrong document from a drop-down menu in the new system, choosing a document that would prove U.S. citizenship when that was not accurate. Data analysis showed the vast majority of those errors were caused by an employee incorrectly selecting a U.S. passport, although other documents carried some margin for error as well. Causes of the errors included system configuration and clerical error.

The system was configured to use a drop-down menu of document choices, where the default choices included U.S. passport (as opposed to any other kind of passport) and U.S. birth certificate (as opposed to any other kind of birth certificate). This configuration did not separate documents that prove U.S. citizenship from those that do not and did not take into proper account the need to minimize potential for human error when accurate input for OMV purposes should have been paramount. Front-line staff were not adequately trained on the importance of accuracy in this part of a transaction and why it was critical for the reliability of OMV to take the time to get it right every time.

In addition, DMV did not undertake a process review or audit of records to determine if the OMV process was working as intended or if it may have required adjustment, which presumably would have identified these front-line issues much sooner. While the clerical error occurred among individual DMV staff, it was a systemic rather than individual-specific error.

In addition to the primary clerical issue discovered, DMV has identified two additional issues that caused errors.

First, discovered only in the past week due to new quality procedures, 123 errors were found after having been written to an alternate file - a "site specific table" - that was built specifically for Oregon's system. As described below, information technology professionals from ODOT and DMV's system vendor identified a technical problem with how DMV's software program conducts and tracks communications with data tables, that failed to show up in the query of unverified records to manually review.

Second, an external inquiry revealed to DMV that since the beginning of OMV in 2016, DMV has been coding people from the U.S. territory of American Samoa as citizens. However, under federal law (U.S. Code Title 8 Sections 1101 and 1408) people from American Samoa are U.S. nationals, not U.S. citizens, and do not have the same right to vote. This issue is unique to American Samoa and Swains Island (a nearly uninhabited island administered as part of American Samoa); people born in other U.S. territories are U.S. citizens.

While the technological issue identified above has been resolved, DMV continues to work to identify the scope and possible remedies for the issue of U.S. nationals who are not U.S. citizens.

All of these issues taken together reveal the root cause of the errors is at a higher level than individual staff in field offices. DMV leadership failed to recognize and convey the need for a high level of rigor in this element of a transaction. This includes failing to prioritize accuracy over efficiency in system configuration and failing to ensure staff were receiving training – initially and over time – about the importance of accuracy in this work. It also includes failing to proactively initiate reviews of processes and outcomes regarding DMV’s role in the OMV system, particularly after the system change in 2020 and the change in the types of documents accepted in 2021.

Corrective Actions Taken — Existing Records Reviewed

Initial Prompt and Review Actions

DMV began a review of OMV records and the OMV process in August 2024. This was prompted by a July 29, 2024, phone call to ODOT’s Information Services Branch (ISB) from the Institute for Responsive Government, which asked general questions about OMV, including how it was going and whether the division ever sees errors. The call prompted internal questions and questions to the SoS Elections Division.

DMV and SoS staff identified that both agencies had seen occasional errors in the past – less than three a year over the last three-and-a-half years. Staff believed these errors were singular and not indicative of a potential larger or systemic issue. Each record had been immediately rectified by staff.

In August, armed with the knowledge OMV was subject to some level of error, DMV resolved to research what might have caused those errors and search for other potential errors.

That analysis identified the first issue described above: choosing U.S. passport as the document type when that was not accurate. As DMV identified this issue with passports, we implemented immediate changes to address this problem while the understanding of the problem and its scope continued to evolve and even before the first large-scale file review. The initial large-scale record review at the beginning of September focused on a subset of cases coded as U.S. passport. That initial review identified 306 cases where the document selected in the system did not match the information on the form scanned into the system. The DMV Administrator contacted the SoS Elections Director to advise of the problem on Sept. 12, 2024, and DMV forwarded the list of known records at that time to SoS for their review and action on Sept. 13. It was made clear at that time that additional review was still progressing, and additional errors may surface.

