

10/12/04

USER AGREEMENT

for

**VOTER REGISTRATION INFORMATION
VERIFICATION SYSTEM SERVICES**

between

**THE _____ MOTOR VEHICLE
ADMINISTRATION (MVA)**

and

THE SOCIAL SECURITY ADMINISTRATION (SSA)

Article I
Purpose and General Background

The purpose of this user agreement is to define the process by which SSA will provide, upon request, verification of certain voter registration information to the _____ MVA for its use in the registration of voters for an election for Federal office. Verified information will be provided under the terms, conditions and safeguards of this agreement and the Help America Vote Act of 2002 (HAVA or Act), and may be used only for the purposes described within this agreement and the Act.

HAVA places certain requirements on State, Washington D.C., and Territorial voter registration officials regarding verification of information provided on voter registration applications. Section 303(a)(5)(A) of HAVA, requires that, to be acceptable, applications for voter registration for an election for Federal office must provide information as follows:

- (i) In General – Except as provided in clause (ii), notwithstanding any other provision of law, an application for voter registration for Federal office may not be accepted or processed by a state unless the application includes—
 - (I) in the case of an applicant who has been issued a current and valid driver’s license, the applicant’s driver’s license number; or
 - (II) in the case of any other applicant (other than an applicant to whom clause (ii) applies), the last 4 digits of the applicant’s social security number.

Section 303(a)(5)(A)(iii) provides that the State, Washington D.C., or Territory shall determine whether the information provided by an individual is sufficient to meet the requirements of HAVA, in accordance with State, Washington D.C., or Territory law.

Section 303(a)(5)(B)(i), requires the chief State, Washington D.C., or Territory election official and the official responsible for the MVA to enter into an information matching agreement to enable each such official to verify the accuracy of the information provided on applications for voter registration for elections for Federal office. Section 303(a)(5)(B)(ii) further requires the official responsible for the MVA to enter into an agreement with the Commissioner of Social Security who, at the request of the official responsible for the MVA, shall enter into an agreement with that official for the purpose of verifying “applicable information.”

“Applicable information” means information regarding whether--

- the name (including first name and any family forename or surname),
- the date of birth (including month, day, and year), and
- the last 4 digits of the individual’s SSN match the information contained in SSA’s records, and
- such individual is shown on the records of SSA as being deceased.

Section 303(a)(5)(C) (as codified at 42 U.S.C. §405(r)(8)(C)-(D)), also provides that SSA shall develop methods to verify the accuracy of information provided by the respective MVAs, and that the “applicable information” will be matched with the information contained in SSA’s records. SSA will make appropriate efforts to provide verifications by comparing the information provided by the applicant with information in SSAs Master Files of Social Security number (SSN) Holders and Applications data base. However, because SSA’s enumeration records are based on a complete and unique 9 digit SSN, verifications using only the last 4 digits of that number are inherently a partial rather than the full “9-digit” verification and may result in multiple positive matches or false positive matches of information.

Article II **Legal Authority**

Legal authorities for the disclosures contemplated in this user agreement are found at section 205(r)(8) and §1106 of the Social Security Act (42 U.S.C. §405(r)(8)) established by Public Law 107-252, the Help America Vote Act of 2002 and are consistent with Privacy Act (552a(a)(7) and (b)(3) and disclosure regulations, 20 C.F.R. §401.120 and 401.150(c).

Routine use number 41 in the Master Files of Social Security (SSN) Holders and SSN Application, 60-0058 system of records, permits SSA to disclose information to the State and Territory Motor Vehicle Administration officials (or agents or contactors on their behalf) and State and Territory chief election office to verify the accuracy of information provided with respect to applications for voter registration for whom the last four digits of the Social Security number are provided instead of a drivers license.

Article III **Voter Registration Information Verification Process**

Nationally, most people of voting age possess a valid driver’s license. Consequently, verification of applicant information with Social Security Administration records will not be necessary or appropriate in the majority of cases. In addition, verifications contemplated under the terms of this agreement shall be requested only for new applicants for voter registration. This service shall not be used to verify information for voters already on state voter registration rolls.

42 U.S.C. § 405(r)(8)(B) provides that the Commissioner of Social Security has the authority to decide when, where, and in what manner an MVA will, pursuant to an agreement, provide information to SSA to conduct verifications of certain voter registration information. Under that authority, the Commissioner has determined that it is most appropriate for SSA to provide the required verification services by interacting with only one entity. That entity will jointly serve the interests of all the MVAs and SSA by serving as an electronic information conduit between the MVAs and SSA. The Commissioner selected the American Association of Motor Vehicle Administrators (AAMVA) to serve in this capacity. AAMVA has agreed to this arrangement.