Additional Reviews

Over the following weeks, DMV mobilized more than 100 employees to analyze about 1.4 million records of transactions that were:

- sent to SoS in the OMV file.
- occurred Jan. 1, 2021, or later.
- a standard (not REAL ID) transaction.

These parameters were chosen for the reasons outlined below:

Pre-Jan. 1, 2021; not in-scope

DMV determined cases before Jan. 1, 2021, did not require review for several reasons:

- That is the date DMV added a large number of foreign documents to the drop-down menu as options, which created a potential for clerical error.
- Going back to 2009, immigration documents were required to verify through the U.S. Citizenship and Immigration Services (USCIS) system or, for certain immigration or naturalization documents, to verify through the Systematic Alien Verification for Entitlements (SAVE) system.
- From 2016 (the start of OMV) to July 6, 2020, DMV had a daily manual reconciliation of records ensuring people with legal immigration status did not mistakenly include a citizen indicator in the system.
- Prior to July 6, 2020, when the new IT system went live, the user interface did not have drop-down menus; the system was a mainframe “green screen” user interface that required staff to key in the document type.
- Between July 6, 2020, when the new computer system came online, and Jan. 1, 2021, all U.S. passports presented required verification through the USPVS system.

REAL ID issuances; not in-scope

For the early September 2024 review, DMV determined REAL ID transactions did not require review because transactions using a U.S. passport or an immigration document were required to verify through federal systems: USPVS, USCIS, or SAVE. Also, source documents themselves are scanned into the system, another prompt for staff to ensure accuracy. REAL ID requires that DMV scan and retain images of source documents; for standard issuances, DMV is prohibited by law (ORS 807.465) from scanning or retaining source documents.

System filtering

DMV filtered out transactions where the drop-down menu flaw almost certainly would not have occurred. These included cases where there were secondary system checks that demonstrated accuracy, including U.S. passport verification through USPVS, instances where the U.S. birth certificate entry included the voluntary entry of the state of issuance (manually input by staff, negating the drop-down issue) or because the source document transaction occurred before the Jan. 1, 2021 date when the user interface flaw began.

Manual Review

After applying the previous filtering, this left approximately 130,000 transactions that DMV staff manually reviewed to determine if there was an indication of error in what was input into the system. While the initial review only looked at cases coded as U.S. passports, this comprehensive review included cases coded as U.S. passports, U.S. birth certificates, and any of the 20 or so less frequently used documents that also prove U.S. citizenship, such as Oregon tribal ID cards and Certificates of Naturalization.

The process involved looking at the digital file to see what source document had been chosen from the drop-down menu and comparing that to the scanned form itself to determine if there was enough information in the file to evidence error in the system entry, as required under Oregon law (ORS 247.555) for SoS to inactivate a voter registration. This review showed three result types:

- In most cases the digital entry matched the information on the scanned form, verifying the entry was accurate and appropriately coded as citizen.
- In rare instances, the information on the scanned form did not match the digital entry in the computer system. This indicated the person was likely not a U.S. citizen. Because of the discrepancy, these cases were sent to the SoS for inactivation on the voter rolls.
- In some cases, there was no evidence of error because there was no scanned form to review and compare to the digital entry. The absence of a scanned form happens for two reasons. In the first case, the transaction does not require presentation of a source

document. For example, a credential renewal or replacement where the legal presence indicator was entered prior to the advent of the source of error on Jan. 1, 2021, would not require the form in question. Human error is the second reason a form would be missing or incomplete. Additional review and mitigation measures are in process and are described below.

Through these two rounds of analysis, DMV identified 1,259 files (306 on Sept. 13, and 953 on September 23) to be transmitted to SoS for corrective actions.

DMV is continuing to manually determine which files may need additional information to validate citizenship.

Subsequent Determinations of Error

Between Oct. 1, and Oct. 4, 2024, IT professionals from the system vendor FAST Enterprises, along with ODOT ISB staff and DMV staff, determined there was a rare issue with the DMV system writing information to an alternate file - "site specific file" - if information was keyed in a particular order. That meant a small number of files that should have been manually reviewed were not. We learned of this through a customer error that was not identified in the manual review but should have been among the second-round review identified above. The IT professionals determined how to identify these cases and identified another set of approximately 3,151 transactions to be manually reviewed. That review identified an additional 123 errors that were sent to SoS for their action on Oct. 7.

In addition, on Oct. 2, DMV review processes identified a single record that was transmitted to SoS for a transaction that occurred on Sept. 19, but had not been final reviewed in time to prevent the transaction populating the OMV file. Due to the newly implemented review processes, the error was identified, and SoS was notified on Oct. 7.

Also on Oct. 2, a media inquiry to SoS questioned whether DMV has been identifying people from the U.S. territory of American Samoa or other U.S. Minor Outlying Islands as U.S. citizens. Based on that inquiry, DMV determined that since the beginning of OMV in 2016, DMV has been coding people who present a birth certificate or U.S. passport from the territory of American Samoa as citizens. However, people from American Samoa are not U.S. citizens; they are U.S. nationals who do not have the same rights to vote, though they are able to obtain U.S. passports. (This is a unique issue of U.S. citizenship law that runs contrary to how the law treats people from other U.S. territories such as Puerto Rico, Guam, and the Northern Mariana Islands, who are U.S. citizens with voting rights.) DMV is not aware that this issue has been raised in the nearly nine years of OMV. These documents are coded in the system as U.S. passports and U.S. birth certificates and thus the system records them as U.S. citizens.

DMV has already put in place a review measure to immediately change this going forward so individuals from American Samoa will not be automatically recognized as U.S. citizens unless they present a document proving U.S. citizenship, and DMV will be working toward a better, longer-term solution. DMV is reviewing its system records for methods to identify cases where the customer was from American Samoa. This includes reviewing birth certificates that included the code for American Samoa, as well as customers who identified their place of birth as American Samoa as part of the security question/answer process. Birth in American Samoa does not rule out naturalization as a U.S. citizen, so location of birth will be instructive for review purposes but may not be definitive or even all inclusive. DMV identified 443 customer files that indicated birth in American Samoa, though the limited information available in the system means this is almost certainly not the totality of American Samoans who have received credentials from Oregon DMV. While 16 of these did have information indicating U.S. citizenship, 178 were determined to be erroneously coded as having proved citizenship; these records have been sent to SoS for inactivation. Another 249 customer records lacked information to conclusively determine in either direction.

This issue will require coordinated communication and outreach with the American Samoan community to inform those who are not U.S. citizens but who have been registered to vote in error that they should not cast a ballot. This will need to be done in coordination with trusted organizations in the community that can deliver culturally appropriate messages directly to those who need the information in a way that does not discourage voting among those eligible to do so.

Corrective Actions Taken — Fixing the Process Going Forward

Completed Mitigations

As soon as DMV began to identify the causes of errors, we immediately began putting in place changes to mitigate for the errors we were seeing. DMV has taken the following corrective actions to date:

- Aug. 18: Changed the drop-down menu of source documents to alphabetical order to ensure U.S. passport and U.S. birth certificate are no longer the default options to reduce the likelihood they are inadvertently selected.
- Aug. 23: Instituted daily, manual check by office managers or lead staff to ensure transactions are accurately coded for citizenship.
- Aug. 28: Held a statewide, all field office staff training on the daily review process.
- Aug. 28: Instituted a system prompt when U.S. passport is chosen to ensure that was the intended entry.
- Sept. 18: Put in place a system change for U.S. birth certificates requiring entry of state and county of birth when U.S. birth certificate entered (previously an optional entry).
- Sept. 18: Held a statewide, all field office staff intensive training. The training included what needs to be entered on the form; the importance of accurate transfer of information from the form to system entry; the fact this information is used for OMV and therefore the importance of accuracy; additional information on the system changes they were already seeing; and the system changes launching that day.
- Sept. 27: System mitigation from Aug. 28 improved, so all document types that create the citizenship indicator receive the prompt to ensure that was the intended entry.
- Oct. 4: Implemented updated process for all field staff to analyze source documents to determine if it involves the territory of American Samoa, so those records can be separated and not sent in the OMV file to SoS.