The verification system will be an electronic “online” process between the MVAs and AAMVA and between AAMVA and SSA. All requests for verification of voter registration information shall be forwarded from the MVAs to AAMVA and from AAMVA to SSA. SSA shall process the requests and return the results to AAMVA. AAMVA shall, in turn, forward the results to the MVA. There will be no direct MVA to SSA or SSA to MVA voter registration information verification process.

For purposes of implementation of HAVA, under this user agreement the order of verification followed by MVA, AAMVA, and SSA shall be sequential as follows:

- if a valid driver’s license exists, the MVA shall compare it to its records and return the result to the voter registration authority. If no valid driver’s license exists and
 - the applicant has an SSN, the MVA may request verification of applicant information from SSA via AAMVA.
1. Employing the prescribed sequence described above, each MVA shall submit verification requests one-at-a-time over the time period deemed appropriate to their voter registration process. Requests for verifications of voter registration information received from the MVAs shall include:
 - the applicant’s name (including first name and any family forename or surname),
 - the date of birth (including month, day, and year), and
 - the last 4 digits of the individual’s SSN.
 2. The online verification requests shall be sent to AAMVA.
 3. AAMVA shall forward the request files from the MVAs to SSA for processing.
 4. SSA shall process the request files, comparing information submitted with information in SSAs Master Files of Social Security Number (SSN) Holder and Applications data base and will return responses indicating:
 - no match found,
 - one unique match-no death indicator present,
 - one unique match-death indicator present,
 - multiple matches-at least one with no death indicator (e.g., one live hit),
 - multiple matches-all matches have death indicator,
 - multiple matches-with multiple no death indicators (e.g., multiple live hits), or
 - transaction did not process, invalid data.
 5. SSA will make this service available every Federal business day excluding reasonable system down-time for periodic or emergency maintenance. Verification results will

normally be returned to AAMVA within 1 Federal business day of SSA's receipt of the request.

6. AAMVA shall return the results to the appropriate MVAs for subsequent distribution to the voter registration authorities. The timeframe for AAMVA's distribution of verification results is not under SSA's control.

Article IV **Confidentiality of Information Provided by the Commissioner**

All information provided by the Commissioner pursuant to this user agreement shall be considered as strictly confidential and shall be used only for the purposes described in Article I of this user agreement. Any officer or employee or former officer or employee of a state, Washington D.C., or territory MVA, or any officer or employee or former officer or employee of a contractor of a state, Washington D.C., or territory MVA who, without written authority from the Commissioner, publishes or communicates any information in such individual's possession by reason of such employment or position as such an officer, shall be guilty of a felony and upon conviction thereof shall be fined or imprisoned, or both, as described in §§ 208 and 1106 of the Social Security Act (42 U.S.C. §§ 408 and 1306).

Article V **Confidentiality Safeguards and Record Maintenance**

42 U.S.C. § 405(r)(8)(A)(ii), provides that this user agreement shall include safeguards to assure the maintenance of the confidentiality of any applicable information disclosed and procedures to permit MVA use of the applicable information for the purpose of maintaining its records.

- The official responsible for the _____ MVA shall ensure that the MVA follows applicable State, Territorial, and Federal laws governing confidentiality of applicable information received under the terms of this user agreement.
- The official responsible for the _____ MVA shall ensure that access to the MVA data base used to house applicable information received under the terms of this user agreement is limited to only those individuals with a need to access the information in their official conduct of voter registration and/or data base maintenance responsibilities. No other uses of this information may be made.
- The official responsible for the _____ MVA shall ensure that all individuals with access to applicable information received under the terms of this user agreement are aware of and understand the penalties for breaches of confidentiality as discussed in Article IV of this user agreement.
- SSA reserves the right to make onsite inspection of the _____ MVA to ascertain the effectiveness of the confidentiality safeguards employed for information gathered under this law.