Coming Mitigations

DMV and its ODOT ISB and vendor partners have additional system and training mitigations being developed.

- The user interface will be changed so the source document entry screen will start with only two choices: documents that prove U.S. citizenship or documents that do not prove U.S. citizenship. Based on that choice, the next screen will have a drop-down menu that only contains source document types that meet that selection (e.g., choice of “does not prove U.S. Citizenship” will direct to a screen with a drop-down menu that only includes documents that do not prove citizenship). The two different screens – Proves U.S. Citizenship or Does not Prove U.S. Citizenship - will be color coded as a visual prompt to staff.
- *Projected completion date: 10/12/24*
- The user interface will require the document’s country of origin to be entered. If the country entered does not logically match with the type of document selected, the transaction cannot move forward.
- *Projected completion date: 10/26/24*
- The user interface will require entry of the issuance year for U.S. passports. The configuration of digits in U.S. passport numbers has changed over time and is different from that of other countries. Forcing the entry of an accurate number of digits for the year of the U.S. passport will further prevent mistakes. This will be a “soft” stop, allowing the transaction to continue, to account for U.S. emergency passports, that do not have standard numbering.
- *Projected completion date: 11/9/24*
- Formation of Internal Controls Workgroup for field staff, to establish hierarchy of critical transactions or elements

to spot-check, and cadence for review, to ensure quality and accuracy in processing transactions.

- *Scheduled to begin 10/8/24*

- Three additional mandatory trainings are being assigned to all field office staff.

- *Scheduled for staff to complete by 10/18/24*

- Statewide, all field office staff intensive training on types of identity documents, including what does or does not prove citizenship, correct process for using the form indicating the source document used, and new system changes to be effective by this date.

- *Scheduled for 10/9/24*

- Existing training modules for newly hired field office staff are being revised to include more robust information and direction about OMV, voter registration, system indicators of citizenship and proper completion of the form indicating the source document used. These will be ready for the next new-hire class.

- *Scheduled to begin 10/14/24.*

- System analysts are working to develop a change in the user interface to create a particular source document type for documents from the territory of American Samoa, which will be in the category of not proving U.S. citizenship, and therefore will automatically not go to SoS in the OMV file. Until that system change is made DMV has implemented a manual reporting process to stop such records from going in the OMV file. DMV will continue to work toward a more systemic method.

- *Projected completion date: 11/19/24*

- DMV is continuing additional review of the 130,000 manually reviewed files to identify those without supporting documents, and which should be flagged in the system to take additional action at the next interaction to prompt submitting proof of citizenship.

- *Projected review and record flag to be complete: 12/1/24*

Analyzing for Error Concentration and Corrective Measures

DMV has analyzed the 1,259 identified errors reported on Sept. 23, assessing for potential concentration in particular field offices, geographic areas of the state, or particular staff, to determine whether we need even more focused training and coaching or other potential actions. Confirmed errors were spread across 49 of our 59 field offices and 387 individual staff. A greater number of errors were found in offices with higher customer volumes. DMV field offices range from having just one or two employees in places like Lakeview and Madras, to our largest office in Beaverton with 22 employees. Specifically, the highest number of errors were found in the Beaverton and North Salem offices, which are among DMV's highest customer volume offices. The errors occurred among customers residing in 29 of Oregon's 36 counties spread across the state. Additional analysis is ongoing.

DMV's Fraud Unit is already analyzing the data and will continue to do so to determine if an investigation of potential internal fraud is warranted. To date, the Fraud Unit reports no such indications, but their analysis continues.

Mistakes in data entry by front-line staff, while serious, will be addressed through focused training and coaching. Barring a sustained performance issue, or fraud, these errors will not result in discipline.

Legal restrictions on analysis capability

A core difficulty in the ability to quality check individual transactions and to do periodic quality reviews is that current law (ORS 807.465) prohibits DMV from scanning source documents into the system in standard issuance transactions. Scanning of source documents is required for REAL ID. These records, although scanned, are never released to anyone outside of DMV. Lack of scanned source documents means complete reliance on a separate form being accurately completed and entered in the system.

DMV's Commitment to Fixing This System

DMV has taken swift and dramatic action to correct the immediate source of the errors:

- Multiple changes to the system user interface have been completed to mitigate for human error, and more are scheduled in the coming weeks.
- Manual daily quality checking of transactions at each field office check for errors and make corrections before going to SoS in the OMV file has been implemented.
- Robust staff training – both at new-hire training and ongoing for all field office staff – has been developed regarding both the correct process and the critical need for accuracy in entering this information.
- In the case of the erroneous understanding of the citizenship status of a single U.S. territory, DMV has already implemented a review process change for staff to properly identify source documents from American Samoa and are working toward more sustainable, systemic methods to ensure those records do not go to SoS in the OMV file.

The two longer-term directives from the Governor will ensure thorough, substantial and sustained attention to the accuracy of DMV data. ODOT is already in the process of assembling a Data Integrity Review team and procuring an outside contractor to analyze DMV's data quality and governance and determine steps needed to improve. This will include both a broad look at DMV's data management as well as a deeper dive into OMV data processes.

ODOT and SoS have begun work to establish a data quality-control calendar. DMV will sample an appropriate number of records, focused on known areas of past error, each month and report any errors found to SoS. DMV will also work with SoS to institute annual reviews of OMV processes to ensure their integrity and will review any changes needed. This will include a particular focus on changes that occur as a result of legislation, computer systems updates, or business process changes, because system and process changes in 2020 and 2021 were a primary contributor to the errors. DMV will also work with SoS to establish an error investigation and escalation process that ensures every error uncovered will be analyzed to determine the cause and any systemic changes needed. DMV will be forthright in bringing forward needs to be able to effectively administer OMV, whether through legislative change or resources, and DMV commits to reporting errors on an ongoing basis. Through 2025, any errors identified and analyzed, and any errors turned up through the sampling process, will be shared in a monthly report that will be available on DMV's website and shared with the Governor and Legislature. The frequency of sampling and reporting beyond 2025 will be determined based on the frequency of errors uncovered.

ODOT is also preparing to hire a Voter Registration Integrity Manager who will be responsible for DMV-wide coordination of efforts to review and improve all aspects of DMV's role in OMV. This position will report to ODOT's Assistant Director for Revenue, Finance & Compliance. They will work across all levels of the department and with SoS to ensure the integrity of OMV, including reviewing

all elements of the program, from policies, rules, and legislation to staff training and data quality processes.

Beyond the individual, direct mitigations, DMV culture around OMV has already changed substantially. The realization of how we were not applying the necessary rigor to this critical process, and the course correction, has been swift, significant and embedded throughout the organization from the front line to the executive level. This work is among the most important things DMV does – to keep the highest degree of accuracy of voter registration records and the trust of Oregonians. We must continue to convey that up and down and across the organization and its people. And we must have a continuous improvement mindset so if any issues come up or opportunities to improve arise, staff are empowered and expected to speak up so the issues can be immediately addressed.

DMV cannot guarantee that no error will ever occur. The interactions and work will continue to be manual transactions conducted by human beings. There are continuing risks such as the use of forms to capture information rather than scanning source documents, digital system glitches and even the rarest potential of genuine fraud.

The mitigations in place and coming will bring the error rate as close to zero as possible. DMV will maintain the focus on accuracy in these transactions, immediately investigate any errors and notify SoS of errors.