Article VI Cost Reimbursement

42 U.S.C. § 405(r)(8)(A)(i), specifies that the Commissioner shall enter into an agreement with the MVA, “. . . so long as the requirements of subparagraphs (A). . . are met. . .” Subparagraph (A) found in § 205(r)(3)(A) of the Social Security Act (42 U.S.C. § 405(r)(3)(A)), states, “under such arrangement the agency provides reimbursement to the Commissioner of Social Security for the reasonable cost of carrying out such arrangement, . . .” Reimbursement for:

- Voter Registration Information Verification System development,
- start-up,
- information verification search,
- ongoing maintenance/administration, and
- miscellaneous costs incurred by SSA

shall, per the law, be borne by the states, Washington D.C., and the territories for which the Voter Registration Information Verification System is being created. If the _____ MVA fails to reimburse SSA voluntarily through AAMVA, the _____ MVA will remain liable to SSA and SSA will collect reimbursement from the State through any and all legal means available to it.

For any amounts past due, subchapter II of Chapter 37 of Title 31, United States Code, as amended by the Debt Collection Improvement Act of 1996, and regulations implementing this statute, require that interest, administrative costs and penalties be charged if debts are not paid within 30 days of the mailing of the first notice of indebtedness. SSA will use the “Private Consumer Rates of Interest” developed by the Department of Treasury and apply them against overdue payment for each 30-day period, or portion thereof, that payment is delayed.

Provision for appropriations in support of this Act was included in the Act. (See sections 103 and 104 of the Act.) SSA adopts the same proportions to determine the amount each state, Washington D.C., and each territory shall reimburse SSA for its system development and start-up costs.

“Per verification” charges for verifications of voter registration information shall be the same for each MVA.

- SSA’s System Development and Start-up Costs:

SSA’s system development and start-up costs are approximately \$1.3 million. The proportionate share of these costs as explained in the preceding paragraph, shall be paid directly to SSA from the office of the official responsible for the _____ MVA on behalf of the chief election official. AAMVA

will contact the MVA to collect this payment on behalf of SSA upon ratification of this user agreement.

- _____ MVA's Start-up and continuing Costs:

All _____ MVA site preparation, hardware, software, connection, and operating costs, as well as any other costs incurred by the _____ MVA are the responsibility of and shall be borne by the _____ MVA.

- Voter Registration Information Maintenance and Verification Costs:

SSA, with the assistance of AAMVA and the _____ MVA as needed, will project quarterly Voter Registration Information Verification System usage and will calculate charges accordingly. The current fee for each record verification is \$.0062. The yearly maintenance fee (which includes administrative charges) is estimated to be approximately \$200,000. Each state will be billed the proportionate share of these costs. The resulting notice of charges will be provided to AAMVA for its prospective reimbursement to SSA. AAMVA shall forward the payment for the projected quarterly usage to SSA upon receipt of the notice of charges. AAMVA will establish its own reimbursement process for these costs with the _____ MVA.

SSA's costs related to providing the verification service discussed in this user agreement will be recalculated periodically (annually at a minimum) and charges adjusted accordingly. Such expense recalculations will not require amendment to this user agreement.

Article VII

Period of and Alterations to User agreement

This user agreement is the user agreement governing use of SSA's Voter Registration Information Verification System for all states, Washington D.C., and territories of the United States. This user agreement is effective upon signature of both parties and shall remain in effect as required by HAVA. The user agreement may be reviewed from time-to-time and changes made as appropriate. Any changes made shall apply to all states, Washington D.C., and territories of the United States.

Persons to be Contacted for Further Information or Assistance

SSA Regional Contact:

Name
Title
Address
Telephone
E-Mail

_____ MVA Contact:

Name
Title
Address
Telephone
E-Mail

Signatures of Authorized Officials

Each official executing this user agreement is authorized to enter into user agreements of this nature on behalf of his/her organization. In witness thereof, the parties hereby execute this user agreement. **(SSA's original signature page)**

_____ Date _____
(Name) _____
Regional Commissioner
Social Security Administration

_____ Date _____
(Name) _____
(Title) _____
_____ Motor Vehicle Administration

USER AGREEMENT
for
VOTER REGISTRATION INFORMATION VERIFICATION SYSTEM SERVICES
between
THE _____ MOTOR VEHICLE AUTHORITY
and
THE SOCIAL SECURITY ADMINISTRATION

Signatures of Authorized Officials

Each official executing this user agreement is authorized to enter into user agreements of this nature on behalf of his/her organization. In witness thereof, the parties hereby execute this user agreement. (MVA's original signature page)

_____ Date _____
(Name) _____
Regional Commissioner
Social Security Administration

_____ Date _____
(Name) _____
(Title) _____
_____ Motor Vehicle Administration

USER AGREEMENT
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between
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